COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

House of Representatives

Official Hansard

No. 14, 2006
Wednesday, 11 October 2006

FORTY-FIRST PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
INTERNET
The Votes and Proceedings for the House of Representatives are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

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

SITTING DAYS—2006

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>7, 8, 9, 13, 14, 15, 16, 27, 28</td>
</tr>
<tr>
<td>March</td>
<td>1, 2, 27, 28, 29, 30</td>
</tr>
<tr>
<td>May</td>
<td>9, 10, 11, 22, 23, 24, 25, 29, 30, 31</td>
</tr>
<tr>
<td>June</td>
<td>1, 13, 14, 15, 19, 20, 21, 22</td>
</tr>
<tr>
<td>August</td>
<td>8, 9, 10, 14, 15, 16, 17</td>
</tr>
<tr>
<td>September</td>
<td>4, 5, 6, 7, 11, 12, 13, 14</td>
</tr>
<tr>
<td>October</td>
<td>9, 10, 11, 12, 16, 17, 18, 19, 30, 31</td>
</tr>
<tr>
<td>November</td>
<td>1, 2, 27, 28, 29, 30</td>
</tr>
<tr>
<td>December</td>
<td>4, 5, 6, 7</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>City</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>CANBERRA</td>
<td>103.9 FM</td>
</tr>
<tr>
<td>SYDNEY</td>
<td>630 AM</td>
</tr>
<tr>
<td>NEWCASTLE</td>
<td>1458 AM</td>
</tr>
<tr>
<td>GOSFORD</td>
<td>98.1 FM</td>
</tr>
<tr>
<td>BRISBANE</td>
<td>936 AM</td>
</tr>
<tr>
<td>GOLD COAST</td>
<td>95.7 FM</td>
</tr>
<tr>
<td>MELBOURNE</td>
<td>1026 AM</td>
</tr>
<tr>
<td>ADELAIDE</td>
<td>972 AM</td>
</tr>
<tr>
<td>PERTH</td>
<td>585 AM</td>
</tr>
<tr>
<td>HOBART</td>
<td>747 AM</td>
</tr>
<tr>
<td>NORTHERN TASMANIA</td>
<td>92.5 FM</td>
</tr>
<tr>
<td>DARWIN</td>
<td>102.5 FM</td>
</tr>
</tbody>
</table>
FORTY-FIRST PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Governor-General
His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Com-
mmander 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 Hat-
ton, 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
<table>
<thead>
<tr>
<th>Member</th>
<th>Division</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott, Hon. Anthony John</td>
<td>Warringah, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Hon. Dick Godfrey Harry</td>
<td>Lyons, Tas</td>
<td>ALP</td>
</tr>
<tr>
<td>Albanese, Anthony Norman</td>
<td>Grayndler, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Anderson, Hon. John Duncan</td>
<td>Gwydir, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Andrew, Peter James</td>
<td>Calare, NSW</td>
<td>Ind</td>
</tr>
<tr>
<td>Andrews, Hon. Kevin James</td>
<td>Menzies, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Bailey, Hon. Frances Esther</td>
<td>McEwen, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Baird, Hon. Bruce George</td>
<td>Cook, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Baker, Mark Horden</td>
<td>Braddon, Tas</td>
<td>LP</td>
</tr>
<tr>
<td>Baldwin, Hon. Robert Charles</td>
<td>Paterson, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Barresi, Phillip Anthony</td>
<td>Deakin, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Bartlett, Kerry Joseph</td>
<td>Macquarie, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Beazley, Hon. Kim Christian</td>
<td>Brand, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Bevis, Hon. Archibald Ronald</td>
<td>Brisbane, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Billson, Hon. Bruce Fredrick</td>
<td>Dunkley, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Bird, Sharon</td>
<td>Cunningham, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Bishop, Hon. Bronwyn Kathleen</td>
<td>Mackellar, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Hon. Julie Isabel</td>
<td>Curtin, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Bowen, Christopher Eyles</td>
<td>Prospect, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Broadbent, Russell Evan</td>
<td>McMillan, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Brough, Hon. Malcolm Thomas</td>
<td>Longman, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Burke, Anna Elizabeth</td>
<td>Chisholm, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Burke, Anthony Stephen</td>
<td>Watson, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Byrne, Anthony Michael</td>
<td>Holt, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Cadman, Hon. Alan Glyndwr</td>
<td>Mitchell, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Caasley, Hon. Ian Raymond</td>
<td>Page, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Ciobo, Steven Michele</td>
<td>Moncrieff, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Cobb, Hon. John Kenneth</td>
<td>Parkes, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Corcoran, Ann Kathleen</td>
<td>Isaacs, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Costello, Hon. Peter Howard</td>
<td>Higgins, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Crean, Hon. Simon Findlay</td>
<td>Hotham, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Danby, Michael</td>
<td>Melbourne Ports, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Downer, Hon. Alexander John Gosse</td>
<td>Mayo, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Draper, Patricia</td>
<td>Makin, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Dutton, Hon. Peter Craig</td>
<td>Dickson, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Edwards, Hon. Graham John</td>
<td>Cowan, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Elliot, Maria Justine</td>
<td>Richmond, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Ellis, Annette Louise</td>
<td>Canberra, ACT</td>
<td>ALP</td>
</tr>
<tr>
<td>Ellis, Katherine Margaret</td>
<td>Adelaide, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>Elson, Kay Selma</td>
<td>Forde, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Emerson, Craig Anthony</td>
<td>Rankin, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Entsch, Hon. Warren George</td>
<td>Leichhardt, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Farmer, Hon. Patrick Francis</td>
<td>Macarthur, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>Wakefield, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Ferguson, Laurence Donald Thomas</td>
<td>Reid, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Martin John, AM</td>
<td>Batman, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Michael Durrel</td>
<td>Bass, Tas</td>
<td>LP</td>
</tr>
<tr>
<td>Member</td>
<td>Division</td>
<td>Party</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Fitzgibbon, Joel Andrew</td>
<td>Hunter, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Forrest, John Alexander</td>
<td>Mallee, Vic</td>
<td>Nats</td>
</tr>
<tr>
<td>Gambaro, Hon. Teresa</td>
<td>Petrie, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Garrett, Peter Robert, AM</td>
<td>Kingsford Smith, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Gash, Joanna</td>
<td>Gilmore, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Georganas, Steven</td>
<td>Hindmarsh, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>George, Jennie</td>
<td>Throsby, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Georgiou, Petro</td>
<td>Kooyong, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Gibbons, Stephen William</td>
<td>Bendigo, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Gillard, Julia Eileen</td>
<td>Lalor, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Grierson, Sharon Joy</td>
<td>Newcastle, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Griffin, Alan Peter</td>
<td>Bruce, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Haase, Barry Wayne</td>
<td>Kalgoorlie, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Hall, Jill Griffiths</td>
<td>Shortland, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Hardgrave, Hon. Gary Douglas</td>
<td>Moreton, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Hartsocker, Luke</td>
<td>Cowper, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Hatton, Michael John</td>
<td>Blaxland, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Hawker, Hon. David Peter Maxwell</td>
<td>Wannon, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Hayes, Christopher Patrick</td>
<td>Werriva, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Henry, Stuart</td>
<td>Hasluck, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Hoare, Kelly Joy</td>
<td>Charlton, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Hockey, Hon. Joseph Benedict</td>
<td>North Sydney, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Howard, Hon. John Winston</td>
<td>Bennelong, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Hull, Kay Elizabeth</td>
<td>Riverina, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Hunt, Hon. Gregory Andrew</td>
<td>Flinders, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Irwin, Julia Claire</td>
<td>Fowler, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Jenkins, Henry Alfred</td>
<td>Scullin, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Jensen, Dennis Geoffrey</td>
<td>Tangney, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Johnson, Michael Andrew</td>
<td>Ryan, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Jull, Hon. David Francis</td>
<td>Fadden, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Katter, Hon. Robert Carl</td>
<td>Kennedy, Qld</td>
<td>Ind</td>
</tr>
<tr>
<td>Keenan, Michael Fayat</td>
<td>Stirling, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Kelly, Hon. De-Anne Margaret</td>
<td>Dawson, Qld</td>
<td>Nats</td>
</tr>
<tr>
<td>Kelly, Hon. Jacqueline Marie</td>
<td>Lindsay, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Kerr, Hon. Duncan James Colquhoun, SC</td>
<td>Denison, Tas</td>
<td>ALP</td>
</tr>
<tr>
<td>King, Catherine Fiona</td>
<td>Ballarat, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Laming, Andrew Charles</td>
<td>Bowman, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Lawrence, Hon. Carmen Mary</td>
<td>Fremantle, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Ley, Hon. Sussan Penelope</td>
<td>Farrer, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Lindsay, Peter John</td>
<td>Herbert, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Livermore, Kirsten Fiona</td>
<td>Capricornia, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Lloyd, Hon. James Eric</td>
<td>Robertson, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Macfarlane, Hon. Ian Elgin</td>
<td>Groom, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Macklin, Jennifer Louise</td>
<td>Jagajaga, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Markus, Louise Elizabeth</td>
<td>Greenway, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>May, Margaret Ann</td>
<td>McPherson, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>McArthur, Fergus Stewart</td>
<td>Corangamite, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>McClelland, Robert Bruce</td>
<td>Barton, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Member</td>
<td>Division</td>
<td>Party</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------</td>
<td>-------</td>
</tr>
<tr>
<td>McGauran, Hon. Peter John</td>
<td>Gippsland, Vic</td>
<td>Nats</td>
</tr>
<tr>
<td>McMillan, Robert Francis</td>
<td>Fraser, ACT</td>
<td>ALP</td>
</tr>
<tr>
<td>Melham, Daryl</td>
<td>Banks, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Mirabella, Sophie</td>
<td>Indi, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Moylan, Hon. Judith Eleanor</td>
<td>Pearce, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Murphy, John Paul</td>
<td>Lowe, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Nairn, Hon. Gary Roy</td>
<td>Eden-Monaro, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Nelson, Hon. Brendan John</td>
<td>Bradfield, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Neville, Paul Christopher</td>
<td>Hinkler, Qld</td>
<td>Nats</td>
</tr>
<tr>
<td>O’Connor, Brendan Patrick John</td>
<td>Gorton, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>O’Connor, Gavan Michael</td>
<td>Corio, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Owens, Julie Ann</td>
<td>Parramatta, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Pearce, Hon. Christopher John</td>
<td>Aston, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Pibersek, Tanya Joan</td>
<td>Sydney, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Price, Hon. Leo Roger Spurway</td>
<td>Chifley, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Prosser, Hon. Geoffrey Daniel</td>
<td>Forrest, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Pyne, Hon. Christopher Maurice</td>
<td>Sturt, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Quick, Harry Vernon</td>
<td>Franklin, Tas</td>
<td>ALP</td>
</tr>
<tr>
<td>Randall, Don James</td>
<td>Canning, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Richardson, Kym</td>
<td>Kingston, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Ripoll, Bernard Fernando</td>
<td>Oxley, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Robb, Hon. Andrew John, AO</td>
<td>Goldstein, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Roxon, Nicola Louise</td>
<td>Gellibrand, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Rudd, Kevin Michael</td>
<td>Griffith, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Ruddock, Hon. Philip Maxwell</td>
<td>Berowra, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Sawford, Rodney Weston</td>
<td>Port Adelaide, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>Schultz, Albert John</td>
<td>Hume, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Scott, Hon. Bruce Craig</td>
<td>Maranoa, Qld</td>
<td>Nats</td>
</tr>
<tr>
<td>Secker, Patrick Damen</td>
<td>Barker, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Sercombe, Robert Charles Grant</td>
<td>Maribyrnong, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Slipper, Hon. Peter Neil</td>
<td>Fisher, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Anthony David Hawthorn</td>
<td>Casey, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Stephen Francis</td>
<td>Perth, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Snowdon, Hon. Warren Edward</td>
<td>Lingiari, NT</td>
<td>ALP</td>
</tr>
<tr>
<td>Somilay, Hon. Alexander Michael</td>
<td>Fairfax, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Southcott, Andrew John</td>
<td>Boothby, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Stone, Hon. Sharman Nancy</td>
<td>Murray, Vic</td>
<td>LP</td>
</tr>
<tr>
<td>Swan, Wayne Maxwell</td>
<td>Lilley, Qld</td>
<td>ALP</td>
</tr>
<tr>
<td>Tanner, Lindsay James</td>
<td>Melbourne, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Thompson, Cameron Paul</td>
<td>Blair, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Thomson, Kelvin John</td>
<td>Wills, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Ticehurst, Kenneth Vincent</td>
<td>Dobell, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Tollner, David William</td>
<td>Solomon, NT</td>
<td>CLP</td>
</tr>
<tr>
<td>Truss, Hon. Warren Errol</td>
<td>Wide Bay, Qld</td>
<td>Nats</td>
</tr>
<tr>
<td>Tuckey, Hon. Charles Wilson</td>
<td>O’Connor, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Turnbull, Hon. Malcolm Bligh</td>
<td>Wentworth, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Vaile, Hon. Mark Anthony James</td>
<td>Lyne, NSW</td>
<td>Nats</td>
</tr>
<tr>
<td>Vale, Hon. Danna Sue</td>
<td>Hughes, NSW</td>
<td>LP</td>
</tr>
</tbody>
</table>
## Members of the House of Representatives

<table>
<thead>
<tr>
<th>Member</th>
<th>Division</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vamvakinou, Maria</td>
<td>Calwell, Vic</td>
<td>ALP</td>
</tr>
<tr>
<td>Vasta, Ross Xavier</td>
<td>Bonner, Qld</td>
<td>LP</td>
</tr>
<tr>
<td>Wakelin, Barry Hugh</td>
<td>Grey, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Washer, Malcolm James</td>
<td>Moore, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Wilkie, Kim William</td>
<td>Swan, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Windsor, Antony Harold Curties</td>
<td>New England, NSW</td>
<td>Ind</td>
</tr>
<tr>
<td>Wood, Jason Peter</td>
<td>La Trobe, Vic</td>
<td>LP</td>
</tr>
</tbody>
</table>

### PARTY ABBREVIATIONS

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

## Heads of Parliamentary Departments

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

Prime Minister
The Hon. John Winston Howard MP

Minister for Transport and Regional Services and Deputy Prime Minister
The Hon. Mark Anthony James Vaile MP

Treasurer
The Hon. Peter Howard Costello MP

Minister for Trade
The Hon. Warren Errol Truss MP

Minister for Defence
The Hon. Dr Brendan John Nelson MP

Minister for Foreign Affairs
The Hon. Alexander John Gosse Downer MP

Minister for Health and Ageing and Leader of the House
The Hon. Anthony John Abbott MP

Attorney-General
The Hon. Philip Maxwell Ruddock MP

Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council
Senator the Hon. Nicholas Hugh Minchin

Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
The Hon. Peter John McGauran MP

Minister for Immigration and Multicultural Affairs
Senator the Hon. Amanda Eloise Vanstone

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

Minister for Families, Community Services and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs
The Hon. Malcolm Thomas Brough MP

Minister for Industry, Tourism and Resources
The Hon. Ian Elgin Macfarlane MP

Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
The Hon. Kevin James Andrews MP

Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Senator the Hon. Helen Lloyd Coonan

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

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

Minister for Justice and Customs and Manager of Government Business in the Senate  Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation  Senator the Hon. Eric Abetz
Minister for the Arts and Sport  Senator the Hon. Charles Roderick Kemp
Minister for Human Services 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

Leader of the Opposition

The Hon. Kim Christian Beazley MP

Deputy Leader of the Opposition and Shadow
Minister for Education, Training, Science and
Research

Jennifer Louise Macklin MP

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

Senator Christopher Vaughan Evans

Deputy Leader of the Opposition in the Senate and
Shadow Minister for Communications and
Information Technology

Senator Stephen Michael Conroy

Shadow Minister for Health and Manager of
Opposition Business in the House

Julia Eileen Gillard MP

Shadow Treasurer

Wayne Maxwell Swan MP

Shadow Attorney-General

Nicola Louise Roxon MP

Shadow Minister for Industry, Infrastructure and
Industrial Relations

Stephen Francis Smith MP

Shadow Minister for Foreign Affairs and Trade
and Shadow Minister for International Security

Kevin Michael Rudd MP

Shadow Minister for Defence

Robert Bruce McClelland MP

Shadow Minister for Regional Development

The Hon. Simon Findlay Crean MP

Shadow Minister for Primary Industries,
Resources, Forestry and Tourism

Martin John Ferguson MP

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

Anthony Norman Albanese MP

Shadow Minister for Housing, Shadow Minister
for Urban Development and Shadow Minister
for Local Government and Territories

Senator Kim John Carr

Shadow Minister for Public Accountability and
Shadow Minister for Human Services

Kelvin John Thomson MP

Shadow Minister for Finance

Lindsay James Tanner MP

Shadow Minister for Superannuation and
Intergenerational Finance and Shadow Minister
for Banking and Financial Services

Senator the Hon. Nicholas John Sherry

Shadow Minister for Child Care, Shadow Minister
for Youth and Shadow Minister for Women

Tanya Joan Plibersek MP

Shadow Minister for Employment and Workforce
Participation and Shadow Minister for Corporate
Governance and Responsibility

Senator Penelope Ying Yen Wong

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

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

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

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

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

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

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

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

Shadow Minister for Immigration
Anthony Stephen Burke MP

Shadow Minister for Ageing, Disabilities and Carers
Senator Jan Elizabeth McLucas

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

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

Shadow Minister for Citizenship and Multicultural Affairs
Senator Annette Hurley

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

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

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

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

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

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
CONTENTS

WEDNESDAY, 11 OCTOBER

CHAMBER
Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006—
  First Reading ......................................................................................................................... 1
  Second Reading ....................................................................................................................... 1
Long Service Leave (Commonwealth Employees) Amendment Bill 2006—
  First Reading ......................................................................................................................... 2
  Second Reading ....................................................................................................................... 2
Parliamentary Superannuation Amendment Bill 2006—
  First Reading ......................................................................................................................... 2
  Second Reading ....................................................................................................................... 2
Migration Amendment (Border Integrity) Bill 2006—
  First Reading ......................................................................................................................... 3
  Second Reading ....................................................................................................................... 3
Petroleum Retail Legislation Repeal Bill 2006—
  Consideration of Senate Message ......................................................................................... 5
Superannuation Legislation Amendment (Superannuation Safety and Other Measures) Bill 2005—
  Consideration of Senate Message ......................................................................................... 14
Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006—
  Second Reading ..................................................................................................................... 15
  Third Reading ......................................................................................................................... 50
Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006,
  Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006, and
  Corporations (Aboriginal and Torres Strait Islander) Bill 2005—
  Second Reading ..................................................................................................................... 50
Questions Without Notice—
  Higher Education Fees ......................................................................................................... 68
  North Korea ............................................................................................................................ 68
  Higher Education Fees ......................................................................................................... 69
  Workplace Relations .............................................................................................................. 70
  Workplace Relations .............................................................................................................. 71
  Workplace Relations .............................................................................................................. 71
  Workplace Relations .............................................................................................................. 73
  Economy ................................................................................................................................. 74
  New South Wales: Board of Studies ..................................................................................... 75
  Rail Infrastructure .................................................................................................................. 77
  Schools Curricula ................................................................................................................... 77
  Drought ................................................................................................................................. 78
  North Korea ............................................................................................................................ 79
  Private Health Insurance ....................................................................................................... 79
  Medibank Private .................................................................................................................. 80
  Education ............................................................................................................................... 81
  Skilled Migration .................................................................................................................... 82
  Australian Defence Force Personnel ..................................................................................... 82
  Workplace Relations .............................................................................................................. 83
  Small Business ...................................................................................................................... 84
  Personal Explanations .......................................................................................................... 84
CONTENTS—continued

Questions to the Speaker—
  Standing Orders ................................................................................................................ 85
  Standing Orders ................................................................................................................ 86
Dissent From Ruling ............................................................................................................. 86
Questions to the Speaker—
  Standing Orders ................................................................................................................ 92
  Dissent Motion ................................................................................................................... 93
Personal Explanations .......................................................................................................... 93
Documents .............................................................................................................................. 93
Questions to the Speaker—
  Standing Orders ................................................................................................................ 93

Matters of Public Importance—
  Education .......................................................................................................................... 94
Delegation Reports—
  Parliamentary Delegation to Mozambique and Kenya ....................................................... 108
Medical Indemnity Legislation Amendment Bill 2006—
  Report from Main Committee ............................................................................................. 108
  Third Reading .................................................................................................................... 108
Australian Participants in British Nuclear Tests (Treatment) Bill 2006—
  Report from Main Committee ............................................................................................. 108
  Third Reading .................................................................................................................... 108
Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and
  Transitional Provisions) Bill 2006—
  Report from Main Committee ............................................................................................. 108
  Third Reading .................................................................................................................... 108
Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other
  Measures Bill 2006,
Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006, and
Corporations (Aboriginal and Torres Strait Islander) Bill 2005—
  Second Reading ................................................................................................................ 109
  Third Reading .................................................................................................................... 133
Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006—
  Second Reading ................................................................................................................ 133
  Third Reading .................................................................................................................... 134
Corporations (Aboriginal and Torres Strait Islander) Bill 2005—
  Second Reading ................................................................................................................ 134
  Consideration in Detail ....................................................................................................... 134
  Third Reading .................................................................................................................... 166
Adjournment—
  Media Ownership .............................................................................................................. 167
  Paterson Electorate: Crime ................................................................................................. 168
  Building Australia Fund ................................................................................................... 169
  Burnie: Whisky Tasmania ................................................................................................. 170
  Whittlesea Community Legal Service ............................................................................. 172
  Hasluck Electorate: Brickworks ....................................................................................... 173
Requests For Detailed Information—
  Hansard ............................................................................................................................. 174
  Notices ............................................................................................................................... 174
CONTENTS—continued

Main Committee

Statements by Members—

Socceroos ................................................................. 176
Telecommunications ............................................... 177
Hoxton Industries ................................................... 177
Hawker Pacific ....................................................... 178
Breastfeeding ......................................................... 179
Western Australia Police Service ...................... 180
Climate Change ..................................................... 180
McLaren Vale Wineries ........................................ 181
Cranbourne: Telecommunications Services ........ 182
Tree of Knowledge ............................................... 183

Medical Indemnity Legislation Amendment Bill 2006—

Second Reading ...................................................... 183

Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and
Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and
Transitional Provisions) Bill 2006—

Second Reading ...................................................... 194

Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and
Transitional Provisions) Bill 2006—

Second Reading ...................................................... 222

Defence Force (Home Loans Assistance) Amendment Bill 2006—

Second Reading ...................................................... 222

Questions in writing—

Australian Taxation Office—(Question No. 3118) ........................................ 226
Cameron-Milne Inquiry—(Question No. 3427) ............................................. 227
Defence (Special Undertakings) Act: Prosecutions—(Question No. 3627) .......... 227
Medical Treatment Visas—(Question No. 3777) ........................................... 227
Australia Post Letterboxes—(Question No. 3845) .......................................... 229
Telstra: Payphones—(Question No. 3851) ...................................................... 231
Small Business National Roundtable—(Question No. 3901) ......................... 232
Australian Greenhouse Office: Rainwater Tank Investigation—(Question No. 3905) 232
Consultancy Services—(Question Nos 3908 and 3910) ................................. 233
Consultancy Services—(Question No. 3909) ................................................. 234
Consultancy Services—(Question No. 3919) ................................................. 235
Australian Federal Police: Regional Rapid Deployment Teams—(Question No. 3929) 235
Aged Care—(Question No. 3930) ................................................................. 236
Civil Marriage Celebrants—(Question No. 3931) .......................................... 236
East Timor—(Question No. 3932) ................................................................. 237
Media Ownership—(Question No. 3941) ...................................................... 238
Tourism Australia—(Question No. 3949) ...................................................... 238
Office Consumables Tender—(Question No. 3953) ........................................ 239
Industry, Tourism and Resources: Programs and Grants—(Question No. 3956) 240
Environment—(Question No. 3961) ............................................................ 241
Media Ownership—(Question No. 3965) ...................................................... 241
Media Ownership—(Question No. 3966) ...................................................... 242
Media Ownership—(Question No. 3968) ...................................................... 242
Defence: Legal Costs—(Question No. 3969) ................................................. 243
Western Sahara Imports—(Question No. 3989) ............................................ 243
Defence Sniffer-dogs—(Question No. 3999) ................................................. 244
CONTENTS—continued

Asset Freezing—(Question No. 4000) ................................................................. 244
Ethanol—(Question No. 4005) ................................................................. 245
Work for the Dole—(Question No. 4010) ................................................................. 245
Weakleys Drive Interchange Project—(Question No. 4012) ................................................................. 246
School Funding—(Question No. 4015) ................................................................. 246
Iraq: Alkaloids of Australia—(Question No. 4046) ................................................................. 247
Departmental Secretaries: Remuneration—(Question No. 4067) ................................................................. 247
Villawood Immigration Detention Centre—(Question No. 4071) ................................................................. 248
Compressed Natural Gas—(Question No. 4076) ................................................................. 249
Child Care—(Question No. 4086) ................................................................. 250
Energy Initiatives—(Question No. 4087) ................................................................. 250
East Timor—(Question No. 4091) ................................................................. 251
Uranium Exports—(Question No. 4097) ................................................................. 251
Tumit Plant: Grants—(Question No. 4103) ................................................................. 251
Coal and Gas Industry—(Question No. 4105) ................................................................. 252
Media Monitoring and Clipping Services—(Question No. 4124) ................................................................. 254
Media Monitoring and Clipping Services—(Question No. 4131) ................................................................. 255
Media Monitoring and Clipping Services—(Question No. 4146) ................................................................. 255
Sydney (Kingsford Smith) Airport—(Question No. 4287) ................................................................. 255
Sydney (Kingsford Smith) Airport—(Question No. 4288) ................................................................. 256
Sydney (Kingsford Smith) Airport—(Question No. 4289) ................................................................. 256
Child Care—(Question No. 4332) ................................................................. 257
Dr John Gee—(Question No. 4681) ................................................................. 261
The SPEAKER (Hon. David Hawker) took the chair at 9.00 am and read prayers.

MARITIME LEGISLATION AMENDMENT (PREVENTION OF POLLUTION FROM SHIPS) BILL 2006

First Reading

Bill and explanatory memorandum presented by Mr Vaile.

Bill read a first time.

Second Reading

Mr VAILE (Lyne—Minister for Transport and Regional Services) (9.02 am)—I move:

That this bill be now read a second time.

The Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006 amends the Navigation Act 1912 and the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 to implement revised annex I (prevention of pollution by oil) and revised annex II (prevention of pollution by noxious liquid substances) of the International Convention for the Prevention of Pollution from Ships, commonly known as MARPOL. Annexes I and II set out technical requirements aimed at preventing and minimising ship-sourced oil and chemical pollution respectively.

Revised annex I, Regulations for the prevention of pollution by oil, incorporates recent initiatives which reflect the development of technical best practice in the maritime industry, such as phasing in double hull requirements for oil tankers and designating new regions as 'special areas' under the annex. 'Special areas' are areas considered to be so vulnerable to pollution by oil that oil discharges within them have been completely prohibited, with minor and well-defined exceptions.

The structure of annex I has been simplified to facilitate ease of interpretation of the requirements under the annex. No substantive changes have been made to the technical requirements. It incorporates the various technical amendments adopted since MARPOL entered into force in 1983.

Revised annex II, Regulations for the control of pollution by noxious liquid substances in bulk, includes a new four-category categorisation system for noxious and liquid substances, which will change the current carriage requirements for some chemicals.

Revised annex II also includes changes to permissible levels of discharge for some noxious liquid substances. Improvements in ship technology have made significantly lower discharge levels of some noxious liquid substances attainable and cost effective. The discharge levels which are now acceptable under annex II have been lowered to reflect the progress made by new technologies. For ships constructed on or after 1 January 2007, the maximum permitted residue in the tank and its associated piping left after discharge will be set at a maximum of 75 litres for products in categories X, Y and Z, compared with previous limits which set a maximum of 100 or 300 litres depending on the product category.

The bill will incorporate the internationally accepted changes to annexes I and II into Australian domestic law, allowing Australia to enforce the more stringent technical requirements contained in the revised annexes to protect human health and the marine environment.
The bill amends the Navigation Act 1912 and the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 to ensure that all amendments to the annexes are implemented in domestic law and that references to the two annexes in existing legislation reflect the new structure and content of the revised annex I and II. I commend the bill to the House.

Debate (on motion by Mr Crean) adjourned.

LONG SERVICE LEAVE (COMMONWEALTH EMPLOYEES) AMENDMENT BILL 2006

First Reading

Bill and explanatory memorandum presented by Mr Andrews.

Bill read a first time.

Second Reading

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.07 am)—I move:

That this bill be now read a second time.

The sole purpose of this bill is to extend the operation of the Long Service Leave (Commonwealth Employees) Act 1976 coverage of Telstra employees for a period of three years from the day on which the Commonwealth ceases to have a controlling interest in Telstra.

The bill is purely facilitative, allowing Telstra and its national workforce of about 40,000 an adequate period to conclude agreed post sale long service leave arrangements.

I can advise the chamber that this proposal enjoys the support of Telstra and should be welcomed by Telstra employees and the relevant unions.

Telstra employees currently accrue long service leave entitlements under the Long Service Leave (Commonwealth Employees) Act 1976.

The Telstra (Transition to Full Private Ownership) Act 2005 (the transition act) already protects pre-privatisation long service leave entitlements accrued by Telstra employees. That will not change.

In the circumstances, it is not unreasonable to allow Telstra and those employees who have not yet concluded other arrangements a sensible time frame to first consider and then make long service leave arrangements that will best suit their needs post privatisation.

Accordingly, the bill extends the long service leave legislative guarantee provided for under the transition act for a period of three years. This approach is consistent with government policy of minimising the impact of privatisations on former Commonwealth employees. I commend the bill to the House.

Debate (on motion by Mr Crean) adjourned.

PARLIAMENTARY SUPERANNUATION AMENDMENT BILL 2006

First Reading

Bill and explanatory memorandum presented by Mr Nairn.

Bill read a first time.

Second Reading

Mr NAIRN (Eden-Monaro—Special Minister of State) (9.09 am)—I move:

That this bill be now read a second time.

The Parliamentary Superannuation Amendment Bill 2006 proposes amendments to the Parliamentary Superannuation Act 2004 to adjust the level of superannuation for members of parliament elected at the 2004 federal election and subsequently.

In 2004 the government closed the unfunded defined benefit scheme for parlia-
mentarians, the Parliamentary Contributory Superannuation Scheme. New members of parliament elected at the 2004 federal election and subsequently receive superannuation in accordance with the Parliamentary Superannuation Act 2004. That act provides for a fully funded accumulation arrangement, including a government superannuation contribution of nine per cent of parliamentary salary.

In 2005 the government made similar changes to the superannuation arrangements for Commonwealth public servants. The Public Sector Superannuation Scheme, a largely unfunded defined benefit scheme, was replaced with a fully funded accumulation scheme, the Public Sector Superannuation Accumulation Plan. That scheme requires an employer superannuation contribution of 15.4 per cent of superannuation salary.

This bill will amend the Parliamentary Superannuation Act 2004 to increase the government superannuation contribution for members of parliament receiving superannuation in accordance with that act from nine per cent to 15.4 per cent.

This is in line with the Prime Minister’s announcement of 7 September 2006 that the government would introduce legislation to adjust the level of superannuation for parliamentarians elected at the 2004 election and subsequently so that it is the same as that paid to Commonwealth public servants.

Debate (on motion by Mr Crean) adjourned.

MIGRATION AMENDMENT (BORDER INTEGRITY) BILL 2006

First Reading

Bill and explanatory memorandum presented by Mr Robb.

Bill read a first time.

Second Reading

Mr ROBB (Goldstein—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs) (9.12am)—I move:

That this bill be now read a second time.

Australia has the most effective and comprehensive entry system in the world, basing its success on its multi-layered nature. Advance passenger processing, which allows an airline to verify a passenger’s visa prior to a flight’s departure to Australia, is one of those components. A universal visa system for all noncitizens entering Australia, including those transiting Australia, is another. At the border, together with the Australian Customs Service performing immigration functions on behalf of my department, we are able to verify, as far as possible, that all noncitizen arrivals have valid visas.

The Migration Amendment (Border Integrity) Bill 2006 proposes measures designed to further strengthen the integrity of Australia’s borders. Automated border processing systems will take advantage of new technologies, such as facial recognition technology, to enhance the way in which passengers’ identities are verified. This will aid in combating fraud, while expediting passenger processing. The bill also proposes an amendment to the Migration Act 1958 in relation to special purpose visas.

The proposal to use automated systems in immigration clearance marks an important strengthening of Australia’s border control measures. At present, the immigration clearance process at the border is performed manually by the primary line officers. However, extensive trialling of the automated border processing system presently in use at Sydney and Melbourne airports, the SmartGate system, has proven the viability of using facial recognition and new passport technology at the border.
The proposed amendments are designed to allow for the expansion of SmartGate to all Australian citizens, and selected noncitizens, provided they hold an eligible e-passport. It is a key budget initiative of government to provide an alternative to manual processing in immigration clearance. The amendments will also support an integrated approach for the use of biometrics in border control, and form part of a broad joint initiative between the Australian Customs Service, the Department of Foreign Affairs and Trade, and my department.

The number of international arrivals and departures at Australian international airports is forecast to increase by up to 23 per cent by 2009. Automated clearance at the border will allow greater volumes of passengers to be processed and decrease passenger processing time, while enhancing the integrity of border processing. The facility will aid in combating identity fraud and act as a deterrent to the use of forged or stolen passports. The bill will also enable New Zealand citizens who hold an e-passport to apply for and be granted a special category visa using the automated system without the need for a clearance officer to be present. New Zealand citizens who do not hold an e-passport will continue to be processed and granted special category visas by a clearance officer.

This initiative is a voluntary alternative to manual processing at the border. Eligible persons can choose whether to use SmartGate or to be processed by a clearance officer. While the amendments will permit personal identifiers, such as photographs and signatures, to be presented for verification in immigration clearance, they do not authorise the system to collect and store these identifiers. The collection of personal identifiers at the border, where this is permitted by the legislation, may only be done by clearance officers.

Special purpose visas are temporary visas which provide lawful status to selected classes of noncitizens, allowing them to travel to, enter and remain in Australia. They cover persons such as crew members of non-military ships, airline crews, guests of government and, recently, athletes participating in the Commonwealth Games.

Historically, the special purpose visa regime was designated to facilitate the lawful travel and entry to Australia of certain low-risk groups of travellers. Stemming from this, special purpose visas are distinct from other visas as there is no visa application process and the visa is granted by operation of law on arrival in Australia.

Nevertheless, there are occasions where it is appropriate to cease a person’s special purpose visa. Most commonly, this is in relation to foreign sea crew who may be considered a risk of deserting the vessel in Australia, or where there is a character or health concern.

The Migration Act currently provides the power for the Minister for Immigration and Multicultural Affairs to make a declaration that it is undesirable that a person, or any persons in a class of persons, travel to and enter Australia or remain in Australia on a special purpose visa. The declaration has the effect of ceasing any special purpose visa held by the person and preventing the grant of a special purpose visa to such a person.

However, the Migration Act currently operates so that a special purpose visa held by such a person does not cease until midnight on the day on which the declaration is made. This means that the person cannot be detained until the end of the day on which that declaration is made—despite the person potentially posing a risk to the Australian community.

This is of particular concern where, for example, a master of the vessel has reported
a crew desertion. In such circumstances, DIMA officers would usually cease that person’s special purpose visa and commence processes to locate that person. However, if the person is found on the day their special purpose visa is ceased, officers cannot detain the person until midnight on that day and there is a risk the person will abscond.

The proposed amendments would allow the minister to specify a particular time in the declaration as the time at which the declaration will take effect. The amendments would also provide that the special purpose visa will cease the moment the declaration takes effect. The time specified in the declaration must be a time after the declaration is signed—the minister cannot specify a time earlier than the time the declaration is signed.

I should add that departmental officers currently use the declaration power to cease a special purpose visa with great care and based on carefully defined circumstances. In addition, such declarations are often revoked where, for example, further information becomes available to an officer and the person is no longer considered to be of immigration concern.

The measures contained in the bill mark an important strengthening of Australia’s border control initiatives. These amendments are designed to enhance and preserve the multilayered approach to border control and to ensure that Australia continues to employ the leading technologies such as facial recognition to aid in the identification of those who come to Australia.

Debate (on motion by Mr Crean) adjourned.

PETROLEUM RETAIL LEGISLATION REPEAL BILL 2006

Consideration of Senate Message

Consideration resumed from 13 September.

Senate’s amendment—

(1) Clause 2, page 2 (cell at table item 2, column 2), omit the cell, substitute:

1 March 2007.

Mr IAN MACFARLANE (Groom—Minister for Industry, Tourism and Resources) (9.20 am)—I move:

That the amendment be agreed to.

The amendment made by the Senate to the Petroleum Retail Legislation Repeal Bill 2006 specifies a starting date for the repeal bill, and effectively the Oilcode, of 1 March 2007. The government does not oppose this amendment. The government looks forward to the commencement of this legislation, which will usher in a new regulatory environment for the downstream petroleum sector by providing all industry participants with a national approach to terminal gate pricing. It will also set minimum standards for a wider range of contractual arrangements and provide access to downstream petroleum dispute resolution schemes.

Mr MARTIN FERGUSON (Batman) (9.21 am)—On behalf of the opposition I indicate that we support the amendment with respect to the operative date, the operation of the act and the new Oilcode. In doing so I would like to make a few other comments, because there are some outstanding undertakings the government made to the opposition with respect to this legislation. We all appreciate that there was a need for reform of the petrol retail marketing industry in Australia. It was long outdated and I think we are all pleased to see this legislation moving towards a point of finalisation, with the operative date of 1 March 2007. It is about bring-
ing back into the industry a sense of fairness and also equality of opportunity with respect to petrol retail outlets in Australia. The record will show that the existing act discriminates unfairly between classes of business, large and small. For example, in the small business sector, franchisees are advantaged over commission agents and independent operators. In the large business sector—and the Labor Party does not carry a candle for any major oil retail company—Caltex and Shell are advantaged through their arrangements with the supermarket chains Coles and Woolworths or, alternatively, BP is disadvantaged.

It is for that reason the government knew that to achieve significant reform the opposition was open to the legislation that is currently before the House, with the outstanding issue being to carry an amendment going to the operative date. However, I also want to emphasise two issues. Firstly, the government now has to bring in a new regulation which goes to the operation of the Oilcode, which is exceptionally important to provide the protections for and regulation of the petrol chain sector that currently exists. Secondly, in working out this legislation, a very clear undertaking was given to the opposition by the Minister for Industry, Tourism and Resources which also requires action by the Treasurer. And the worry of the opposition is the tardiness of the Treasurer with respect to his ministerial responsibilities.

In life, it is about keeping your word. I therefore request any advice from the Minister for Industry, Tourism and Resources as to the state of play with respect to his endeavour to get the Treasurer to do something about outstanding reforms to the Trade Practices Act which are central to the legislation currently before the House. In essence, a deal is a deal. The Minister for Industry, Tourism and Resources understands the importance of keeping your word, especially when it is so much on the public record and is also part of private discussions leading to an agreement between the government and the opposition for what is a major legislative change. I remind the House today that the government indicated its willingness to introduce changes to the Trade Practices Act to implement a response as soon as the trade practices bill No. 1 of 2005—the Dawson bill—was passed through the parliament.

In getting some recalcitrant National Party senators on board, I note it seems the government can do it on media law, which undermines the strength and independence of the Australian media, but when it comes to reform of the Trade Practices Act they seem unable to drag, for example, senators from Queensland representing the National Party to the altar. So I think a little bit more hard work is required. If they can do it on changes to the operation of the media in Australia, then surely they can do it to look after small business in Australia.

The government’s amendments to section 46 are to clarify and improve the operation of the provisions of the act. Specifically, the amendments go to: firstly, providing that a corporation must not take advantage of a substantial degree of power in that or any other market; secondly, providing that, for the purposes of determining the degree of power that a corporation has in a market, the court may have regard to any market power the corporation has that results from contracts, arrangements or understandings with others; and, thirdly, including two new elements to be considered in relation to determining a breach of section 46. These elements are: firstly, whether the corporations are selling relevant goods or services at a price that is below cost; and, secondly, whether a corporation has a reasonable prospect or expectation of recoupment—that is, of being able to recover the losses it suffered by selling the relevant goods or services at a
price that was below cost to the corporation.
I raise these issues and, in doing so, indicate the opposition’s support for the amendment going to the operative date of the act. But I simply say that, in conjunction with the Oilcode, these changes to the Trade Practices Act are imperative. They are part of an agreement going to the operation of the new act. (Extension of time granted)

I simply say in conclusion that it is not about grandstanding. It is about delivering on a whole package—you cannot have one without the other. That is how life operates. People enter into good-faith negotiations. That is the intention of the act with respect to the operation of the Oilcode and changes to the petrol retail marketing arrangements in Australia. I simply request that the minister indicate in no uncertain terms to the House today that this legislation is in the pipeline and when it is potentially going to be introduced into the House. I say in conclusion: your word is your bond. If you can deliver Senator Barnaby Joyce on issues of changes to media ownership and diversity in Australia then it is about time you delivered your recalcitrant friends from cocky corner on other legislation.

The DEPUTY SPEAKER (Mr Jenkins)—The honourable member will address his remarks through the chair.

Mr MARTIN FERGUSON—Yes, but they’re pretty effective!

The DEPUTY SPEAKER—He will address his remarks through the chair to the minister, not directly across the table to the minister.

Mr FITZGIBBON (Hunter) (9.27 am)—Like the member for Batman, I rise to support the Senate message and the amendment put in place by the Senate. Indeed, the amendment came from the opposition out of our concern that the operation of the Petroleum Retail Legislation Repeal Bill 2006 should not come into effect until the government has come forward with those relevant and appropriate reforms to section 46 of the Trade Practices Act. Of course, we sought a deferred date because we were not all that confident that the government would be forthcoming on its word, at least not before the repeal bill came into operation.

I do not need to go into Labor’s support for the repeal of the sites and the franchise acts—our views on those issues are well documented. Suffice to say that we do believe that an outdated, 26-year-old regulatory regime is applying a brake to competitive forces in the petroleum retail market and therefore, along with many other factors, is putting upward pressure on petrol prices. So our support for repeal of an antiquated and outdated regulatory regime is without question. But we have always said that the repeal of the sites act and the franchise act must be done in conjunction with the arrival of an efficient and effective Oilcode. I am not sure we have Oilcode 100 per cent right now but, as the minister knows, when you are dealing with various parties in these negotiations you will never get an absolutely perfect outcome. I suspect it is as perfect as we are going to get it, but what gives me faith is that we will have a review of the Oilcode one or two years down the track which will allow us to finetune that document to ensure it is delivering the outcomes we all hope for.

But the other condition, of course, was that the repeal must happen in conjunction with reforms to section 46 of the Trade Practices Act. We in this place all, surely, know by now that section 46 of the Trade Practices Act has lost its effectiveness following a number of federal and High Court decisions, among them the Boral case, the Safeway case and the Rural Press case. They are probably the standouts. What has hurt section 46 of the Trade Practices Act most is the inability of the courts to find (1) whether a
corporation in fact has the substantial degree of market power that the act is looking for to prove that it therefore has the opportunity to abuse that market power and (2) the definition of the question of ‘take advantage’; or in other words whether, once substantial market power has been established, a corporation has taken advantage of that substantial degree of market power to the detriment of a competitor. It is quite clear that it is very difficult now for the ACCC to prove either of those points, and in reality the ACCC has now effectively ceased taking cases under section 46, in particular on predatory pricing, because of its view that it is not likely to secure a prosecution on that basis.

The minister for resources has made a commitment here in this place that the government will move quickly to bring forward legislation to reform section 46 of the Trade Practices Act, but there are two concerns with respect to that commitment—and I do not question his word in any respect. What I am concerned about in the first instance is the attitude of his colleague the Treasurer, because the Treasurer seems to be insisting on a certain course of action which requires that section 46 of the Trade Practices Act reform does not come until we have dealt with another reform issue with respect to the Trade Practices Act, and they of course are those reforms contained within the Dawson bill.

As members of the House know, the Dawson bill is currently stalled in the Senate because of a bit of stubbornness on the part of the government, particularly in the area of merger authorisations. The Labor Party has put forward some very appropriate and sensible, and minimal, amendments to the authorisation changes put forward by the government, and we still await the government’s concurrence with that amendment. When the government sees fit to concur with that minor amendment we will be happy to pass the Dawson bill through the parliament.

That main point is that there is no connection between the Dawson bill and reforms to section 46. There is no strong argument—there is no argument whatsoever—that you cannot seek to reform section 46 until you have dealt with the Dawson bill. This is just the Treasurer’s stubbornness. He has decided that small business and independent players in the retail petrol market do not matter sufficiently for him to put his stubbornness aside and deal with section 46 issues prior to the passage of Dawson in the Senate. We know Dawson will go through at some point in time; there is too much pressure from the big end of town for the government to sit on Dawson forever. So the time must surely come when the government sees fit to accept the opposition’s minor amendments.

But the key point is that you do not need Dawson through before dealing with section 46 of the Trade Practices Act. What the government is effectively saying by saying section 46 cannot be done until Dawson is dealt with is that the big end of town matters more than the small end of town. He says that he cannot afford small and independent players in the market appropriate protection until the big end of town gets all it wants on Dawson. That is an inappropriate approach, and I would like to hear the minister come to the dispatch box and indicate that he will do all in his power to persuade the Treasurer that it is absolutely unacceptable to be holding the small and independent players to ransom so that the big end of town can get all it wants on mergers changes in this country. I will invite him to do so.

The other point I want to make is on recoupment, to get this on the record again. We want positive reform to section 46 of the Trade Practices Act; we do not want, in the form of government legislation, section 46
going backwards. It is my view and the view of many trade practices experts, including a range of academics, that, if the government is prescriptive about recoupment in the legislation, section 46 will go backwards. Recoupment, of course, is the concept that you must be able to show that the larger firm or the aggressive firm which was holding prices down with the intention of driving a competitor out of a market was capable of recouping the losses at a later date. Of course, recoupment is a concept which the courts have always taken into account when trying to determine whether a firm with a substantial degree of market power has taken advantage of that market power by holding down prices, possibly below cost, with the sole intention of driving a smaller competitor—or any competitor, for that matter—out of the market.

Of course they would take recoupment into consideration. Of course it is something always in the minds of the court when deliberating on these issues. But, if you write into legislation that recoupment may be taken into consideration when deliberating on these issues, inevitably the courts will feel an obligation to make recoupment a priority consideration in their broader determinations. It is unnecessary, and I fear it is an issue that will force section 46 not forwards but backwards. I urge the government not to be prescriptive about recoupment in the act. Let the courts determine the extent to which recoupment is an issue to be considered in the cases before them.

To summarise: yes, the opposition has supported the repeal of the petroleum retail sites act and the petroleum retail franchising act. We think the 26-year-old regulatory regime is outdated; it is a brake on competition in the industry. In fact, we think the repeal should have happened some years ago but government incompetence in getting agreement on Oilcode has delayed that repeal. But it must be done in conjunction with an acceptable Oilcode and it must be done in conjunction with reforms to section 46 of the Trade Practices Act. Let us not hear any more of this, ‘Well, we will not deal with section 46 until Dawson is passed through the Senate.’ There is no nexus between the two; it is just stubbornness on the part of the Treasurer. He needs to put his pride aside and put the interests of the small and independent sector first, get on with these reforms and bring in a package of reforms to section 46 that are acceptable and that take that section of the act forward in a positive way, rather than take it backwards as I know many at the big end of town would desire.

Mr CREAN (Hotham) (9.37 am)—I support the amendment, but I will use this opportunity to raise a number of points in relation to the government’s approach to petrol pricing, particularly its impact on the regions. The amendment is not the problem. In essence, Labor have consistently supported the repeal of the two acts that both the member for Hunter and the member for Batman have referred to, but we have always said that that repeal should be subject to two important conditions. One is the introduction of an oil code. Had that code been introduced in advance of this, these two acts would have been history well before this, because Labor had consistently indicated its support for repeal subject to the introduction of an oil code. The second condition that we have attached to this, which the government acknowledges but again is tardy in acting upon, is reform of section 46 of the Trade Practices Act.

I often hear the Prime Minister say, ‘There’s nothing the government can do about rising oil prices.’ It is true. We are subject through world parity pricing to what happens on the global market, but it is not true to say that the government here is defenceless when it comes to protecting con-
sumers. There are two things the government can do. One is to reform section 46 of the Trade Practices Act, not just recommended by Labor but recommended by the Dawson inquiry, recommended by the Senate and effectively agreed to but not acted upon by the government. If the government is serious about doing something to keep the pressure on competition and therefore downward pressure on prices, it must act. I join with the member for Batman in challenging the Minister for Industry, Tourism and Resources when he responds to tell us where the legislation is amending section 46, why it has not been brought to us now and when it will be brought, because that was an undertaking given to us and an undertaking that they must discharge if they are to be seen to be credible in moving to put downward pressure on oil prices.

The government must strengthen section 46 of the Trade Practices Act to develop a comprehensive approach to retail pricing and provide greater scope to deal with the abuse of market power. They need to bring in amendments that clarify what sort of behaviour constitutes an abuse of market power and to provide a line in the sand, if you like, to defend small business. We also need to have amendments that will lower the threshold for the ACCC to prove that an abuse of market power has occurred. We want to know where that legislation is. It is an undertaking that the government has made.

The second point where the government can make a difference goes specifically to the question of the differential in prices in the regions. It is very interesting that in the context of petrol prices today—checking the recent data—New South Wales regional towns and centres are paying between 3c and 13c more a litre for their fuel than the capital cities. It is the same story in Queensland, South Australia, Western Australia and Victoria, and the Northern Territory paid on average $1.48 a litre in September. We all know that people in the bush and in the regions pay more for their petrol. What can be done about it? The government says, ‘Nothing.’ We say they are wrong on that front, and that is why we were successful in having the Senate inquiry, which is currently undertaking its work, look at some options.

One issue is the application of the GST, because in essence it is a tax on a tax. The government claims virtue in freezing the excise on petrol, but what is the advantage—what is the virtue—in freezing the excise if the GST applies as a movable feast on rising retail petrol prices? When this government introduced the GST, it said it would not be introducing a tax on a tax. It has, and it should be looking at that dimension of the problem.

Another aspect that the government could be usefully looking at goes to the question of a replacement for its failed Fuel Sales Grants Scheme. At the time the government introduced that scheme as the compensatory mechanism for the price differential in regional Australia, we said that it would fail. Now they have conceded it. They have run up the white flag but they have put nothing in its place. The minister at the table smiles; he knows we are right. We have proven them to have introduced a failed scheme, but they have not had the wit or wisdom to come up with an alternative.

We hope that, in the submissions and the recommendations that come from the Senate inquiry, maybe something can be looked at, but I pose a suggestion for the minister at the table. We saw the government embrace the notion of targeted tax rebates for low-income workers in the last budget. We have heard the Prime Minister argue that you do not compensate people for fixing the indirect tax mechanism; you compensate them for things like rising petrol prices by doing something
through the direct taxation method. Why not review a targeted rebate—for example, the zonal rebate? If the argument is that something is to be done through the direct tax system for people on low incomes, why not recognise the low income in regional Australia—the disadvantage that they are under—and do something about it?

This is a government that has got back revenue of some hundreds of millions of dollars as a result of the abolition of the Fuel Sales Grants Scheme. It argues that the money has gone to roads, and it has, but there is no guarantee that it has gone to the roads in the regions. So we have a circumstance in which regional Australians, since the last budget, are paying more for their petrol as a direct action of the government’s abolition of the Fuel Sales Grants Scheme, with no compensation and with no guarantee that the money saved is going to their roads.

This is a government that has sold out regional Australia. The National Party sits by as a paid-up branch office of the Liberal Party, letting them get away with murder. It believes that it can solve its problems by dipping into a honey pot just before every election. Regional Australia deserves better than that. We have forced the inquiry in the Senate on the government. We hope that through that some sensible recommendations come forward that give relief to motorists in regional Australia.

This government has a capacity to act. It has a capacity to introduce the mechanisms under section 46 of the Trade Practices Act—which, if they were in place, would have had a downward pressure on petrol prices. There is no question about that. The government’s failure to act has essentially allowed prices to be higher than they otherwise would have been. The government has failed to compensate regional Australia. We support the amendment but we condemn the government for its failure to act in the interests of motorists in this country, in particular the motorists in regional Australia, who are being slugged yet again for this government’s incompetence.

Mr IAN MACFARLANE (Groom—Minister for Industry, Tourism and Resources) (9.46 am)—I thank those opposite for their support for the amendment and ultimately their support for the passage of this legislation. I reaffirm the government’s commitment to introduce changes to section 46 on the basis that the Dawson legislation that is currently stalled in the Senate is passed. I suggest to those opposite that if, as they suggest, the passage of the section 46 amendment is so urgent, they should agree to the passage of the Dawson legislation as it currently stands—for it is they who are holding up that legislation. It is they who have opposed the proposals put forward by the government. As soon as Dawson is passed, section 46 will be put in place.

Before closing, I also say that this government have done more to lower fuel prices than any government before it. We are the only government that has cut excise to business.

Mr Crean—There is not a motorist who believes that.

Mr IAN MACFARLANE—They should believe it, because it is true. We are the only government that has cut excise to the transport industry and we are the only government that has frozen excise. That, along with a whole range of measures, including the $1.3 billion package we introduced recently for alternative fuels, has seen Australian motorists well served by this government in the area of fuel.

Mr FITZGIBBON (Hunter) (9.48 am)—I was keen to allow the House to get on with the business of the day, but I am provoked by the Minister for Industry, Tourism and Re-
sources on a couple of accounts. First of all, I am very disappointed that he was not prepared to come to the dispatch box and acknowledge that the condition that Dawson be passed through the Senate before section 46 changes come into this place is unacceptable and inappropriate. I know he is in a difficult position, because I know he is dealing with a recalcitrant Treasurer, a lazy Treasurer, an arrogant Treasurer and a Treasurer who is unprepared to put first the interests of small business and independent players not just in the petrol market but in industry generally.

What the minister has just asked the opposition to do is to give a leg-up to small and independent players by supporting section 46 reforms but to give them a big whack by allowing Dawson through the Senate without insisting upon our very sensible and responsible amendments. He thinks we should give small business something with one hand but take away with the other.

Let me take you through that. Amongst other things, the Dawson reforms make significant changes to merger laws in this country. First, they bring in a formal arrangement under section 50 of the Trade Practices Act, moving away from the current informal arrangements, which were hated by big business in this country because they gave business no formal decision on which to appeal to the Competition Tribunal, in the first instance, and, in the later instance, to the courts. So big business has been given that formal process. Somewhat reluctantly, the opposition has supported that measure.

The second change is a change to the authorisation process. If a big business cannot get the tick from the ACCC under the competition test under section 50, it then has the right to go to the ACCC under authorisation on the public interest test. In other words, it goes to the ACCC and says, ‘We accept your decision under the informal arrangement that you will not allow this merger because it is anticompetitive.’ Why do we make those decisions? We make those decisions because any competitive mergers are bad for the economy and are particularly bad for small and independent players. So a business goes to the ACCC and says, ‘Look, we accept that decision but we think that, notwithstanding the fact that the competition rules have not been met, it is still in the public interest for this merger to proceed.’ That has always been the law and it is a good balance. But what the government wants to do is to take the ACCC out of the authorisation process. How do you have a public interest test without the ACCC being involved? Without the ACCC’s involvement, who are the experts who will determine in the future whether the public interest, the interests of small business and the interests of independent players will be met?

The opposition would like to dig in and say that the ACCC must remain as much a part of the system in the future as it is now. But we have been more responsible, because we know how the Treasurer operates. We do want Dawson through because it contains some other important reforms. So rather than dig in, we have simply said this: ‘We think the ACCC should remain the key gatekeeper on the authorisation of mergers.’ We want to allow them to stay in the process at least for the first 40 days real.

I say ‘real’ very deliberately. Under the current arrangements, whether it be because of gaming on the part of the applicant or because the ACCC has been constantly requiring further information, the 30 or 40 days now required under the act can blow out to 100 or even 300 days. If after the first 30 days the ACCC says, ‘We will actually need some more information on this,’ and the party goes back and gets the information, that takes another 60 to 90 days and it can blow out to a considerable period of time.
That of course presents some problems for that applicant.

So Labor proposes this: you make the application and after 30 or 40 days—to be honest I forget which it is—in real time, you get a deemed refusal. If you do not have a result from the ACCC in that short time period, you have the right to go to the Australian Competition Tribunal. There could not be a more responsible and agreeable proposal than that.

Yet this is the basis on which the government holds up important section 46 reforms for small business. It is because the Labor Party wants to make a minor change to its legislation. And we know how the Treasurer operates: if it is not his idea, he will not accept it.

The Treasurer is prepared to cut small business loose. *(Extension of time granted)*

He is prepared to repeal the Petroleum Retail Marketing Sites Act without the necessary additional protection of section 46 reforms because he is not prepared to accept the most minor of amendments to his merger authorisation proposals in the Senate. We must remember that this Treasurer has now had 10 years to make the Australian Competition Tribunal a creature of his own. We see many debates in the United States about Supreme Court appointments. The Treasurer has his own little Supreme Court sitting in this country, and it is called the Australian Competition Tribunal.

He has now had the opportunity to appoint or reappoint every member of that tribunal. Therefore—and it happens in politics—people are appointed or reappointed who are of like mind to him. It is just not good enough for the Australian people. It is not good enough for the small business sector in this country to have important merger authorisation decisions determined by the Australian Competition Tribunal before the ACCC has had an opportunity to test the merits of the case on public interest grounds.

So I appeal to the minister to talk to his Treasurer and tell him to put the pride and the stubbornness aside, to think about the small end for a change and about the impact on the economy of giving everything to the BCA that it asks for on mergers but not coming forward and giving the small business sector what it requires under section 46.

I heard a bit of a whisper that the government had a meeting yesterday with some of the representatives of the small business constituency. I would be very delighted if the minister were prepared to share with us the attitude of small business representatives in that meeting and what they thought about the Treasurer’s idea of holding section 46 reforms back until Dawson is passed. So I invite him back to the dispatch box to tell us what transpired at that meeting and to tell us how pleased small business must be at the moment in response to the government’s approach to these issues.

In closing, can I say something about petrol prices, which are very relevant to the Senate message we are considering today. How extraordinary it is for the minister to stand here and say that this government has done more to bring petrol prices down than any other in its time. It is an extraordinary statement from the minister, and he must know it is not true. No-one in his constituency believes it, and the member for Hotham was absolutely right. The government came into this place and said: ‘We concede the GST is a tax on a tax on petrol. In regional areas it has a compounding effect because of transport costs and greater levels of competition in rural areas, so we will introduce a grants scheme of 1c, 2c or 3c, depending on how remote you are, to compensate.’

We said at the time, as the member for Hotham indicated, that it would not work, that it would go straight into the pockets of the major oil companies. What has the gov-
ernment now done? It has admitted all these years later that there is no way of knowing that the grant is being passed on to the consumer, and therefore it feels compelled to repeal to grant. But, again, as the member for Hotham said, there is nothing in its place. So, having conceded back in 2000 that the GST is a tax on a tax with a compounding effect and a much greater negative impact on rural and regional motorists—and he represents one of those regional electorates in Queensland—the government is not prepared to do anything about it. How does that work? He needs to come back to the dispatch box and either apologise to his constituents or put forward some positive proposal to deal with that issue.

He also mentioned the government’s policy, which I think he might have called the biofuels policy or energy policy, the centrepiece of which was the LPG conversion scheme. What an extraordinary centrepiece that was. The opposition of course support measures to promote the use of LPG in this country. In fact, we support all measures to promote greater diversity in our fuel mix, including ethanol, biodiesel, and the list goes on. But the LPG grant scheme is just crazy. I have made the point here a number of times that less than three per cent of motor vehicles in this country will have access to this scheme.

The Prime Minister came into this place this week and admitted that already the government has spent more on advertising the scheme than it has paid out in grants. The advertising budget has been larger than the value of the grant scheme. That is despite the fact that demand is always going to outstrip supply, and therefore there is no need to advertise the grant scheme because not everyone who wants to access the grant scheme will get access to it anyway. So it is just a farce. It is blatant misuse of taxpayers’ money in promoting the government, not promoting the LPG scheme, and the government should hang its head in shame. *(Time expired)*

**The DEPUTY SPEAKER (Mr Jenkins)**—Before putting the motion I wish to say that, while it is not the desire of the present occupant of the chair to make advisory rulings or observations, this morning’s debate has tested the chair regarding its relevance.

**Mr Ian Macfarlane**—It is only out of my good spirit that I did not challenge it.

**The DEPUTY SPEAKER**—Debate on a message from the Senate is treated the same as a consideration in detail debate. While these remarks might seem to be directed to the member for Hunter, I understand that he knows his obligations and very carefully tries to intertwine his remarks so as to be relevant. But as the minister, outside of the standing orders and by way of interjection, has indicated—and the member for Hunter knows that on other occasions I have made this observation—the chair’s tolerance is guided by the mood of the chamber. On this occasion, that tolerance, while tested, was allowable. As a general rule, the chamber should realise that the debate on a message from the Senate is not an opportunity to reopen a second reading debate. The question is that the amendment be agreed to.

Question agreed to.

---

**SUPERANNUATION LEGISLATION AMENDMENT (SUPERANNUATION SAFETY AND OTHER MEASURES) BILL 2005**

**Consideration of Senate Message**

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

*Senate’s amendments—*
Wednesday, 11 October 2006

HOUSE OF REPRESENTATIVES

(1) Clause 2, page 2 (table item 3), omit the table item, substitute:

3. Schedule 2, Either:
   items 1 to 25
   (a) if this Act receives the Royal Assent on 1 July in a year—the day on which this Act receives the Royal Assent; or
   (b) otherwise—on the 1 July that next follows the day on which this Act receives the Royal Assent.

(2) Clause 2, page 2 (table item 5), omit the table item, substitute:

5. Schedule 2, Either:
   items 28 and 29
   (a) if this Act receives the Royal Assent on 1 July in a year—the day on which this Act receives the Royal Assent; or
   (b) otherwise—on the 1 July that next follows the day on which this Act receives the Royal Assent.

Mr ROBB (Goldstein—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs) (10.00 am)—I move:

That the amendments be agreed to.

The amendments to the Superannuation Legislation Amendment (Superannuation Safety and Other Measures) Bill 2005 are necessary to ensure that all provisions of the bill remain prospective. The amendments relate to provisions that enable the trustees of the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme to allocate actual fund earnings, including negative earnings, to members’ accounts. The bill had these provisions commencing on 1 January 2006. As this date has now passed, it is important to make these amendments to ensure that all provisions remain prospective. The amendments provide that the commencement date for the negative earnings provisions will be the first day, 1 July, of the next financial year following royal assent. If the bill completes its passage in this sitting period and royal assent is granted soon after, the new commencement date for the negative earnings provisions will therefore be 1 July 2007. These amendments will ensure that all provisions of the bill are prospective.

Mr FITZGIBBON (Hunter) (10.02 am)—The opposition is supporting these amendments. In the broader superannuation policy context, we look forward to mark 3 of the government’s major superannuation policy proposal. We saw mark 1 in the budget and then we saw mark 2 when they worked out that they had their costings all wrong. We assume that mark 3 will be the final version, but we would have to also assume, I suppose, that there is scope for the government to change its direction yet again. I note that from time to time the government taunts the opposition in this place about our position on the government’s proposal as announced in the budget, but we are waiting for the final proposal and the final costings. We cannot be expected to respond to the government’s superannuation changes proposal until the government finally indicates that it has made its own mind up and provides the opposition with not only the appropriate costings but costings that we can be confident are absolutely correct.

Question agreed to.


Second Reading

Debate resumed from 14 September, on motion by Mr Brough:

That this bill be now read a second time.
Ms PLIBERSEK (Sydney) (10.03 am)—
The Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006 is an omnibus bill which implements two of the government’s budget commitments and proposes a series of new measures to crack down on social security fraud and improve information gathering between social security agencies. Labor support the budget measures contained in the bill, which will make changes to the assets test for people of pension age living in rural and regional areas and implement changes to crisis payment provisions. We also support the proposals to improve information exchange between social security agencies, as long as appropriate checks and balances are in place. However, we have some serious concerns about the process through which the government has gone about granting the proposed new search and seizure powers to Centrelink that appear in schedule 2 of the bill.

The first part of the bill, schedule 1, relates to changes to the assets test. Labor believe in a retirement income system which is secure, stable, simple and fair. In particular, we remain strongly committed to a means tested age pension system which guarantees a decent retirement income to older Australians on the basis of need. We recognise that there are problems in the existing system and in particular in the existing assets test, which disadvantage pensioners or potential pension recipients who are living on the land. Under the existing assets test, many older Australians living on farms or large rural residential blocks find themselves unable to support themselves in retirement because the value of the property their home is on excludes them from the pension. Many of these older Australians are forced to sell their land or part of their land and their family homes in order to support themselves.

Labor believe older Australians should not have to sell their family homes—where they have spent the best part of their lives—in order to support themselves in retirement. Accordingly, we support the government’s changes to the assets test, which will exempt all property on the same title as the primary residence from the assets test where there is a long-term attachment to that land and where it would be unreasonable to realise the value of the land by selling or leasing it. The government is promoting this as an equity measure to address concerns that people of pension age living on farms or on rural residential properties are unfairly excluded from receiving the age pension, whereas the properties of people living in urban areas where their properties may have substantially increased in value remain exempt by virtue of being the primary residence of the person. We believe that this is reasonable but that the government could do much more to address the disadvantage faced by older Australians under the current age pension assets test.

Perhaps the area of greatest concern to Labor in this legislation relates to the search and seizure powers in schedule 2. Fraud and social security abuse threaten the integrity of the social security system. Accordingly, Labor supports measures which will enhance the capacity of social security agencies such as Centrelink to crack down on social security fraud. However we do have concerns about how this particular bill has been used as a vehicle for inserting search and seizure powers for authorised officers in the Family Assistance Act, the Social Security (Administration) Act and the Student Assistance Act. In particular we are very concerned that the government has tried to slip new powers into an otherwise non-contentious and innocuously named budget measures bill. The powers would allow authorised officers to enter and search premises and to seize material which may be rele-
vant to an offence or offences committed against the relevant act.

According to the government these powers are necessary for Centrelink and FaCSIA to detect, investigate and prosecute serious cases of fraud and abuse committed against the various programs administered under these acts. The government argues that the proposed new powers are similar to those that other Commonwealth agencies, including Medicare, the ATO, the CSA and DIMA, already have. It may be that it turns out that these powers are necessary, but I say that we need to be convinced that they are necessary to properly crack down on social security crime. Labor believes that a Senate committee should have the opportunity to examine the proposed new powers and the case for their introduction before this legislation passes through the parliament.

For example, the bill proposes allowing searches without warrant where the occupant of the premises consents to entry. But the bill does not stipulate what steps should be taken to ensure that the occupant of the house has consented. I think that anyone in this place would know that consent means different things to different people. If the government turns up on the doorstep and says, ‘We’re from the government and we’re here to help you’, not everyone has the confidence to ask them to come back another day with proper permission even when they would like to do that. Subsequently, Labor is concerned about the potential for abuse of these powers if appropriate checks and balances are not in place. Indeed, neither the bill nor the explanatory memorandum makes any mention of an oversight regime that would be put in place to monitor the use of these powers. Certainly I would not want to see such powers abused.

There are a number of issues that warrant closer scrutiny, but this is not the time or the place to go into the level of detail that I would like to see. That is what we have Senate committees for. In the future the government really should grant adequate parliamentary opportunity to examine these sorts of measures rather than trying to slip them into an omnibus bill that does not refer to them in its title. Labor will support the passage of the bill through the House, but we do reserve our final position on schedule 2 of the bill until the Senate Legal and Constitutional Affairs Committee has reported on that part of the bill.

I now turn to schedule 3 of the bill, which relates to crisis payments. I have to say that I personally am very pleased that the crisis payment is being made available to victims of domestic or family violence who are suffering severe financial hardship and who have remained in their own homes after the breakdown of a relationship. This is something that the people who work in the field of domestic violence have been campaigning for for a number of years now, and it is to their credit that this measure has been included in this legislation. I want people in this place and in the wider community to know that this is due to the excellent work of people in the domestic violence sector who have lobbied long and hard to have this provision changed.

The crisis payment has existed for some time to assist people in financial crisis. The usual case was that it would be made available to people who have left the family home because of domestic violence. Many members of parliament will know the usual scenario through the experiences of their constituents—and unfortunately it is an experience that is all too common to many Australians—so they would understand that a woman, usually but not always, and children may be forced to leave home, sometimes in the middle of the night, sometimes wearing their pyjamas and carrying very little with
them. In such circumstances a crisis payment was made available until the person leaving the family home could make better financial arrangements.

For people who remained in the family home, when perhaps the perpetrator of violence was taken away by police or an apprehended violence order was obtained that prevented him or her, usually him, returning to the family home, the situation was often also one of financial difficulty. Of course, living in the family home is a great advantage and obviously much less disruptive for any children in the case. But, for example, if a woman remained in the family home but had no access to the family bank account, because it was in her husband’s name, and needed money to change locks—because she genuinely feared that her husband would be back with a shotgun—to pay for the kids’ bus fares to school the next day and to buy the bread and milk, that crisis payment was not available. This bill puts into effect the commitment made in the budget that this crisis payment would now be available to people leaving the family home and to people remaining in the family home who need this sort of assistance.

It is obviously preferable for victims of domestic violence, particularly when there are children in the case, to remain in the family home. Anyone can imagine what a distressing period it is for children to see the breakdown of their parents’ relationship, particularly when there is violence involved. Perhaps they have been witnessing violence for months or years, and the added trauma of leaving the family home, leaving behind their clothes, toys and familiar environment—perhaps having to move away from their school, friends, neighbours and grandparents to unfamiliar surroundings—really makes an incredibly traumatic situation almost unbearable. We should be doing whatever we can to make it possible for victims of domestic violence to remain in the family home, and this crisis payment will improve that situation.

A pilot program in the Bega Valley called ‘Stay home and have the violence leave’ allows police, courts and support services in the Bega Valley to help victims of domestic violence—usually women and their children—to stay safely in their own homes while offenders leave. There are similar pilots in other states and territories. In most cases, these have successfully led to a reduction in repeat violence and a much less traumatic experience for the victims of domestic violence. That approach makes particular sense in an environment where funding for emergency accommodation and long-term affordable housing is very low indeed and does not nearly meet the needs of Australians who are forced to leave their homes because of violence, and I will speak more in a minute about the lack of affordable housing and emergency accommodation.

The crisis payment is something that we welcome and support. It is, unfortunately, one of the few positive steps that I have seen from the government in relation to domestic violence. There is a great deal of fanfare about the ‘Australia says no to violence against women’ advertising campaign. Frankly, I have been incredibly disturbed by this advertising campaign. Its message is weak and contradictory. For example, an advertisement in, I think, New Weekly says:

My boyfriend hits me and then he says he loves me and reckons it’s all ok.

The response in the title is:

No it’s a crime.

That is a very good message, but later in the text the advertisement goes on to say:

Violence and assault against women is always unacceptable and, of course, most men understand that.

Terrific. It then goes on to say:
Sometimes this behaviour is criminal and should be reported immediately.

I would be really interested to know when it is not criminal to hit or assault someone. I would like to know when that is not criminal. The ad goes on to say:

Women who have suffered it should never feel it is their fault—
of course—instead they should seek help and advice. It could be from friends or parents, it could be by talking to an experienced counsellor on the new confidential helpline or it could be by visiting this website.

Or it could be by telling the police. I think this advertisement, by having this sort of text in it and by going on to say ‘It’s a serious social problem,’ once again reinforces the notion that, if you are the victim of domestic violence, you should be getting counselling. Whereas I, and I believe the majority of people, think that domestic violence is a crime and that it should be reported to the police. As a crime, it should be dealt with by the government and by all its instrumentalities in the most serious way. It is not a counselling issue. It is not a problem that I am worried about and I need to speak to a counsellor about; it is something that we as a society need to say quite clearly is a crime and should be dealt with in such a way.

The crisis payment change is welcomed, particularly given the report prepared last year by the Women’s Services Network, which was shelved by the government for over a year and then very quietly released onto the Department of Family and Community Services website. It was hidden so well that you really needed to have a degree in computer technology to know where to look for it. The report was called Women’s refuges, shelters, outreach and support services in Australia. It said that there were a number of key flaws in the government’s policy in relation to emergency accommodation where there has been domestic violence. Some of the main concerns included insufficient funding for emergency accommodation, with one in two women—half; 50 per cent—and two out of three children being turned away from refuges when seeking emergency accommodation.

Children who accompany their mothers to a refuge are not treated as separate clients of that refuge and so there is no separate funding for those children. If a woman turns up to a refuge with five children, the refuge receives funding to care for one person, the woman. No funding is received for those children as separate clients of the refuge. As I said, about half the women and two-thirds of children are turned away from emergency accommodation. This situation is particularly bad in rural and remote areas, where the majority of women and children seeking this sort of help are Indigenous.

Just over a week ago, the Treasurer delivered the 2005-06 financial budget outcome and reported a cash surplus of $15.8 billion. I am happy that there is such a terrific surplus. That is good. It is well worth aiming for. But we as a society have to ask ourselves: who is paying the price for that? I think that a society that turns 50 per cent of desperate women and two-thirds of desperate children away from emergency accommodation needs to examine its priorities a little more closely.

The extension of the crisis payment to victims of domestic violence who remain in the family home after the perpetrator of the violence has left or has been removed by the police recognises that this violence may trigger a financial crisis even when the victim is able to remain in her own home. That is well and truly welcomed. It is a great win for the people who have campaigned for this change for many years. I hope that it indicates a better general approach from the gov-
ernment on the serious issue of domestic violence.

I turn now to schedule 4 of the bill, which relates to changes to social security legislation to enhance information sharing between agencies in order to improve compliance with social security law. Labor supports any measures that are aimed at improving compliance and improving the accuracy of social security payments. Any member of parliament would know how frustrating it is to have constituents knocking on the door describing quite simple errors that seem to happen over and over again, despite what we believe to be the constituents’ best efforts to give accurate information to Centrelink. We think that any exchanges of information should be implemented in consultation with the federal Privacy Commissioner.

We also note that Centrelink is currently not required to inform people when their carers payment is about to be cut off, and we believe that Centrelink should be required to do so. Labor is not convinced that the government’s projected savings from this measure, of $131.8 million, will be realised. We know that it is quite difficult to do projections in this sort of area, but previous projections have been notoriously unreliable.

In conclusion, I would like to reiterate that we support most of the measures contained in this bill. We certainly support making the pension assets test fairer for older Australians living on farms and large rural residential properties. We certainly support making the crisis payment available to more victims of domestic violence. And we support improved information exchange between social security agencies, as long as the appropriate checks and balances are in place. We recognise the need for Centrelink to have sufficient powers to properly detect, investigate and prosecute social security fraud. However, we believe the new search and seizure powers proposed by the bill need more scrutiny. Accordingly, we will be reserving our position on schedule 2 of the bill until after the inquiry into these provisions by the Senate Standing Committee on Legal and Constitutional Affairs has taken place.

Mr TUCKEY (O’Connor) (10.24 am)—The Families, Community Services and Indigenous Affairs and Other Legislation (2006 Budget and Other Measures) Bill 2006 corrects a situation created by the Hawke government that relates to people residing somewhere other than in a city or other metropolitan area. It has been one of the most outrageous arrangements ever imposed on people, because it affects their right, when applying for a pension, to be able to declare a house as an asset that is not subject to the means test, simply because the area of land on which the house is legally established under town planning laws is larger than two hectares—or, one might say, larger than a typical subdivided urban block. It ignores the town planning requirements that do not allow people to subdivide that larger area of land. They just happen to reside in a situation where subdivisions are not approved, sometimes on quite large acreages and even on small acreages—rural-urban blocks are typically larger than two hectares today.

Another interesting aspect, from a social perspective, is the huge benefit that accrues, particularly to rural communities, when older people are encouraged to remain in the area. It is a statistical fact that older people put significantly higher demands on health services. Whilst some might argue that that is a good reason to send them to a city, clearly when they do create that demand there is a viable option for medical practitioners and other people who service the aged and others requiring health services to stay in that community. And of course they can also provide emergency or childcare services so that
younger members of the community can
continue to reside in that region.

So every argument should be put forward
to give possibly additional encouragement
for people to reside in the community where
they may have worked for a period of time.
The legislation relates to those that have
done so for 20 years. I find that an excessive
period when statistically the turnover of
housing in metropolitan areas is more like
seven years—although I think that is extend-
ing out a little bit since state governments
have got so avaricious with their stamp duty
charges, and people are looking to stay
longer in their original house. But, if there is
a seven-year or, let us say, 10-year rollover
of eligible housing in metropolitan areas, one
would have thought that that period of time
would have been more appropriate for this
legislation. Nevertheless, this is still a sig-
ificant improvement.

There are other aspects of the circum-
stances confronting people in this situation
that I would like to put on record. We have
had an attitude of: ‘Well, tough. You have
lived in a house on a farm of considerable
acreage. Your children have taken over the
management of that property and you are
supposed to move out and get a house
somewhere else to be eligible for a pen-
sion’—because the acreage might be in the
thousands. The house is then vacant. Nobody
lives in it. But where do you get the money
to go and buy the house that makes you eli-
gible for the pension? We are correcting that
for people who have had an association with
a property for 20 years. That is too long and
it should be a shorter period.

There are other injustices that arise in
these circumstances for people who may
have moved to a rural subdivision of, let us
say, 10 hectares or just above that. Along
comes the Centrelink valuer to decide the
asset value of the property. Of course, irre-
spective of the size of the property, people
are entitled to have the value of the residence
on that property excluded for the purposes of
the asset test. The habit of Centrelink is to
say, ‘You’re out in the bush. The house is
weatherboard and asbestos; it is not worth
very much at all. All the value resides in the
unused acreage.’

If we have taken time off to watch some
of the real estate shows that proliferated on
television for a time, we have seen similar
weatherboard and asbestos cottages—the
television company has applied some ex-
 pense to tart it up—selling for $600,000 and
$700,000. What happens when Centrelink
visits a property that is not eligible under
these circumstances because the people have
not resided there for 20 years? I think that 20
years is far too long for the test. Even in
terms of farming properties, a lot of people,
in upgrading their farm assets, have moved
in less than 20 years but are still committed
to a family farming enterprise.

What is the value of a house in a rural
town measured against the value of the house
and the land? My argument is that there
should be an obligation on the valuer to ap-
ply metropolitan equivalence. After all, a
house is a house is a house. If the roof does
not leak, it gives you the same protection
wherever it is. I have seen this with resump-
tions. Governments have come along and
said, ‘That house is 50 years old; it is not
worth much.’ But when they kicked the peo-
ple out of the block, those people had to go
and pay the market value for another resi-
dence; that is what the house is worth. In
many cases, those who do not benefit from
this improved legislation should be given
protection when Centrelink visits to reassess
their property because someone down the
street has sold a lifestyle to somebody will-
ing to pay a high value. The value of the
residence should be a metropolitan equiva-
 lent and, as far as I am concerned, for a
pretty highly rated suburb. In many cases that would not prevent people from receiving a pension because they would have no other income.

I wish to take this opportunity to turn to a grave issue that is confronting rural families as I speak. Unlike some other people in this place, I do not choose to raise the matter in the parliament first simply because there might be some political advantage in it. I have already addressed letters to the Minister for Families, Community Services and Indigenous Affairs, though I have yet to receive a reply as I only made the representations recently. It has been the tradition in Australia—and a wonderful one at that—that when older members of the farming family retire, perhaps unwisely, from active service within the enterprise, it is taken over by younger members of the family, such as children or grandchildren. Property can be disposed of over five years and then a person could be eligible for a pension, and I accept that, but this has to be an arms-length transaction and so it does not necessarily achieve much. If you sell your $1 million farm to the kids, they are supposed to owe you $1 million.

Mr Deputy Speaker, you know well that the average farm is not worth too much. The reality is that the property has a limited value and you buy it back in grain production every two years with the cost of just planting the crop. Nevertheless, when it does change hands to an independent party, it is probably worth $1 million. The retiring family member has not achieved very much from the sale anyway because, even if no cash transfers, a debt has to be created. That is an asset. In the present circumstances, where those people have departed from activity within the business, they are prevented by the asset test from receiving a pension.

In better times, the revenues of the farming property are sufficient to support these parents in a modest way. But the reality is that in a drought situation it is often extremely difficult for the incumbents on the property in the business to support even their own family. As the Prime Minister reiterated yesterday, the government is very sympathetic to farmers who find themselves in that situation under exceptional circumstances and it gives both income support and, in certain circumstances, interest subsidies to the people who are actually operating the farm.

What happens to mum and dad, or grandma and grandpa? They can no longer access funding from the business; it is seriously losing money. Many farmers who put a crop in this year—it probably cost them $120 a hectare—find themselves receiving no crop proceeds at all. Mr Deputy Speaker Scott, you may even be interested yourself to know that as I stand here today the wonderful AWB pooling system is offering those growers with a very minimum amount of production $50 a tonne less for the wheat if it goes to export—and in my state there is no other choice—than the international price as evidenced in the trades on the Chicago Board of Trade. They have no choice about it unless this parliament decides to alter the veto that prevents other people bidding for those crops. When you are down to making a loss anyway, you need every last dollar you can get for your wheat. That situation has arisen because the pooling operator has pre-sold wheat at prices substantially lower than now apply.

The real problem I wish to draw to the attention of the House is that there are people at the moment whose assets have no productive value and who are retired from the family business but cannot get a pension because of the asset test. Either we extend EC to those people and incorporate them within the system, provided they can establish a fair
case, or we have to alter further the pension entitlement of people who find themselves in this situation. This legislation is addressing a situation where we assign people to virtual starvation because they happen to sit on a piece of land that is bigger than two hectares. I guess they could grow a few vegetables to survive, but they cannot get any money. They have no income; they are too old to earn it. We are correcting that to a degree. I believe that over time the parliament has to revisit this because it is a very important issue.

It is notable that while in recent times every issue relating to someone’s employment has been raised in this place by the usually misinformed opposition—primarily, I think, in defence of some very well-paid industrial bureaucrats—I have not heard a word from them on the circumstances of these people over the 10 years that this provision has existed. In fact it is more like 15 years, I think. I certainly remember hearing Bob Hawke mention curtilage and that the house and the curtilage would be the only amount exempt. As I said, I do not think it has ever been valued sufficiently highly to give people the same protection as they get in a metropolitan area.

These are important issues. I totally support the bill; it is a substantial improvement. But I do question whether one has to prove sufficient association with the land by 20 years of occupancy. I think that could have been significantly lower—probably 10 years. I believe the Centrelink valuers, in looking at people who do not qualify under the 20-year rule and those who have made a recent investment of this nature, should, where there is no profitable productivity available from the additional acres, give the residence on that land a deemed value equivalent to what it would bring if it sat in a metropolitan area—because a house is a house.

That would relieve a lot of people who still find themselves with these problems.

Because of a recent experience, I strongly recommend to some that they do not go into these non-recourse loans—loans where you borrow money that will be paid from your assets when you die. They have a deleterious effect on valuations because the bank gets very generous with the valuation. I had some people in the other day who were going to get wiped out because they had gone to borrow some money under one of these arrangements and had accepted what I thought was a highly inflated valuation on their property. Then because they had gone through that process Mr Centrelink rang them up and said: ‘I hear you have a new value on your property. I want to take that into account in your pension.’ They had a very unhappy experience with me because I had to be quite critical of the things they had done. They had gone to one of these investment seminars and had come away thinking that they could have all this money and never have to pay it back. In fact, they were going to lose their pension in the process. People have to be very careful about how they manage those things and the contingent outcomes that arise.

In closing, I totally support this legislation. It is only too late in its arrival. I am very sad that the opposition over the years has not been putting the heat on this matter that has been put on by the members of the backbench who have had people in their constituencies with these sorts of concerns. Nevertheless, it is a great improvement, and I trust that the minister will take some note of the remarks I have made regarding where further improvement can be made, the recognition and treatment of the rights of people who choose not to live in the city and the benefits of encouraging people to reside in rural areas. It does start to spread our population—decentralisation is still a word that not too many parliaments practise, but these
things have been disincentives to decentralisation in the past.

Mr LINDSAY (Herbert) (10.44 am)—The Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006 before the parliament today, particularly the provisions relating to what we all know as curtilage, is a classic example of the parliament working as it should work and of local members working as they should work. The member for O’Connor was right: the pressure that the backbench put on the government in relation to the issue of curtilage has resulted in this bill before the parliament today. It is a great win for those who have been so badly affected by previous policy, but it is also a great win for the operations of the parliament and the backbench. It shows that the Howard government listens. It shows that, when there is an issue, you can take a matter to the government, argue your case and get a win. I pay tribute to the member for Greenway—who is in the parliament this morning and who was certainly a strong advocate for and a very interested advocate in this particular issue—as well as the member for Forde and the member for Gilmore in getting the outcome that we see before the parliament today.

In going through the process, all of us who had an interest in this issue were concerned that we were seeing people who were absolutely destitute—asset rich but with no income. They had, in a number of cases, an asset they could not turn into cash so that they could actually eat. The problem was that significant. I well remember listening to the member for Forde telling the members of my committee that she was taking food parcels to pensioners, older Australians, who were affected by the curtilage rules at the time. It was really distressing.

When we embarked on what we might do about this we found it very difficult, because whatever we were going to do was going to cost some money. In fact, the measure before the parliament this morning is expected to increase expenditure by $173 million over the next four years. That is the amount of money we as a government are going to have to spend in making sure that this bill operates as we want it to operate. There was a lot of resistance about such a large amount of money and the backbench was faced with having to argue its case to make sure a good outcome could be achieved.

There were a number of options put before the government. We could have exempted the total value of landholding with a long-term attachment rule. We could have allowed an increase, from two hectares to four hectares, in the maximum amount of land that could be exempt from the assets test. That option was looked at. We looked at using the local council to determine the amount of allowable curtilage because, as the member for O’Connor has articulated, local councils have certain planning rules in relation to the subdivision of land. We looked at getting councils to certify that the land may not be subdivided. That option came with very great concerns because we could see that people might influence councils to do things that perhaps might not be what they would normally do so that those people could change their pension arrangements. We looked at an option where the customer could be given the choice of having the value of the home and curtilage exempt or the total value of the landholding reduced by a certain amount. We looked at an option of the assessable amount of excess curtilage and/or farmland being reduced by up to an additional $50,000, indexed to CPI. Finally, we looked at the option of altering the existing hardship provisions in the Social Security
Act to try to help people affected by the curtilage rules.

As you can imagine, with so many options available and the government mindful of the cost, there was a lot of discussion on this, and I certainly thank the members of my backbench policy committee, who worked hard on this. Firstly with Senator Kay Patterson, the then Minister for Family and Community Services, and then with the member for Longman, Mal Brough, who is the current Minister for Families, Community Services and Indigenous Affairs, we came to the outcome today. The outcome today is of course the most expensive option, which makes it doubly great that the backbench is able to influence the government and get an outcome like this. It is also the simplest option. Many of the other options are complex, and the last thing we need in the Social Security Act is more complexity. If we are able to find something that is straightforward, then that is a good outcome.

This measure will be straightforward and simple. It will allow for the exemption of all the land on the same title document as the family home, with three provisions. The three provisions are that the claimant is of age pension age and claiming age pension care, a payment or a service pension; that they have a long-term attachment to the land of at least 20 years—Mr Deputy Speaker Scott, you would have constituents in that situation; and that they can show that the land with commercial potential is being used to generate an income. That protects the taxpayer, of course, and that is what this bill before the parliament this morning seeks to do.

When we announced that this was what we were going to do there was universal delight, as you would expect, among those who are so badly affected by the current curtilage arrangements. It is a joy for members of parliament to be able to deliver such a great benefit to a section of the community who have been so badly affected. I am really pleased to be able to support this measure this morning.

This bill also contains other provisions, one of which sounds pretty horrendous: search and seizure powers. But this particular part of the legislation is really a protection measure and also makes it very clear what the search and seizure powers are. It considers principles along the lines that legislation should only authorise entry to premises under warrant or by consent or in a limited range of other circumstances, such as a condition of a licence, and that legislation that confers coercive powers should require that these powers may only be exercised by appropriately qualified officers. This basically builds in protections in relation to search and seizure powers.

I am also pleased to see that we are extending the exchange of information between agencies. This is a powerful tool to make sure that the Australian taxpayer is properly paying benefits that should be paid. You could say that in a different way; you could say it is to stop people rorting the system. But I would prefer to believe that those numbers of people are small, that most people are honest—and sometimes, with the data-matching that is available, we can find that we are not paying enough benefit and then that benefit can be adjusted.

This bill will allow the Department of Health and Ageing to provide information to Centrelink or one of the departments with responsibility for social security payments. The objective is to compare data on people permanently entering residential aged care with data on recipients of carer allowance. If carer allowance recipients do not notify Centrelink when the person they are caring for leaves their care then they will build up
overpayment debts, and nobody wants to see that. That could of course be quite accidental, not intentional. The bill also allows Medicare Australia access to protected information held by the Child Support Agency. That sounds a bit nasty but it is not. For the purposes of administering welfare payments, information can be gathered on a range of topics under the social security law.

I am pleased to support this legislation. The curtilage aspect has been a long time coming. It is very welcome and I thank the government for listening to the backbench.

**Mrs Markus** (Greenway) (10.55 am)—I commend those who have been on the backbench since long before me—the member for Herbert and the member for Forde—who have worked long and hard over recent years arguing and advocating on behalf of their constituents for some of the changes in the Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006 that we are talking about today. This bill gives effect to a number of measures announced in the 2006-07 budget, including changes to the social security means test and amendments to crisis payment, and will introduce new search and seizure powers to officers under the social security and family assistance laws.

The measures in this bill will assist pensioners, carer payment recipients of pension age and qualifying service pensioners who live on farms and rural residential blocks of more than two hectares and who are currently excluded or receive a reduced pension because of the current assessable asset value of land adjacent to their home. As the member for Herbert has already acknowledged, this is going to have a huge financial impact, of around $42.1 million in 2006-07 and $41.7 million in 2007-08. So I want to acknowledge and thank the government for listening to the people of outer urban Sydney and rural areas across this nation and committing this kind of assistance to them.

Currently, only a person’s individual home and adjacent land of up to two hectares is exempt from the assets test, even though land in excess of the two hectares may be held on the same title document. This can affect people living in rural and also semirural areas, who may be forced to sell and move from their long-term family home to support themselves financially because they have substantial assets in the form of excess land which is assessed as an asset for social security purposes.

In my electorate there are many families, indeed a substantial Maltese population, who have contributed to providing most of the Sydney region over recent years with our fruit and vegetable produce. These families have worked hard and paid their taxes. At a time when they are no longer earning an income but want to keep residing in their family home, they now have to go to welfare agencies. I have had a number of families in my office over recent years who have come for emergency payments and who have had to go to their children for help to pay their electricity bills and so on. This cannot continue, and this bill will indeed bring change for them.

The changes, which will come about from 1 January 2007, will mean that, where the land is two hectares and under, the person will have to satisfy the private land use test. That means that the land primarily has to be for private and domestic purposes. This exemption will be available to all income support recipients. Where the principal home and land is greater than two hectares, the pensioner will have to satisfy the ‘extended land use test’. The pensioner must also prove that he or she qualifies for the age pension, carer payment or DVA service pension and
has a long-term, minimum 20-year, continuous attachment to the land and that effective use is being made of productive land to generate an income.

These amendments will counter the concerns that have grown over recent years about the increasing inequality between city and rural areas in the treatment of pensioners. There is no reason why older Australians on such properties and in rural residential areas should be forced to move from their principal homes. I know in Western Sydney, particularly around my electorate of Greenway, around Riverstone and Marsden Park, there are challenges because of the state Labor government’s decisions about land, green zones and so on that are affecting the capacity of these people to sell their land. So, even if they did want to sell their land at this point in time, that would not be a viable option for them.

This bill also encompasses changes to the crisis payment. Having worked for 25 years with families in Western Sydney that have faced issues surrounding domestic violence, I am very pleased to see these measures introduced. This measure establishes further grounds upon which to qualify for crisis payment. From 1 January 2007, people who have been subjected to domestic or family violence and who are receiving a social security income support payment may be paid a one-off crisis payment without having to establish a new home. Children and young people who are the silent victims of domestic violence will benefit from this.

The Australian Bureau of Statistics in 2005 found that violence which occurs between partners may affect the children who also live in those homes. The survey found that 49 per cent of men and women who had experienced violence from a previous partner had children in their care, and 36 per cent said that their children had witnessed violence. In New South Wales, domestic assaults account for 35 per cent to 40 per cent of all assault incidents each year. The majority, 86.1 per cent, of domestic assaults in 2004 occurred on a residential premises.

Adults’ and children’s safety and protection are vital, so it is critical that appropriate policy that can assist parents with providing that safety both for themselves and for their children is created. This new payment will do that, since it will help to fund the cost of securing the individual’s home and other related expenses. This new payment will be practical and will enable individuals to secure safety for themselves and their children in their own homes. This measure will have an initial financial impact of $1.1 million over 2006-07 and a further $1.7 million up to 2010.

Finally, this bill will also encompass new search, entry and seizure powers for authorised officers under the family assistance law, social security laws and the Student Assistance Act 1973. This has come about to further prevent defrauding of social security. Even though Centrelink’s capability to better detect cases of fraud and routine non-compliance has greatly improved, there are cases of more serious abuse. While they are in the minority, Centrelink does require further enhanced powers. This new law will enable Centrelink to have those powers so that government agencies can better detect cases where social security payments have been incorrectly paid. This bill will bring about necessary assistance and support to key communities in our society.

Can I say finally that I am delighted that I was able to contribute towards the changes in this amendment, particularly the change to the curtilage rules. I know that many people in my constituency who are on semirural and rural properties will benefit from this. In recent weeks I have had the pleasure of being
able to talk to some of those families who have come through my office in the last few years and who have been affected by this, and they are delighted with this change. I commend the bill to the House.

**Ms Hall (Shortland) (11.04 am)** — There are aspects of the Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006 that I am highly supportive of, and there is another aspect of this bill that I must say I have a few concerns about. It is an omnibus bill which proposes the following changes to social security legislation: changes to the aged pensions and veterans’ entitlement assets tests announced in the budget, which relate to people living in rural areas, and significant new search and seizure powers for authorised officers under the family assistance, social security and students’ assistance law. I highlight or flag at this stage that that is the area that I have some concerns about. The third area is new provisions for crisis payments for victims of domestic and family violence. I think that is something that all members of this House would embrace. And there are changes to information exchange arrangements between social security agencies to improve compliance.

The assets test change in this legislation is the area that will lead to an increase in cost. That is the most costly measure in this bill. It attracts a cost of $173 million, but the government believes that the increased compliance that will accompany this change will, to some extent, nullify that increase. I have a word of caution for the government: I would not count on that too much. You really have to look at what the bottom line is. The bottom line is $173 million; therefore, I think that that is the predicted cost.

The changes to the aged pension entitlement asset test will allow people who are of a pension age and who live on certain kinds of farms and rural residential properties to exempt the value of land on the same title as their primary residences from the pensions asset test. Currently only the primary residence and an area of up to two hectares around it are exempt. This will give approximately 10,000 people on aged pensions more access to aged pension payments. I think that is something that all people in this parliament would embrace.

I have had constituents come to see me who have been affected by the current legislation, which has created great hardship for a number of people who are elderly, who are frail, who have their homes on the land—the homes they have lived in for many years—and who identify who they are with their place of residence. This change will allow them to continue to live where they have lived all their lives and receive the pension and other entitlements that they are entitled to. One case in particular comes to mind. The children of aged parents came to see me. Their mother had become a resident of a high-care residential facility. Because the family owned the property, they were required to pay the daily rate of a non-pensioner. This change would definitely help them, because the property would be looked at in the totally different light of exempting it from the assets test.

The second point that I would like to refer to, the second part of this legislation, is the one that I have real concerns about. This part of the legislation allows for changes to the family assistance, social security administration and student assistance legislation to provide search and seizure powers for authorised officers to investigate and prosecute offences in relation to programs administered under these acts. You might ask: what does this mean? The way I read it, it is giving employees of departments the right to enter people’s residences to search and seize their
property without the types of requirements that law officers have to meet.

I find it most interesting that the previous speakers on the government side—the member for Greenway and the member for Herbert—were claiming that this legislation before the parliament is a win for the backbenchers in the government. If I were a backbencher in the Howard government, I would be extremely concerned. I notice the minister at the table looking in my direction. I would love to be a backbencher in a Beazley government because we would be very careful of introducing this sort of clause into any piece of legislation. A Beazley government would be very mindful of the impact that legislation could have on people.

The member for Greenway and the member for Herbert—members of the government’s backbench—are claiming support for this piece of legislation. I hope that when constituents from the member for Greenway’s electorate and the member for Herbert’s electorate contact them about abuses of this legislation—people entering the residences of their constituents, looking in the cupboards, taking away things that they feel may incriminate the constituents and walking around taking photographs—the members will stand up and say, ‘I supported this legislation and this legislation has come to fruition because of my actions.’ I would have thought that the member for Greenway would be more inclined to get out there and fight for an MRI scanner at Blacktown hospital—something that the people of Blacktown are crying out for and would really benefit them on a daily basis—rather than taking responsibility for a piece of legislation that will allow officers of departments to search their constituents’ residences. Maybe the member for Greenway and the member for Herbert should be arguing against the government’s extreme industrial relations changes, which are impacting on a daily basis on the lives of workers in their electorates. They will be working longer hours under poorer conditions for less money.

To give the House an idea of how these new enter, search and seize laws could have an impact, I will refer to a constituent who I have already had dealings with. In doing so, I add that the department already has very wide powers. Nobody in this parliament supports fraud, be it welfare fraud or fraud by big business. A constituent who came to see me nearly 12 months ago was being investigated by the Centrelink fraud unit. This woman had been in a relationship with a man for some two years. They felt that they had a strong relationship, so they bought a house together, and the house was in both their names. Unfortunately, they started to have some problems with their relationship and that led to them separating. The male partner moved to Sydney, but the woman remained in the house on the Central Coast of New South Wales.

Centrelink did not believe that they were living apart, despite the fact that the male partner was living and working in Sydney and had a flat which he was paying rent for. He had the receipts to prove that he was paying rent, but still Centrelink felt that the couple had a relationship. One of the Centrelink officers visited the woman on the Central Coast. I might add that they were still trying to work it out and see if there was a possibility that they could get back together. They had been separated for six to 12 months. The Centrelink officer who visited the woman said in an intimidating manner: ‘You’ve either got to get rid of him, marry him or move on.’ That is the kind of advice that Centrelink gives constituents in my electorate.

The employer of the male partner received a letter from Centrelink telling him that they wished to update the man’s Centrelink file. The real surprise in this matter is that the
man had never in his entire life received a Centrelink payment, yet Centrelink were writing to his employer, asking for personal information about him. I think that that is an absolute disgrace. He was horrified by this fact. I might add that he was also very angry. He told his employer that it had nothing whatsoever to do with him. He felt that it was an invasion of his privacy that Centrelink had contacted his employer when he had had no involvement with Centrelink.

Centrelink decided to move a step further. They contacted the school that the woman’s children attended. They asked the school to name the people on the enrolment form who were contacts for her children. I think quite a number of issues revolve around that. Apart from the fact that in this day and age information of that nature is very sensitive, it is a real invasion of privacy. I might add that the ex-partner’s name was not on the children’s enrolment forms. The simple fact that Centrelink can contact a school and ask for details of the names of people on forms I see as a great abuse of power.

Centrelink contacted the local post office to see whether any mail was being addressed to the ex-partner. Once again, they were seeking details of a sensitive nature about the male partner, who did not live there, all because they had an idea that there was some fraud taking place. Centrelink contacted the RTA and ran a check on every single car the ex-partner had owned, obviously seeking to find out what the address was and whether or not both names were on any registration forms. Nothing became apparent to Centrelink. The man’s Sydney address and his name only were on the registration forms.

You can understand why I am really concerned about this aspect of the legislation. Centrelink did not recontact either member of the couple. I might add that they do not even speak to each other now. The outcome of this was so bad that two people who were in a situation of trying to solve their difficulties and maybe getting back together are now almost sworn enemies.

At the time that this was taking place, I met with the fraud investigation unit of social security. I was quite disturbed when I heard about the powers that the unit has. The unit can investigate now—before the legislation that we are currently debating comes into force. They can contact the tax office, the post office and the school, as I have already mentioned. They also have the right to video people. I understand that there are even videos of people within their residence. They hire private investigators to stalk those people who they feel may be abusing or defrauding Centrelink. In some cases they may find that there are grounds for this, but in other cases what they are doing is a real abuse of power. If the change in this legislation comes in, where Centrelink officers can be given wider powers of search and seizure, I am really concerned about where it will end.

The changes to the existing provisions relating to crisis payments are welcomed. I think that any person who is a victim of domestic violence deserves every bit of assistance that they can be given. The one-off payment of $230, which can be paid up to four times in a month, is recognition of the extreme circumstances that surround issues of domestic violence. I have no problem with the other miscellaneous changes. It is interesting to note that currently a person in receipt of a carers payment can have that payment cut off and Centrelink is not required to tell them about that. That is something that Centrelink needs to work on. People need to be informed about changes, not just to find out when they go the bank that they have not been paid. There is a better exchange of information between the Department of Health
and Ageing and Centrelink, and that is welcome.

In closing, I would like to spend the last minute I have on the pension assets test. That change, as I mentioned, is very welcome. It will exempt all properties on the same title as the primary residence where there has been a 20-year attachment, where it would unreasonable for that to be treated differently and where the land is used for domestic purposes. I note that Senator Evans in the other House moved that the sale of pensioners’ homes be exempt from the assets test for two years. Due to the exemption pensioners building new homes, particularly in boom states like Western Australia, would not be disadvantaged in the sale of their homes by the delays caused in construction. Given that we have a chronic skills shortage in this country, a skills shortage that has been created by the Howard government, that is something that is well and truly worth while and is worth the government considering.

(Time expired)

Mr BROADBENT (McMillan) (11.24 am)—The member for Shortland’s speech was interesting and informative. She has drawn to the attention of the House that this legislation, the Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006, is very generous. As outlined by the member for Shortland, the skills shortage that has been such a problem, particularly in Western Australia, is the result of the strong economy that has been built day by day, week by week, month by month by the Howard government, including the ministers who are supporting the Prime Minister.

I rise today to support this bill, which gives effect to several measures announced as part of the 2006-07 budgetary decisions. The Howard government believes that older Australians and carers should share in the prosperity they have helped to create. In the last budget, delivered in May of this year, the government provided $586 million in additional funding support for older Australians. In that budget the government also committed to allow more rural residents to access the age or service pension, at a cost of $173 million. We saw the fruits of the first part of that budgetary promise come to pass on 1 July of this year, when two government initiatives were released, one being the one-off payment of $102.80 to older Australians and the second being the one-off payment of $1,000 to carers on a carers payment and the $600 one-off payment to carers on carer allowance.

This bill sets out the second half of this year’s budgetary promises by enacting the government’s initiatives for older rural Australians. Prior to this year’s budget, some people in rural areas of Australia could not access the pension due to the value of the land surrounding their family home. Through this bill, the government is seeking to change this situation by introducing concessional assets test treatment for older Australians who reside in rural and rural residential areas. This test will assist age pensioners, age pension carer payment recipients and age and qualifying Department of Veterans’ Affairs service pensioners who live on farms and rural residential blocks of more than two hectares.

The concessional assets test treatment reflects the view of the Howard government that older Australians on farms and rural residential areas should not be forced to move from their principal home, where they have lived for a long time, to gain an adequate retirement income—that is, they should not have to move from their family home in order to access the pension opportunities that are offered to other Australians. The concessional assets test treatment will,
in certain circumstances, increase the maximum amount of land that can be exempt from the assets test from two hectares to encompass all the land on the same title as the person’s principal home. This test and its concession have been embraced by older Australians in my electorate of McMillan in Gippsland in Victoria.

The McMillan electorate covers 8,300 square kilometres, from the Great Dividing Range in the north to Wilson’s Promontory in the south and from the eastern outskirts of Melbourne at Pakenham to the edge of the Latrobe Valley in the east. In my electorate, 15.4 per cent of the population is in the 65 years and over age bracket—higher than the average for Victorian rural electorates. One of my constituents, Mr Sonneman of Lillico, has been in contact with my office over this issue—that is, curtilage. Mr Sonneman had several questions in relation to the amalgamation of titles in order to maximise his advantage from the concession. I take this opportunity to thank the Minister for Families, Community Services and Indigenous Affairs and his department for their very helpful fact sheet and question and answer sheets, which have helped explain fully the concessions to Mr Sonneman.

In his second reading speech, the minister explained that to access the fairer assets test the person must show that land with commercial potential is being used productively to generate an income. The minister said that the government recognised that some pensioners will have the potential to make an income while others will have lease arrangements in place or have the younger generation working their properties. Other properties, such as many rural residential properties, will have very limited capacity to generate income. This bill recognises that fact. Clearly, this will increase pension payments or allow pensions to be paid to these rural people for the first time, improving their living standards while allowing them to stay in their long-term family home. Most meaningfully, perhaps, it will help retired farmers who are no longer able to work their properties to stay on the land while encouraging the land to be worked to its full potential by those who are capable of doing that work. The government has taken seriously community concerns over whether older Australians in rural and city areas were treated equally when city dwellers had recently experienced substantial increases in the value of their home properties and yet were not being asset tested.

I would like to recognise the work of my parliamentary colleagues the member for Forde, Kay Elson, and the member for Gilmore, Joanna Gash. I am probably leaving others out, but they are two important members. I recognise them for raising this issue, for their never-say-die attitude and for passionately and persistently knocking on this door until it fell down. Both these women are energetic, hard-hitting members of the House and this bill as presented today is a result of the very hard work that they put in. Many people will benefit from their work over many years to come. Even though the member for Forde is retiring, her legacy will live on in this bill. The concessional assets treatment test is a demonstration of the government’s appreciation and acknowledgment of the contribution older Australians and carers have made and continue to make in our society.

Other vitally important measures that this bill establishes include provision for a new one-off payment to support people who have been subjected to domestic or family violence and who choose to stay in their house. The support is in the form of a crisis payment, which is currently around $230 dollars and is payable up to four times in any 12-month period. Sadly, according to the Australian Government Office for Women, do-
Domestic violence can be exhibited in many forms, including physical violence, sexual abuse, emotional abuse, intimidation, economic deprivation or threats of violence. Domestic violence occurs in all geographic areas of Australia and in all socioeconomic and cultural groupings, although domestic violence is a more significant problem for certain groups, such as regional and rural Australia and some Indigenous communities.

As incidences of domestic violence often go unreported, it is difficult to measure the true extent of the problem. According to a study conducted in 1998 by the Australian Institute of Criminology, called Reporting crime to the police, most assaults against women where the victim knows the offender go unreported. The work of community based organisations such as the Gippsland Family Violence Prevention Network facilitates information gathering on this issue across the whole of Gippsland. They work with groups such as CASA. They work with people who have what were described to me today as ‘unhealthy relationships’—that is what they call them. They have a very proactive program, which begins next year, where they are proposing to go into schools to do in-service work with teachers who are untrained at this time for the problems that they face in the classroom.

It was drawn to my attention today that we have not only the stereotype difficulties in family relationships but also boyfriend-girlfriend difficulties involving domestic violence. You would immediately ask: why doesn’t one or the other person in an abusive boyfriend-girlfriend relationship—at a young age, perhaps—get out? Why isn’t one of them walking away? I think that everyone in this House would agree that, if a young person finds themselves in a violent relationship, that is no place for them to be and there is only one way to go: you seek help and you get out as quickly as possible.

If anything comes from my address today, it should be this short call: anybody who is in a violent relationship—any young person who is suffering intimidation or a threatening experience in a boyfriend-girlfriend relationship—should take the safe road home. Go and get help. Go to the web that our young people are so effective at using, like we did today when we googled the Gippsland Women’s Health Service. That is just in Gippsland. I am concerned for those young people who are experiencing violence in a relationship. In my experience with those who have had difficulty in this area, it does not change unless you get help. I respectfully suggest to all of those people that they get help today and get out of the relationship as quickly as possible. These organisations operate not only in my electorate but also in Peter McGauran’s electorate, the electorate of Gippsland, reaching all the way down to the Bass Coast Shire Council, which covers the Bass Coast area, including Phillip Island.

The 2005 Australian Bureau of Statistics Personal Safety Survey estimates that 36 per cent of women who experienced physical assault by a male perpetrator reported it to the police in 2005 compared to 19 per cent in 1996, and 19 per cent of women who experienced sexual assault reported it to the police in 2005 compared to 15 per cent in 1996. Whilst the data is patchy, research suggests that domestic violence is a significant problem in remote and regional Australia.

A Bureau of Transport and Regional Economics publication for 2006, About Australia’s Regions, reported that domestic violence rates were highest in very remote Australia, followed by remote and outer regional localities. By contrast, major cities had the lowest rates of domestic violence. The New South Wales Bureau of Crime Statistics and Research records rates of apprehended violence orders by region. When broken down into statistical divisions, a striking regional dis-
crepancy becomes apparent. Every one of the non-metropolitan statistical divisions in New South Wales registered apprehended violence order rates well in excess of the state average. By comparison, every one of the metropolitan divisions, barring inner Sydney, had apprehended violence order rates considerably lower than the state average.

To this end, a crisis payment is already available to people experiencing hardship in certain personal crisis situations such as if they have to leave home and start afresh because of domestic violence. However, some people who have been subjected to domestic or family violence find it more viable to remain in their own homes, particularly when they are striving to maintain stability for children. Even so, there are often costs associated with such a crisis situation, especially in securing the home and other related expenses. Making crisis payments available will give valuable support to people to make these practical arrangements at these challenging times in their lives.

The Howard government continues to be proactive in the areas where people have been found to fall through the cracks. We need vigilant members, like the members for Forde and Gilmore, who continue to be ever mindful in their daily work of their constituents and the wellbeing of this great nation. After all, do not these women show that this vigilance is the first and most important responsibility for an elected member? I have praised the work of those two members of parliament. It is not usual to recognise the consistent work done by backbenchers of this parliament in drawing the attention of ministers and the executive to issues that are of crucial importance to them.

We take on and look at payments through Centrelink and Veterans’ Affairs across our community where people have fallen through the cracks. We look at the drought situation that is now facing the nation, all the way from the west through to Victoria. That is going to put added pressure on families and households, particularly in rural and remote Australia. Farmers particularly are struggling, after many years of drought. Others are just having a terrible season whereby their finances are impacted. Yesterday you heard the Prime Minister saying that the Howard government will do everything it can to address the issue of the drought across this nation. But when we talk about family violence we have to realise that those families under pressure are going to need as much help as they can possibly get.

I think the member for Rankin, who is about to speak, would agree that when families are under pressure quite often the smallest things, which are of no account in normal times and good times, become major issues. That is why these organisations right across Australia are there to help. The problem I see is getting people who have never sought help in the whole of their lives to take the one step of picking up the phone and asking for support, whether it be family counselling or rural counsellors for farmers—which I have in Gippsland and which we have right across the nation. You cannot sit back in your home and do nothing when you are struggling to that extent. We want you to reach out to the services that are available through the federal and state governments—even if you only get somebody to make the call to Centrelink on your behalf so that you get the opportunity to talk to a counsellor or even a referral service. The plea goes out now that if you are suffering pick up the phone and make that call. Do not take it all on yourself when there is help out there, being offered at a federal, state or local government level, that can be delivered in one way or another.

It would be a great opportunity for me now, if I so chose, to bash the state governments of Australia for their failure to invest
in infrastructure, particularly water, in the capital cities. I think now we all have a joint responsibility—Liberal, Labor, Democrat, Independent, everybody—to take a look at what this nation can do at a local level, even a personal level, to save water. In my maiden speech, way back all those years ago, in 1990, I talked about recycling water and what we were doing at the Pakenham sewage authority. I have recently been condemned for even talking about the Pakenham sewage authority in my maiden speech because it was a trivial matter. It is not a trivial matter anymore. It was one of the first organisations to use money from the local community to invest in water recycling. In those days, all the water boards were only tiny and run by local councils, and I was part of the local government. Whether it be domestic violence, water saving or other national challenges that we have, we need to come together as a nation and face up to the issues of the day.

Dr EMERSON (Rankin) (11.44 am)—
Today I will concentrate my remarks on the Families, Community Services and Indigenous Affairs and Other Legislation (2006 Budget and Other Measures) Bill 2006 on schedule 3, which relates to the crisis payment. I take this opportunity to congratulate the government on expanding the eligibility for the crisis payment. By way of explanation, the legislation before us extends the eligibility for the crisis payment to victims of domestic violence who are on income support, are in severe financial hardship and remain in their own home after the perpetrator of the violence has left that home or has been removed. The crisis payment is an amount of around $230 and it can be paid up to four times in any 12-month period in extreme circumstances.

At present, the crisis payment is available only to victims of domestic violence in severe financial hardship who are forced to leave their own home and establish a new home. This legislation extends eligibility to victims of domestic violence who choose to stay in their own home after the perpetrator of the violence has left or has been removed. It recognises that domestic violence can trigger a financial crisis for people on low incomes, even when the victim does not leave his or her own home. This is clearly a good measure and one that is warmly welcomed by me, as the member for Rankin, and other members of the opposition—proving yet again that, where the government produces good and worthy legislation, Labor will support it.

This debate gives me the opportunity to ask what is going on in our communities, particularly in our disadvantaged communities. There is so much domestic violence, sexual violence and child abuse and there are so many families in crisis—not only in disadvantaged communities, but there is a concentration of these problems in disadvantaged communities. After more than a decade—in fact, 15 years—of continuous economic growth and unprecedented prosperity, we should as parliamentarians ask what is going on in our communities. Why is it that so many people are being made more vulnerable? Unemployment has fallen to its lowest levels in 30 years and there has been substantial growth in average income levels; yet a worryingly large proportion of people are missing out.

In preparation for this legislation, I took the opportunity to contact, with my office, a number of the voluntary organisations that operate in Logan City. My electorate of Rankin covers a very substantial part of Logan City. A significant part of the area of Logan City that is covered by the boundaries of Rankin is very disadvantaged, while other parts are much more affluent. I can report to the parliament that, as a result of those inquiries, St Vincent de Paul has advised us of
a definite increase in requests, and it has identified those aged more than 60 years as coming in for assistance—and this is an unusual development.

Loaves and Fishes, another charitable organisation, has reported almost a 100 per cent increase in requests in recent times. Interestingly, like some of the others that I will report, Loaves and Fishes is saying that it is not necessarily the battlers but others, who perhaps you would think would be doing okay, who are coming to it for assistance. The organisation is now finding that it has coming to it grandparents who have grandchildren to care for because something very bad has happened in those families and the children are now in the care of the grandparents rather than the parents. It is those grandparents who are now going to Loaves and Fishes looking for crisis assistance.

The Crestmead Community Centre has reported a major increase—almost 100 per cent—in requests for crisis assistance. The Logan East community centre—located on the other side of the Pacific Highway, in the somewhat more affluent part of the electorate—has also reported a definite increase. It is saying that it is mainly younger people coming to the centre and that they are requesting assistance for just about everything. The Gospel Lighthouse is a food bank that has recently opened. A big demand is being reported there. The Tribe of Judah has reported big increases—from around 50 requests per day to a staggering 200 to 300 requests per day. There are $20 food parcels given away. The Tribe of Judah has reported that it is mostly younger families requesting assistance. St Mark’s Anglican Church has reported a big increase in young families requesting assistance but also reported that there has been no real increase in relation to pensioners. Mission Australia has reported a big increase in demand across the board in all age groups. Boystown has reported a big increase in requests, mostly from young people and especially from single mothers.

An astonishing conclusion from our survey is that, despite Australia’s rising affluence, more and more families are finding themselves in crisis. We need to understand what is going on in our communities. One of the contributors—and there are many of them—to the increased incidence of people in crisis in my electorate is a very large increase in rents in Logan City. I also note that the increases in rent in south-east Queensland overall are amongst the biggest increases anywhere in Australia. This is a result of, frankly, the mismanagement of the housing industry by the Howard government. It knew that its policies in relation to taxation and other measures would lead to a housing boom. That boom occurred but now seems to be over, other than perhaps in Western Australia and the Northern Territory. The most recent figures show that the boom is tapering off somewhat in Western Australia and the Northern Territory and has subsided in the other states, but rents have gone through the roof.

I will give an indication of the rents in Logan City. In 2004, houses in the suburb of Woodridge, in which I live, rented for about $175 a week; in 2006 they rent for at least $230 a week. Apartments in Woodridge in 2004 rented for about $120 a week, and now they rent for about $170 a week. For people on low incomes, rent assistance is available, but it nowhere near covers the full cost of rent. I am not arguing that it necessarily should, but rent assistance has not kept up with the soaring rents in some of the most disadvantaged parts of Queensland. As a result of that, if families are confronted with a $50 per week hole in their budget—in the case of people renting units, and there is a similar rent increase in relation to houses—you certainly can understand why the problem of the rental crisis in south-east Queen-
sland and other parts of Queensland is contributing to the overall increase in demand for emergency relief and crisis relief.

It is those sorts of increases in rent that have prompted me to argue for some support for families who are so vulnerable and perhaps, in a small minority of cases, understandably have got behind in their rental payments in the past. The problem for families on low incomes, in particular, who get behind in their rent payments is that they are then registered on a database called TICA. That database is then made available to landlords right around Australia, and recorded on it, without the full knowledge of the renter, is a history. If that history involves significant defaults on rent payments, then the family will have enormous difficulty in getting rental accommodation in the future. These databases are a fact of life. They are not against the law, although Queensland is leading the nation in developing safeguards that will ensure that the databases are not abused and that hopefully there will be some access for renters so that they can know exactly what is being registered on those databases.

Once you are on the database, life becomes quite difficult, and that is why I have suggested that, for those vulnerable families, rent assistance might be paid direct from Centrelink to the landlord. I accept that this is controversial. I accept that there has been quite a bit of criticism of my proposal—people suggesting that I am hard-hearted. It is quite the opposite. I would like to see these vulnerable families getting back into the rental market, because what is the alternative if they cannot? The alternative is that they move in with family, if possible, or friends, into very overcrowded housing accommodation, which is often a recipe for great anxiety, stress and perhaps even domestic violence. Even if there is not domestic violence, young people who are trying to do well at school have no space at all in overcrowded accommodation to be able to study and do their homework for school. That is a really appalling situation and we can understand why there is this intergenerational dependency on welfare if people cannot get decent rental accommodation.

But I am not suggesting for a moment that the making of payments of rent assistance direct to landlords from Centrelink is some sort of overall solution. It would need to be considered only as part of a solution to ease the rental accommodation crisis in Australia. This government has no philosophical commitment to public housing. It seems to believe that everything can be done through the private sector, but the figures that I have cited demonstrate that that is not the case and that there is an argument for innovative financing methods for public housing in Australia to deal with the housing affordability crisis. My proposal would be only one part of that.

It is true that under current arrangements with Centrelink voluntary arrangements can be entered into, under the banner of Centrepay. Through Centrepay, if the Centrelink client agrees to it, Centrelink makes payments direct to service providers, whether they be electricity payments, telephone payments, rates or whatever. That can be done voluntarily. That is a good scheme, but in some circumstances maybe it does make sense to make those rent assistance payments direct to the landlord. But there is absolutely no doubt that rent assistance itself has failed to keep up with the very big increases in rents in Logan City and other parts of Queensland and indeed Australia.

The sorts of figures that I have cited in terms of the huge increases in demand for crisis accommodation and crisis financial assistance tell us that there are huge problems in disadvantaged areas in particular. I was honoured to be asked to participate in
the launching of Sexual Violence Awareness Month in Logan City. A number of speakers participated in a candle-lighting ceremony, including the member for Woodridge, Desley Scott, and victims themselves. As it was last year, it was a very emotional and moving experience. Each year, they have a rally or a march called ‘Reclaiming the night’. I argued that we should reclaim not only the night but the day, the month and the year, because there is no place for sexual violence and domestic violence in our great country. I believe that we should be shining a light on it. I acknowledge that the government has run an advertising campaign on domestic violence, indicating to victims of domestic violence that they do have rights to be protected from the scourge of domestic violence. It is not acceptable. As a community, we should all share and join in that sentiment and do whatever we possibly can to minimise sexual violence in our communities.

Sexual violence is not the only form of violence or abuse. Child abuse is rampant not only in Queensland but also throughout Australia. Barely a week goes by without the media reporting shocking cases of child abuse in our country. I have been following this as one of the founders of Parliamentarians Against Child Abuse and the latest statistics are that there were 46,000 substantiated cases of child abuse in 2005. That is a massive increase on earlier years. There has been an even larger increase in the number of notifications of child abuse, which is now a quarter of a million a year.

There has been quite a bit of thinking about the notifications and whether the using of state-run systems to handle them is a positive development. It was certainly very confronting to hear from NAPCAN that this great increase in notifications is not by any means all good news. I would have thought that increased notifications meant that more defenceless kids at least have a chance because these allegations of domestic violence against them are at least coming to light, which allows the authorities to deal with it. But in all jurisdictions the authorities simply cannot cope.

There have been more notifications, but it is like advising an overcrowded hospital with rampant infections that there are more problems. When there are infections in the hospital and it cannot cope, we are not necessarily better off. Anything that we as parliamentarians can do to raise awareness of issues such as sexual violence and child abuse can only be for the common good. These matters must always transcend political debate and rivalries. Every parliamentarian, of whatever political persuasion, should do everything that they possibly can to help and defend the defenceless: children who otherwise have no rights and who are bashed in their own homes, sexually abused or neglected.

We know some of the consequences of this abuse. In the order of 70 per cent of women prisoners were abused in one way or another by the age of 16. We can see the consequences of abuse and, tragically, it tends to become a cycle of abuse. The abused know no other way of reacting under stress in their own families than the way that they experienced it—that is, through abuse. You tend to get a perpetuation of abuse by the victims of abuse and this is a great tragedy for our country. We say we are a very wealthy country—and, we assert, a very fair and egalitarian society—but the reality is that the authorities and voluntary organisations advise us that, in this period of unprecedented prosperity, there is unprecedented sadness, tragedy and crisis in families. We all have a responsibility to deal with it.

This government, in a very small but highly commendable way, is playing a part. But surely with the wealth and prosperity that we have—and hopefully with the good
will of all sides of parliament—we can do far better. We must work together—not against the states, but with them—to develop early childhood development programs, early intervention programs and even prenatal programs to support families who are vulnerable. A lot is now known about the factors that contribute to vulnerability. We can identify these early; there is an enormous amount of literature on this. Let us as parliamentarians do everything we possibly can to make sure our society is far more just, tolerant and compassionate.

Mrs HULL (Riverina) (12.04 pm)—Today is one of those days when as a member you have the opportunity to be part of the changing of the circumstances in people’s lives and you certainly welcome it. Today I welcome the opportunity to rise to speak on the Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006. In particular, I want to mention the life-changing piece of legislation that is coming into the House today on behalf of the Minister for Families, Community Services and Indigenous Affairs, Mal Brough.

This legislation provides for the inclusion of the land adjacent to a dwelling house in a principal home. This will see effect given to something that has been of long concern to many members in this House. I pay tribute to some of my colleagues—particularly Kay Elson—who, along with me, have continually raised the issue of curtilage and the difficulty that it has imposed on people in her electorate. It is the backbenchers in this House that are certainly at times instrumental in bringing about change. Kay Elson has been a champion for this cause and I want to recognise that today. I also want to thank Minister Brough for having heard us on this issue and for trying to resolve it.

The inclusion of land adjacent to a dwelling house in a principal home is nowhere more relevant than in my electorate of Riverina. This measure, which will be introduced in January next year, is intended to assist our aged pensioners, carer payment recipients of age pension age and qualifying service pensioners living on farms and rural residential blocks of more than two hectares who have been excluded or received a reduced pension because of the assessable asset value of the land adjacent to their home. Subject to our criteria, this measure will increase the maximum amount of land that is exempt from the assets test from two hectares to encompass all of the land on one title that the person’s principal home sits on.

The current situation where we have a two-hectare exclusion zone for the principal residence has resulted in a particular circumstance for an elderly couple that I would like to raise in the House today to illustrate the very good reason why this legislation will be life changing for so many people. I have a constituent, an elderly man of 83 years, who was born in the house he resides in now. He has been married to his wife for some 60 years. My constituent has leukaemia and is a very ill man. He and his wife have no assets and no income. Recently we had a set of valuations from the Valuer-General. Their house sits on about 367 acres, all under the one title. It is close to a local tip facility and it has electricity easements all the way through it. The farm has been able to provide a menial income for all of these years. Now, sadly, due to the age of my constituents, they are unable to farm that piece of land. They met all the criteria for a pension then all of a sudden the Valuer-General came in and valued that piece of land. Their assets were too high because of the two-hectare exclusion zone rule and their pension was reduced so substantially that they are unable to afford to live.
I found that a very difficult situation. And this is not an isolated case; it does happen, particularly in the current climate conditions in my electorate of Riverina with the significant drought that encompasses all my electorate, including the irrigation areas. I found the sight of two very elderly people sitting clutching each other and sobbing in my office a very difficult thing to deal with. It was so gratifying to know that if we can get many of these people through to the introduction of this in January next year then, finally, after all these years, we will be able to resolve this issue.

For people who have an attachment to the land in excess of 20 years, who are no longer able to farm that piece of land to raise an income from it and who are able to satisfy all the pension eligibility tests, if their house sits on the same title, the area of land that the house sits on will be excluded from the assets. This has not come soon enough for me. I am particularly happy and relieved that the minister is introducing this piece of legislation to remedy a situation that has severely impacted on these people. The value of this piece of land, as valued by the Valuer-General, increased to above $470,000. That certainly meant a significant downsizing of the pension for this elderly couple.

This investment of more than $173 million will improve the treatment of rural land under the social security and veterans’ affairs pension assets test. It will mean a fairer assets test for people who have had their home and adjacent land held on the same title document, provided they have a long-term attachment of 20 years or more to their home. The government does not believe that older Australians should be forced to move from a home in which they have lived for many years to ensure an adequate income in retirement. I express my heartfelt thanks to the minister for this piece of legislation because it has been an anomaly of great concern to me for a long time.

These couples are no longer able to work their farm due to their age, so it is important to make sure that in the guidelines we put in place for land that is used for domestic purposes and has the same title as the family home all things are taken into consideration. The person or persons must show that it is not reasonable for them to take alternative action that will enable them to use the land to support themselves.

It is quite unfair that such a couple would be penalised under current provisions. In this current drought crisis that engulfs and swamps my entire electorate it would be unfair to see them being disadvantaged because they are unable to utilise their farming property because they cannot get a share farmer or afford to employ someone to work for them. Who would want to share farm under the current conditions we are experiencing in the Riverina? Yet this couple and many other couples are being impacted upon enormously. It is a very clear example of why the members and the backbenchers in this government have fought so hard to have this issue addressed. Again, I cannot help but thank those backbenchers who have stood up and been counted on this issue.

To access the fairer assets test the people who are living in these conditions must show that the land with commercial potential is being used productively to generate an income. The government recognises that some pensioners will have the potential to make an income for themselves while others will have lease arrangements in place or have the younger generation working on their properties. Other properties, such as many rural residential properties, will have very little capacity to generate an income. This is why this bill is so welcome—because it recognises all of these facts.
The measure will enable some rural aged pensioners, carer payment recipients of age pension age and qualifying service pensioners to have all of the land adjacent to the family home that is held on the same title document excluded from the assets test. This will increase pension payments or allow pensions to be paid to these rural people for the first time, and that will improve their living standards while allowing them to stay in their long-term family home. Most meaningfully, it will help retired farmers who are no longer able to work their properties to stay on the land while encouraging the land to be worked to its potential by those who are capable.

The government has taken seriously community concerns over whether older Australians in rural and city areas were treated equally. When city dwellers recently experienced substantial increases in the value of their home properties, they still were not being asset tested, whereas if you were on a rural property and it had been your home for a long period of time you were asset tested for all but a two-hectare zone.

The whole area of land adjacent to the dwelling house on one title document, regardless of its size or dollar value, can be excluded from the assets test provided the other criteria have been met. So anyone who meets the criteria to be eligible for an age pension will have the benefit of this piece of legislation being enacted in January. To be eligible, our pensioners must qualify for the age pension, carer payment or service pension and the pension or supplement must be payable to them. A pensioner receiving DSP may also choose to move over and receive an age pension instead of a disability support pension to take advantage of this concession, which is another very welcome piece of the legislation.

A number of factors, including the commercial potential of the land and personal circumstances such as health and the family situation, will be taken into consideration when determining whether a pensioner is making effective use of the land. Pensioners will be encouraged to make effective use of productive land to generate an income, and the capacity to use the land or arrange for someone else to use the land to generate an income will be taken into consideration when determining whether the pensioner is making effective use of the land. Any income passed to the pensioner from the commercial use of the land will be assessed—as it should be—under the normal income test in the usual way. But, if they are not receiving any income, are enabling productive land to be used but are not receiving benefits from that productive land, and they meet the pensions test, they will certainly be able to continue to live in their family home.

A local solicitor, Mr Bill Thompson, recently brought to me some concerns he had with the assets test. He wrote to all the members of the House of Representatives, including the minister. His issues were that everyday farmers, including small horticulturalists—especially those around the Griffith and Leeton areas—would not qualify because their land was not primarily used for domestic purposes. He was also concerned that these new guidelines allow farmers who have just a living area and who have family members operating the farm an opportunity to qualify for the pension. He mentioned a very significant issue facing rural Australia, with the significant number of smaller viable farms having to be sold in the past 20 years so that parents could retire, which has resulted in a number of young farmers having to change careers and leave our smaller communities.

If a pensioner has retired and a close family member is working the land to its poten-
tial, it is considered to be an effective use of the land. Any income going to a close family member will not be assessed as being received by the pensioner—which will be, I am sure, welcomed by those people who were concerned about this. The close family member is defined as the partner of the relevant person. It could also include a child or a family member of the person. The decision maker may also determine that a person be treated as if they were a close family member. This may cover situations involving stepchildren or foster children.

Times are really tough in rural Australia—never more so than in the Riverina with our ongoing drought conditions—and the number of young farmers choosing to take up other career options rather than staying on the land is unfortunately increasing. These measures for pension asset testing will alleviate some of the pressures in making these decisions.

As I said, it is one of those times when, as a member and as a backbencher, you get an opportunity to stand up and applaud improvements to legislation that has been in place for so very long. This new legislation has the precise intention of ensuring that those people with a long-term attachment—20 years or more—to a family farm or a family home on the same title as the farm will no longer be precluded from receiving the age care pension if their land is valued above asset. That has been a longstanding anomaly that, thankfully, has been picked up and accepted by this government.

The legislation will come into play from January 2007—in my view it cannot come soon enough—and I again thank the minister, Mal Brough, and his staff, in particular his chief of staff, David Moore, for taking time on this. I seem always to be paying tribute to David Moore because he has been of great assistance to the Riverina on so many occasions—whether it has been through taxation on irrigation, managed investment schemes and mass marketed schemes or other matters. It is always a pleasure to deal with his office, because they take the time to talk to backbenchers. They take the time to test. They take the time to focus-test their legislation, ensuring that all bases have been covered and that the intentions of the backbenchers working in these areas on a day-to-day basis as members for rural electorates have been recognised and delivered.

In my view, it will not please everybody—there are always those who want to find a certain loophole or a clause somewhere that has not been addressed. But the 20-year attachment will ensure that farmers and elderly people in my electorate are able to stay in their farm houses. As I mentioned, in one case an 83-year-old man, who is riddled with cancer and whose lovely wife is trying to care for him, is having to consider selling the home in which he was born and then having to worry about their pension being removed from them because the Valuer-General came in and valued their property. That will no longer happen after January next year when the criteria are met. Again, thank you to the minister and his office for the courtesy and the assistance they provided to ensure that we as federal members and representatives of these communities have been heard and certainly have been part of the delivery of this very good initiative.

Mr Griffin (Bruce) (12.23 pm)—I rise today to speak very briefly, I must say, on the Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006. I will start by noting the contribution of the member for Riverina, a person I have quite a deal of respect for. But she is always, you would have to say, a great booster for the Howard government. I lis-
tened to a contribution she made earlier today when she again was congratulating another minister for the great work that she maintains they have been doing. Maybe if I was in her situation I would be doing the same thing. There is certainly a consistency about aspects of her contribution which I am sure has been noted by elements of the frontbench.

Mr Katter—She’s one of the few ones here that has had the guts to cross the floor!

Mr Griffin—That is true, as the member for Kennedy says. In that respect I fully understand what he means, but I guess maybe the flip side of that is that she is so keen on some of those who sit opposite. The legislation before the House is an omnibus bill which makes a number of changes to legislation within the social security portfolio. There are changes to the age pension and veterans entitlements assets test which will allow people of pension age who live on certain kinds of farms and rural residential properties to exempt the value of land on the same title as their primary residence from the pension assets test. Currently only the primary residence and an area of up to two hectares around it is exempt. This will give approximately 10,000 people of age pension age more access to age pension payments. There are changes to family assistance, social security administration and student assistance legislation to provide search and seizure powers for authorised officers to investigate and prosecute offences in relation to programs administered under these acts. There are also changes to existing provisions relating to crisis payments to establish a new ground upon which crisis payment can be received. And there is a series of miscellaneous changes to aged care and child support legislation to allow for information exchange between social security agencies to improve compliance.

In particular from Labor’s point of view I support the budget measures contained in the bill which will make changes to the assets test for people of pension age living in rural and regional areas and implement changes to crisis payment provisions. We do have some concerns, which the member for Sydney mentioned earlier today, with respect to some of these seizure powers, but I understand they will be looked at at the Senate committee level and I look forward to hearing the results of that consideration. We also support the proposals to improve information exchange between the agencies as long as appropriate checks and balances are in place.

As the shadow minister for veterans’ affairs I want to speak today specifically and briefly on the aspects of the bill that relate to the veterans community. I personally welcome some of the initiatives contained within this bill and recognise that they are positive steps. While these amendments will not affect a large number of veterans, those that the changes do apply to will readily welcome them. Labor believes in a veterans’ income system that is secure, stable, simple and fair. In particular, we remain strongly committed to the service pension system, which guarantees a decent income to qualifying veterans. We recognise that there are problems in the existing system, in particular under the existing assets test, which disadvantage veterans in receipt of the service pension or potential pension recipients who are living on the land.

Under the existing assets test, some veterans living on farms or large rural residential blocks find they are unable to support themselves because the value of the property their home is on excludes them from the pension. Some of these veterans are forced to sell their land and their family homes. Labor believes that veterans should not have to sell their family homes—where they have spent the best part of their lives—in order to sup-
port themselves. Accordingly, we support the government’s changes to the assets test which will exempt all property on the same title as the primary residence from the assets test where there is a long-term attachment to that land and where it would be unreasonable to realise the value of the land by selling or leasing it.

Recently at the RSL national congress in Perth this issue was raised with my office by a veterans advocate. They outlined the problems that one of their veterans back in South Australia was having with obtaining the service pension due to their farm. The farm and property were too big to meet any of the assets tests, yet they were too small to provide any form of income. This particular veteran was facing an extremely hard decision about whether or not they would have to sell their house that they had been in for decades. It is for these reasons that I welcome these changes. I can think of nothing worse than the government expecting people who have served this country overseas in conflict to have to sell their homes to support themselves.

We believe these measures are reasonable. However, we also believe there is more that the government could be doing to address disadvantages faced by veterans who are attempting to access the service pension as an entitlement. I have some concerns about the time it takes for the Department of Veterans’ Affairs to resolve different claims and about some of the methods used in investigating these claims. I do know that the claims process can be extraordinarily complex. I know that the department is always working hard to make the claims process easier, and I fully support their efforts in doing this.

The bill also proposes a series of changes to enhance information sharing between agencies in order to improve compliance with social security law. With respect to these changes, I would just like to note that Centrelink is currently not required to inform people when their carer payment is about to be cut off. We believe that it should be required to do so. The health of many veterans is often maintained to a substantial degree by their partners in their role as carers. There are 2.5 million carers in Australia who look after family members or friends with a disability, mental illness or chronic condition or who are frail aged. Carers make a great contribution to our society, by caring for their loved ones who may otherwise be taken out of the community, and to the economy more broadly. It is estimated that carers save the Australian economy approximately $20 billion annually by providing unpaid work.

Carers clearly contribute a great deal to the wellbeing of our veterans and to those in the broader community who may require assistance in their daily lives. They deserve our thanks and a heavy dose of respect. One way we can give this here is by improving communication mechanisms between relevant agencies and carers. Carers lead a very full and stressful life, and the last thing they should be expected to do is struggle with a large bureaucracy that has failed to communicate with them adequately with regard to their payments.

Labor support most of the measures contained in the bill as they relate to veterans. We support making the service pension assets test fairer for veterans living on farms and large rural residential properties. We do call for greater communication between Centrelink and carers with regard to changes in their payments. We also note that much more can be done to make it easier for qualifying veterans to access their service pension. As I said, the opposition support the main aspects of the bill and we wait to see what results from the Senate committee process. I wish
the legislation a speedy movement to the other place.

Mr KATTER (Kennedy) (12.29 pm)—I am very perturbed that when I first went into parliament some 32 years ago the only way that you could enter the house of a person was, really, by getting a piece of paper off a judge or at the very least a magistrate and now every pettifogging official known to man has the right with impunity to walk into your house. Inside the joint party room in Brisbane for some 20 years battle after battle was fought over this, and I can say with great pride that in 1989, when we left office, there were hardly any circumstances under which a person could enter your home without getting the authority of a judge or at the very least a magistrate. So I am very perturbed about that aspect of the Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006.

Really it behoves the government and its members to make a stand on this. Having been a minister for the best part of a decade, and a very senior minister at that, I might add, I do not hesitate to say that, with the way the system works, you get the public servant who wants to make life easy for himself so he thinks he can just walk in anytime. I have to say that the power that these public servants exercise has gone to their heads. They get a real buzz out of this sort of thing.

We had a case in Mareeba where a very lovely young couple were at the rodeo with the person who is now the magistrate for that area. They were migrants to Australia. She was a very pretty girl and they had a lovely child, and David was looking after the child all day at the rodeo and having a tonne of fun. They were great citizens; they built this beautiful zoo for North Queensland, with lions and tigers. It was a very much needed adjunct to the tourist package we were able to offer in Far North Queensland for the people coming to Cairns in that region. And one morning at 6 o’clock the Nazis came in. That is what I would describe them as: Nazis. They kicked the door open, quite literally. She was feeding this little less-than-one-year-old baby at her breast, and she was in her pyjamas. She was terrified, and she ran into a corner and started screaming. She said, ‘Could I go to the toilet?’ and they said, ‘No, you will stay right there.’

This actually happened. It did not get anywhere near the amount of publicity that it should have got, and I have endeavoured to secure the names of the people and the officers in charge because they will go on a certain list that I keep, and they will cross my gun sights somewhere down the track. They proceeded, then—these same dreadful people—to bankrupt them and close down this magnificent accoutrement. What it was all over was that for two years the person had asked for the details of fencing, and since after two years he could no get it—he had already purchased the animals—he proceeded to build the fencing in accordance with the game regulations that existed in South Africa, where all the big game reserves were. It was because he had done it without their express permission. It was not a matter of permits; he had the permits. They were the circumstances of the case.

I use this case to illustrate. This is Australia in 2000; this is not Germany in the 1930s. But every pettifogging official has the right to violate. If there is something that we inherited from our English forebears it is that an Englishman’s home is his castle. If there was one great precept outside of the rule of law and habeas corpus, ‘an Englishman’s home is his castle’ would be that third great proposition. We inherit it from the English-speaking race.
The corollary of that, if I was to put it in Australian terms, would be that in Australia in my backyard I am King Billy. In at least one little place on earth, I am the boss. Those members of the House who want to stay in this place—because about a quarter of you will be thrown out over the next six years; the actual statistic, I think, is that something like 20 per cent gets thrown out of this place every six years—richly deserve to be thrown out if they sit there supinely and allow the powers to go to little pettifogging officials to violate the sacredness of that little bit of space in which a person is king. No-one is allowed to be king; in this place we are the kings. The people are never the kings.

But if you want to be popular then the most popular politician in all of democratic history, dating back to the Romans and the Greeks, was in fact ‘the Kingfisher’, Hughie Long of Louisiana. He used to have a song and, whatever public or social function he was at, he would demand that everyone sing his song: Every Man a King. He would put his right fist up and he would say, ‘Every man a king,’ and people loved him. They still speak with reverence, and when there was a famous thing done recently on the television old people had tears in their eyes at the remembrance of Hughie Long, who believed that every man was a king. Well, not in this place. Every little pettifogging official is the king over you, and he can walk into your little domain and treat you like dirt.

The worst rioting that occurred when I was Aboriginal affairs minister was on my third day as minister. One of the great things that we prided ourselves on was that there was no rioting by the time I had finished as minister. But the rioting was precipitated because the government of the day had decided, in their wisdom, to ban alcohol. There is a case on Palm Island which is getting nationwide publicity, where the current state government has banned alcohol. White people can drink but black people are not allowed to in the state of Queensland. We took that legislation off the books in Queensland and then I personally as minister took away the regulations, I am proud to say.

But these little pettifogging officials came in and told the gentleman who later on was the chairman of the council there—he was a very popular figure there—that he could not drink and to hand over all of his grog. This public official, in the presence of his children, went over and smashed the stubby out of his hands, against the wall. The little children ran out crying, and, like every decent Australian would, he flattened the public official. He was put in jail for two years for doing that—in jail for two years for defending himself in his own home and countermanding the humiliation that was put upon him and terrifying for his children. So I am very worried about this aspect of the bill.

Having said that, I am enormously pleased to see the provisions in here for women—let’s face it—who are suffering domestic violence. I was up to my neck in the terrible Kyte case, which came to national prominence in Charters Towers. The insurance company would not pay the money to those poor people. Their house had burnt down and the insurance company agreed to pay $300 for a house that was insured for $14,000. This is going back a long time now. Without going into the details of the case, this was absolutely outrageous. This poor woman with her five kids was out under a tree. Some friends had given her tarpaulins and someone had given her a tiny caravan, but her husband, a reformed alcoholic, went back on the grog and gave her a terrible time. She had no alternative housing. This bill provides alternative housing. If we had been able to provide her with alternative housing, what followed would not have occurred.
Because of the situation, it was decided by the authorities—rightly or wrongly—to put the husband in a mental institution. He escaped from the mental institution and cut her throat from ear to ear. She was discovered by her 15-year-old daughter, and the husband was under the bed with a carving knife in his hand and with blood everywhere. Five little children had no father and no mother. It was a case where I think that, if we had had these sorts of provisions that are being put forward today, the terrible tragedy would not have occurred and those five little children would have had a father and a mother to bring them up.

The most important aspect of the bill from where I sit is the provisions enabling people to access the old age pension. I could give case after case here but I do not want to take up the time of the House all day. I will give two cases. A very generous couple in Innisfail, people very close to me, literally gave all of their properties to their kids. They did it thinking that they could get the pension. They did not get the pension and they had to go back to their children to get money. I am oversimplifying it but that is roughly the case. They had a little bit of money. But the children were in such dire straits in the sugar cane industry that they were not able to help out. They were flat out staying alive themselves. I truly believe that those people actually went hungry during those years because of the pernicious, restrictive provisions that exist and the attitude that governments in Australia have had to the farming community—the brutalisation of country Australia that has taken place.

The second case happened quite recently. One of maybe the most prominent farmers in Australia but most certainly in North Queensland got up in a meeting and said, ‘I’m working harder now’—at 65 or 66 years of age; whatever it is, he is over pension age—‘than when I came to Australia when I was 20.’ He said that one of his boys had just walked off the place because, even though he is one of the biggest farmers in Australia in the category of farming that he is in—he is a very big farmer—he just cannot make enough cash flow thanks to the likes of Woolworths and Coles and the previous government that has allowed them to take 82 per cent of the marketplace. As big as you want to get, you still cannot make a living! One of his boys has had to leave the farm, which was heartbreaking for him.

We pride ourselves on being peasants; we are closely attached to the land. I always find it remarkable that people come into this place and talk about Aboriginal land rights and cry about the Aboriginals’ relationship to the land. I would say that many more whitefellas than original Australians have committed suicide and died in their efforts to try and hold on to their land. Many Aboriginals died fighting for their land, but I think a lot more whitefellas in the years since have suffered the same fate.

Going back to this particular person, he falls short of the requirements in the act and so he cannot get a pension. His wife is now very sick and he is not enjoying good health but he has to stagger on. There is no other way out for these people except to walk off their farm. There is not enough money for him to stay alive, there is not enough money for his son to pay someone to come in and work full time to take his father’s place and there is not enough money to buy his father out. Family after family is caught in this vice throughout Australia.

This place does not seem to understand what is happening throughout Australia. I see the member for Parkes here. With all due respect, it would be a good idea if he understood that agriculture in this country is simply closing down. Our sheep numbers are down 50 per cent; our cattle numbers are
down 26 per cent. The sugar production industry is collapsing completely. At this stage we have only lost about 12 per cent of our production, but it will be catastrophic the way it is going. I cannot speak with authority about the wheat industry but I most certainly can about the dairy industry. Milk production is down 10 per cent and butter and cheese production is down 20 per cent. That is five of the six major agricultural items falling straight through the floor.

I have said on many occasions in this House that there is no excuse for it. We just have to follow Brazil or the United States on the ethanol trail. The National Party wonders why they are spat upon in Queensland, and they are literally spat upon. I would hate to be that senator they have. When he goes out there, they hate him. The reason for that is that we have tried to get ethanol out of the National Party, which held the two key portfolios in the federal government. And what have we got off them? I will tell you what we have got: ethanol production and consumption in Australia has dropped 70 per cent. They have taxed ethanol at 12c a litre and, quite frankly, promoted all of the disadvantages.

Mr Truss as late as last week put out a press statement saying that all mandating will do is introduce ethanol from Brazil, as if you would go from nought to 10 per cent overnight. Of course, every single other country phases it in over a period of time. Doesn’t this man know anything? In the United States they have a four-year phase-in period for five per cent; they are almost at five per cent now. I am sure when they get through that four years they will phase in another five per cent and move to 10 per cent. Their government has already said that they will be replacing 75 per cent of their oil imports with, inter alia, ethanol. And they unashamedly say that that is to help rural communities in the United States. A major factor is to protect their source of oil, of course, and to provide an alternative. That is their major reason for going down this pathway. But they do not hesitate to say, ‘This is to provide jobs for our people in rural United States.’ Brazil, quite unashamedly, went down that pathway and technologically is now miles ahead of Australia. We have to go over there for almost all of our agricultural technology.

I will tell you what has happened in the sugar industry in particular. Every time I go to Innisfail there are another five or 10 farms that have just sold out. People in this place seem to think that if you go broke with sugar you will go into something else. That is not what is happening. This land is being sold to lifestylers. You can buy 100 acres in paradise, with jungles, waterfalls and everything—it is magic country. So they just buy the land. Personally, I must admit that I thought we could let it go back to being a pristine wilderness. I listened to a talk by the head of the Wet Tropics Management Authority, a retired general, General Grey. He said that the strongest argument that we have for preserving our agriculturists is what has happened in Mareeba, where the deregulation by the Keating government of the tobacco industry, and the subsequent inaction by the current government, led to the complete collapse and close-down of that industry. That is now taking place in Victoria as well.

What happened in Mareeba is most relevant to this bill. The old people simply walked off their land. They could not make a living out of it. They could not sell it at any reasonable price to meet their debts. The land has been bought up by lifestylers and sits fallow. It has not gone back to a pristine wilderness—it grows weeds. I would not have believed what General Grey said except that I recently inspected a property outside of Babinda—a young man wanted to buy it. It
had been 200 acres under sugar cane. I walked over six acres, and the entire six acres was completely covered by Singapore daisy and by the giant sensitive weed. Both of them are dreadful scourges of the land in Far North Queensland and are declared noxious weeds. The young man told me it was all covered—the whole 200 acres. So there will not be any pristine wilderness or regrowth of trees. The people that have bought it cannot possibly afford to keep ploughing out the giant sensitive weed and all of those other things. And to put the land under trees would cost an enormous amount of money, and they do not want to do that. They want to have a nice place to live and a nice lifestyle. They do not want to be sitting in a monoculture plantation, that's for certain.

The alternative to doing such things is what has been happening to date: these poor people have had to sell out to lifestylers and the land has fallen into a shocking state. These are the arguments put up by the Europeans for the protection of their farmers. Every country will defend with aggression their right to keep farming and agriculture going in their countries, except our governments in Australia do not. We get a lecture on free markets or free trade every time we open our mouths about whether we should have ethanol. And hasn't that been marvelously successful! In a magazine that comes out of Melbourne there is an article by John Corboy, the man who rescued SPC and arguably now the biggest farmer in Australia since Peter Menegazzo died. (Time expired)

Mr JOHN COBB (Parkes—Minister for Community Services) (12.49 pm)—The Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006 gives effect to a number of the 2006 budget initiatives which will boost support for rural age pensioners and victims of domestic violence. The initiatives will also improve the integrity of the social security and family assistance systems.

The government has responded to community concerns over the equity of treatment of older Australians living in rural areas and city areas whose properties have increased substantially in value but remain exempt from the assets test. Currently, people of age pension age may be precluded from all or a part of their pension because only their home and adjacent land of up to two hectares is exempt from the assets test, even though they might have a very good reason for not being able to better use the excess land to deliver an income.

The measures will increase pension payments or allow, for the first time, pensions to be paid to rural people who have at least 20 years attachment to their land, improving their living standards while allowing them to stay in their long-term family homes. It will also help retired farmers who are no longer able to work their properties to stay on their land while encouraging the land to be worked to its potential by those who are capable.

I should say, while on that point, that I think all members of the House have shown their total support for this provision of the bill. I know that in all areas of rural Australia it will certainly help an awful lot of farmers and retiring farmers. The bill will also provide Centrelink with the tools to detect and investigate serious and complex cases of fraud. Over recent years, Centrelink's investigative capacity has been developing so as to be able to detect, investigate and prosecute more serious fraud committed against social security law.

To put this capability to its best use in protecting the integrity of the payment system, this bill introduces provisions for the entry and search of premises and for copying and seizing material relevant to pursuing those
investigations. These provisions will mirror provisions already available to other Commonwealth agencies such as the Health Insurance Commission, the Australian Taxation Office, the Child Support Agency and the Department of Immigration and Multicultural Affairs in their similar activities. We do realise there are those who have concerns about this, but it does mirror provisions already available to other agencies and it has been referred to the Standing Committee on Legal and Constitutional Affairs.

The bill also establishes a further ground on which to qualify for crisis payment. People who remain in their own homes after being subject to domestic violence may now be eligible for support in the form of a one-off payment of around $230. This bill recognises that some people who have been subject to domestic or family violence may choose to remain in their own homes. This is, I believe, commonsense, and the crisis payment will help fund the boost of securing the person’s home and making other practical arrangements.

Lastly, the bill will make additional amendments to relevant provisions dealing with information management, as part of the government’s ongoing program to improve the accuracy of payments and to reduce debts. Real estate assets have been identified as a particular area in which valuations held in the system may no longer be accurate, often because of rising property values. To reduce the possibility of incorrect payments, the law will be amended to enable Centrelink to check land title records held by state and territory governments.

Furthermore, the amendments will allow the Department of Health and Ageing to give Centrelink information about people permanently entering residential aged care so the data can be checked against information on people receiving carer payment. This will identify cases where caring responsibilities have ceased and reduce the likelihood of people receiving incorrect payments. The Privacy Commissioner has been consulted to ensure safeguards are in place to protect personal information through these new processes.

We do thank very much those members who have provided so much help and advice in pursuing this alteration to the legislation, in particular the member for Lindsay, the member for Cowper, the member for Riverina, the member for Greenway and many others on both sides of the House for showing their support for the bill.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Mr JOHN COBB (Parkes—Minister for Community Services) (12.55 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
That this bill be now read a second time.

Mr SNOWDON (Lingiari) (12.56 pm)—Firstly, let me say I welcome the opportunity to speak in this cognate debate. I principally want to address the amendments that update the Aboriginal Councils and Associations Act 1976. I do intend to move an amendment, and I will move it now whilst my colleague is in the chamber. I move:

That all words after “That” be omitted with a view to substituting the following words: “whilst welcoming many positive measures contained in this Bill and the related Bills, the House is of the opinion that:

(1) the Government should respond immediately and comprehensively to a recent report commissioned by the Office of Indigenous Policy Co-ordination, which found red tape and short-term, ad hoc funding arrangements were severely debilitating the Indigenous corporate sector. This legislative reform will not address these external causes of instability to corporate governance;

(2) the Government must ensure adequate funding for training and assistance for the Indigenous corporate sector to build their governance capacity and facilitate a smooth transition to the new regime—particularly as many Indigenous corporations deliver essential services. This was a unanimous recommendation of the Senate Inquiry into the Bill;

(3) there are significant outstanding concerns in relation to the level of regulation and extent of the Registrar’s powers in the Bill, particularly given the lack of full independence of the Registrar from Ministerial and political interference;

(4) for the next three financial years ORAC should include in its annual report a review of the operation of the new legislation and results of a statistical survey of stakeholder satisfaction to ensure that the impact of the legislation is closely monitored and with appropriate transparency; and

(5) the Government should ensure a review of the operation of the Corporations (Aboriginal and Torres Strait Islander) Act by parliamen-

tary committee within three years having with particular regard to:

(a) the effective and proper use of the Registrar’s powers under the Act; and

(b) the effectiveness and appropriateness of the Act as a regime of corporate law for Aboriginal and Torres Strait Islander people”.

The DEPUTY SPEAKER (Hon. BK Bishop)—I will take the seconding at the end of the honourable member for Lingiari’s speech.

Mr SNOWDON—Is there any problem with the member for Lilley seconding the amendment now?

The DEPUTY SPEAKER—The ordinary course of action is to do it at the completion of your speech.

Mr SNOWDON—But, if I want to move it now, I am surely entitled to move it and he can second it.

The DEPUTY SPEAKER—I dare say that is possible. Is the amendment seconded?

Mr Swan—I second the amendment.

Mr SNOWDON—Now we can go and have lunch.

The DEPUTY SPEAKER—There are still supposed to be two of you here. I would point that out to you.

Mr SNOWDON—Thank you, Madam Deputy Speaker, for your forbearance. This cognate debate emanates from a long process of review and consultation which, as the Bills Digest points out, began in the late 1960s considering how Indigenous corporate governance should be managed. It was decided then that there was a need for a simple, inexpensive and culturally appropriate method for legal recognition of Indigenous groups and communities and it was identified in the late 1960s by the Council for Aboriginal Affairs which had been established by the Holt government.
Subsequently, there was a review of the Gibb committee of the pastoral lease in the Northern Territory and recommended legislation. Then Prime Minister McMahon announced in January 1972 that the federal government proposed to investigate ways of finding a simple, flexible form of incorporation of Aboriginal communities. The issue was raised again in 1973 by Justice Woodward—and I will refer to his recommendations in a short while. A bill was introduced into the federal parliament in the latter half of 1975 but lapsed as a result of the double dissolution. It was then passed in the subsequent parliament with Ian Viner as the minister.

The Aboriginal Councils and Associations Act was assented to on 15 December 1976 and came into operation on 14 July 1978 following amendments assented to on 22 June 1978. Since then there have been a number of reviews and a number of amendments made to the legislation. Firstly, in 1989 Graham Neat made a number of recommendations in his report to the Registrar of Aboriginal Corporations on the review of Aboriginal Councils and Associations Act 1976. Then in 1992 in response to his report, the government made changes to the ACA Act in the Aboriginal Councils and Associations Amendment Act 1992. Then in 1994 the government, as a second stage in their response to the Neat report, tabled further amendments which would have established an Australian Indigenous corporations commission which could prosecute people for contravening the act and other laws relating to fraud and dishonesty. In October 1995 the then Minister for Aboriginal and Torres Strait Islander Affairs, the honourable Robert Tickner, announced that he was commissioning the Australian Institute of Aboriginal and Torres Strait Islander Studies to conduct a review of the act. That was carried out by a review team headed by Dr Jim Fingleton—and I will come to a discussion about those issues a little later.

In November 2000 the acting registrar commissioned an internal review of the act to determine, firstly, its capacity to meet the contemporary corporate governance needs of Aboriginal and Torres Strait Islander people and, secondly, to identify areas for possible legislative reform and possible changes to the regulations. In January 2002 the review issued a summary consultation paper with a full consultation paper outlining the major issues, suggesting changes to the act and offering examples of new structure models. The final report and recommendations were released in December 2002.

What we have before us is ultimately the consideration by this government of the proposals in those recommendations. The preamble states that the law is intended to be a ‘special law for the descendants of original inhabitants in Australia’. That means it is enacted under the race power section of section 51(xxvi) of the Constitution. The law is not settled on whether the race power has to be used beneficially.

There are a range of issues which emanate from this legislation. The legislative package we have before us comprises three bills: the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006; the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006, the transitional bill; and the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, the amendment bill.

Whilst we understand the intention of this legislation to introduce modern corporate governance standards and Corporations Law while maintaining a special statute of incorporation for Aboriginal and Torres Strait Islander peoples to take account of the special risks and requirement of the Indigenous cor-
porate sector, the transition bill seeks to facilitate a transition for Indigenous incorporations from the old to the new regime. The amendment bill proposes several amendments that address cross-jurisdictional issues and the intention is for these amendments to be endorsed by a later ministerial council meeting.

I am encouraged that around 2,800 Aboriginal and Torres Strait Islander corporations, or ATSIC corporations, are currently registered under the Aboriginal Councils and Associations Act. These corporations represent the diversity of activity taking place in Indigenous communities, and I can appreciate that regulating the activities of these corporations whilst at the same time respecting Indigenous cultural objectives and the expertise of these corporations is a challenge.

However, I am not encouraged by what I believed to be a failure of the Aboriginal Councils and Associations Act to deliver for Indigenous Australians in a way that the original drafters of the legislation intended. I fear that the reforms of the Corporations (Aboriginal and Torres Strait Islander) Bill may also not deliver for Indigenous Australians. There have been, as I have pointed out, regular reviews and changes to the act both under Labor and coalition governments, and it is very important of course that there is accountability. I believe that accountability should go hand in hand with Indigenous self-determination and confidence to deliver better services and more opportunities. Ten years ago the Fingleton report on the review of Aboriginal Councils and Associations Act recommended many administrative and legislative changes that were not acted upon by the coalition government after it came to power. In my view it is a shame that 10 years ago the government failed to act. It is worth quoting Dr Fingleton’s concluding comments in his report in the light of the current debate and the failure of service delivery in Indigenous communities. He said:

... the Aboriginal Councils and Associations Act 1976 is too prescriptive to allow bodies to incorporate in a culturally appropriate way—in particular with respect to the key matters of a group’s structure and decision making processes. Much of the Act’s present inflexibility can be attributed to requirements aimed at making groups more accountable, but Indigenous groups are usually faced with a range of different accountability requirements, not all necessarily compatible with each other. The approach currently taken under the Act confuses financial and procedural accountability with the achievement of program objectives, and this has led to undue emphasis on the enforcement on compliance with statutory requirements. Outcomes in delivery of essential services have not been improved under this approach, often leading to the ‘proliferation’ phenomenon where communities respond to poor service delivery by setting up new corporations.

As an observer of these corporations over a number of decades, I can only say ‘Hear, hear!’ to that.

In the case of the Northern Territory, a large number of corporations were set up to avoid the possibility of prescriptive treatment being taken upon those organisations or communities by a previous Country Liberal Party administration in the Northern Territory. That led to a relatively large number of Indigenous communities incorporating under this act as a way of avoiding being incorporated under Northern Territory law and having to comply with elements of the Northern Territory local government legislation. They were fearful of the takeover that was being represented by that legislation by the CLP. I note that the CLP sought to get the Commonwealth to remove the possibility of the Aboriginal Councils and Associations Act having an effect in the Northern Territory.

I would like to draw members’ attention to an article published in the Indigenous Law Bulletin in May of this year entitled, ‘The
Corporations Aboriginal and Torres Strait Islander Bill 2005 coming soon to a community organisation near you. The article was authored by Nicole Watson, a research fellow employed by the Jumbunna Indigenous House of Learning in Queensland. It is Ms Watson’s conclusion that the new legislation is more likely to frustrate Indigenous organisations and it introduces a complex regime that has the potential to usurp Indigenous self-determination.

I will come back to Ms Watson’s article in a moment, but now it is timely to remind the House of the findings of the Woodward report of the Aboriginal Land Commission in 1974. Justice Woodward in his second report set out the following important principles to be observed in formulating legislation for Aboriginal corporations:

(a) the legislation must be simple, so that those who are working under it can readily understand it;
(b) it must be flexible, so as to cover as wide a range of situations and requirements as possible;
(c) it should, as far as possible, make provision for Aboriginal methods of decision-making by achieving consensus rather than by majority vote;
(d) it must contain simple provisions for control of the situation if things go wrong within an organisation through corruption, inefficiency, outside influences or for other reasons; and
(e) it should be so framed as to avoid taxation of any income that has to be devoted to community purposes.

Unfortunately, the Aboriginal Councils and Associations Act has failed to achieve these objectives. The Fingleton review 10 years ago came to the conclusion that under the act there was:

... an ever-increasing gap between people’s attempts to incorporate in a culturally appropriate way and the Registrars pre-occupation with matters of statutory compliance.

Secondly, it said:

An emphasis on procedural compliance overlooked important factors such as representative membership and equitable service delivery.

Arguably, such factors would be more effectively measured by shifting emphasis away from compliance with the ACAA to service agreements with funding bodies.

Nicole Watson, in her article that I mentioned earlier, has also analysed the key provisions of the new legislation. The only advantage she can see is that small corporations may be relieved of inappropriate and onerous reporting requirements. I stress the word ‘may’ because the decision of exemption rests with the registrar. As Nicole Watson rightly points out:

Indigenous Corporations are still beholden to the Registrar’s discretion, and despite review rights reviewable by the Administrative Appeals Tribunal it remains to be seen if this will be effective and appropriate for Indigenous organisations or whether it creates another web of entanglement.

Other people support her view. The Central Land Council in their submission to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill had this to say:

The “special incorporation needs of Indigenous people” are not being met by the main provisions of the Bill. The Bill is drafted from a reverse perspective. Instead of being a simple incorporation statute tailored to the special needs of the Indigenous population it is a complex statute designed to regulate large corporations.

... the needs of the majority of Aboriginal corporations, at least in Central Australia, are not met by the main provisions of the Bill but rather by the provisions providing for exemption from obligations created by the Bill.

But to make an application for exemption will require a complete understanding of the provi-
visions of the Bill and an understanding of the implications of non-compliance and the capacity to make an exemption application.

As the Central Land Council further added:
Clearly in Central Australia ... the Aboriginal members of corporations are not, without assistance, going to be able to deal with the complexity of the Bill if it becomes law.

This bill does not address the very basic flaw that any administrative arrangements require skills in and access to a range of governance services. If these are the advantages of new legislation, what are the disadvantages?

Nicole Watson is a member of the Birri Gubba people of Central Queensland and has a Master of Laws from the Queensland University of Technology. Her conclusions are that there are many disadvantages to the act. Having worked with and in Indigenous organisations for many years and representing the electorate with the greatest number of Indigenous Australians, I agree with what she has to say. First and not surprising, given this government’s record on other pieces of legislation dealing with Indigenous Australians, is the lack of consultation. Secondly, for a piece of legislation which is to be used to govern Indigenous Australians, it spans over 500 pages. There is the question of whether the new legislation will make it easier for Indigenous organisations to comply or ever more difficult. Thirdly, as Nicole Watson points out:

In an attempt to achieve alignment with modern corporations law, the CATSIB contains over 100 strict liability offences. Although most are based on equivalent provisions in the Corporations Act, some are unique to Indigenous corporations.

She adds:

A punitive approach overlooks the circumstances of the vast majority of Indigenous corporations. As distinct from those formed for profit, many are incorporated in order to deliver essential services to indigenous communities. Directors of such corporations are often elected on the basis of skills in community development as opposed to business acumen. Increased liability for non-compliance in the absence of a mass education campaign may result in Indigenous people carrying most of the burden of the Commonwealth’s reforms.

It is now nearly four years since the final report of the independent review of the Aboriginal Councils and Associations Act was presented. Ms Watson also expressed concern about the departure from the Corrs review, which looked at the original legislation. The new legislation allows non-Indigenous people to become directors of Indigenous corporations and corporate membership. Despite provisions requiring an Indigenous majority on boards, these proposals may be a wedge that has the potential to take control out of Indigenous hands.

Ms Watson is quite right when she highlights the comments of Michael Prowse—then of the Central Land Council; now, I think, of the justice department in Queensland—when giving evidence at the Senate hearings. In part, Mr Prowse said:

Quite often people are not comfortable using the kind of processes that other people with corporations in other parts of Australia might use. Voting is quite often not used but a process of consensus decision making is used. We would suggest that to permit non-Indigenous membership of Indigenous corporations would quite often lead to a chaotic situation with Aboriginal people being overwhelmed by non-Aboriginal people, who may have better capacities to read and write and to use techniques and instruments of non-Aboriginal law. We suggest that that provision is one that should be struck out of the bill.

I wish to further stress the concerns of Indigenous corporations to the proposed bill—in particular, the issue of powers of the registrar. It should be noted, as the Bills Digest pointed out, that:

The Registrar’s greater enforcement powers means that the Registrar now appears to more closely resemble a regulator rather than a body
whose primary purpose is to assist the capacity of ASTI corporations.

The Corrs review recommended that particular regulatory powers under the current act should not be retained. The review suggested that, instead of the registrar being able to appoint an administrator, the registrar should apply to a court for appointment of a receiver under the court’s equitable jurisdiction. The recommendation has not been implemented. I will come a little later to some comments about a particular case which I have spoken to the registrar about. I think it reflects some of those issues.

The appointment of a special administrator and the grounds for such an appointment give considerable power to the registrar. The proactive regulatory assistance is quite different to the Corporations Act. The grounds for placing a corporation under special administration are much broader than the grounds for appointing a receiver. The registrar also has considerable power to issue compliance notices that allow the registrar the power to appoint an authorised person to a corporation to assist in the compliance. As I understand it, and it could well be the case, the intention of these provisions is to nip problems in the bud or to provide expertise of an accounting or management nature, but they are options that are open to abuse that could see Indigenous control and processes ignored. Rather than Indigenous people having their say and moving forward over time to improved corporate practices, the improved corporate practices may come from Indigenous people being pushed back while some other expert takes control and plays the role of the ‘big boss’. Unfortunately, for Indigenous people this happens all too often.

Once decisions are made by the registrar, what is the process for review? The bill proposes that when a person makes a reviewable decision then notice of the decision, together with advice of the person’s right to have a decision reviewed, must be given to each person affected by the decision. This makes sense and is, of course, quite reasonable. However, the bill makes an exception that is very worrying: the decision maker is released from the requirement to ‘give notice where the decision maker determines that giving notice to the person or persons is not warranted’, having regard to the cost of giving notice and ‘the way in which the person or persons are affected by the decision’. This is very concerning as, in my view, it essentially gives the decision maker an unfettered right to decide not to give an affected person or persons notice of the decision and the right to have it reviewed. It is also very disturbing when one considers Peter McCarran’s comments in the Indigenous Law Bulletin in November last year: ‘The bill assumes a high degree of literacy and legal and financial sophistication.’

Key questions in all this need to be asked. Does the bill offer simplicity, which has been the repeated recommendation of reports over the last 30 years? I have to say that I do not think it does. Are the procedural and documentary requirements of the bill more onerous than under the current act? If they are then where is there recognition of the needs of Indigenous organisations’ access to training, education and other services for good governance, especially given that the minimum membership age has been set at 15, and yet, as we all know, there is limited access for Indigenous students to secondary education, particularly in remote parts of Australia?

I have grave concerns over the question of the independence of the registrar. Given that this bill grants greater powers of enforcement to the Registrar for Aboriginal and Torres Strait Islander Corporations than are currently provided, we should be concerned about the possible lack of independence. This bill provides that the Office of the Reg-
istrator of Aboriginal and Torres Strait Islander Corporations will be part of the government bureaucracy, not an independent body at arm’s length from the minister. Section 1-30 of the bill proposes that:

There is to be, within the Department, the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations.

The bill also proposes in section 653-1(2) that:

The Registrar is to be appointed by the Minister and has such duties, functions and powers as are provided for by this Act or another law of the Commonwealth.

Contrast this position with that of the Australian Securities and Investment Commission, which is the organisation that administers the Corporations Act 2001. Members of ASIC are appointed by the Governor-General on the nomination of the Treasurer. However, ASIC is established by section 8 of the ASIC Act as a body corporate with perpetual succession. It has a common seal. It may acquire, hold and dispose of real and personal property and may sue and be sued in its corporate name. In short, ASIC is its own legal entity, established under statute, and is independent from the government.

It is a real concern to me that the Aboriginal and Torres Strait Islander people wishing to establish new corporations or incorporate existing associations will not be expected to seek the same level of independence from the Registrar as other Australians can expect from ASIC.

I said I wanted to refer quickly to a particular case. I know the Registrar is in the parliament. I spoke to the Registrar recently about Mutitjulu. What we have seen in this particular case is the danger that the Registrar’s powers may be used by the government creditors to control corporations, and that is precisely what has happened in the case of Mutitjulu. What we also know in the case of Mutitjulu are the spurious reasons put on behalf of the government for requesting that the Registrar be involved. There are documents which are available, but I understand they are currently the subject of a court hearing, so I am not able to use them. But let me point this out very clearly: I think that the way in which the Commonwealth has rorted the use of the Registrar at Mutitjulu is unwarranted. I know that there have been proposals to settle the dispute between—

Mr Baldwin—Madam Deputy Speaker, I rise on a point of order. I think claims that public officials have been rorting should be withdrawn, and I think reflecting against officials in that way is not appropriate.

The DEPUTY SPEAKER (Hon. BK Bishop)—I think the parliamentary secretary makes a valid point. I would ask the member to withdraw.

Mr SNOWDON—The government has rorted it.

Mr Baldwin interjecting—

Mr SNOWDON—If the government rorts something, it rorts something.

The DEPUTY SPEAKER—I think the point the parliamentary secretary is making is that you are making a substantial allegation and, accordingly, that can only be done by way of substantive motion, and therefore I would ask you to withdraw.

Mr SNOWDON—I will table the documents, if you wish.

The DEPUTY SPEAKER—Is leave granted?

Leave granted.

Mr SNOWDON—I table a series of documents between the Mutitjulu community, the Office of the Registrar of Aboriginal Corporations and Mr Wayne Gibbons, Associate Secretary of Office of Indigenous Policy Coordination, and other documents. What these documents show people is that
the Office of the Registrar of Aboriginal Corporations has been compromised by this government. Unfortunately, whilst the people of Mutitjulu—and, I am sure, in other cases—would like to seek an agreement or negotiate settlement with the Office of the Registrar of Aboriginal Corporations, they have been prevented from doing so effectively by actions of the government. That tells me there is a real problem with independence. There is absolutely no doubt about the need to overhaul the legislation.

Many of the proposals that have been put forward within the package of legislation that we are discussing today give effect to some very important reforms. There is no question about that. But there are some legitimate concerns which we have and which have been articulated within the amendment which I have moved on behalf of the opposition. It is very important that, when we contemplate these issues, we understand what in fact has taken place. In this instance, we have legislation which started off in the 1970s and is clearly out of date, and clearly should have been appropriately amended a lot earlier. The package of legislation seeks to do a lot of good things, but at the same time there are things which it fails to do. The things which it fails to do are the things that concern me.

I am significantly concerned about the complexity of the legislation. It is evident enough to me that for most Indigenous organisations across Australia it will be far too difficult to adhere to and comply with the regulations being imposed upon them. Nevertheless, under advice, I am sure there is a possibility that they can do it. But the question remains: who will pay for that advice? It is clear to me what the government is doing: by using the Registrar to control corporations in the way that it is, the government is effectively misusing those responsibilities. I commend the opposition’s amendments to the House.

Mr TUCKEY (O’Connor) (1.27 pm)—This package of legislation is nearly 50 millimetres thick—or an old-fashioned two inches. It is a response by the government to problems that have arisen in corporate governance involving very substantial amounts of taxpayers’ money over many years. It is typically a bureaucratic response and, unfortunately, that is what governments do. In introducing the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006, the minister’s second reading speech drew to our attention that there are over 8,000 Indigenous community organisations registered with the various corporate regulators and about 3,000 are registered under the Aboriginal Councils and Associations Act. The purpose of this legislation is to, in some way, consolidate those arrangements and set down what might be called a body of whitefella law to address the problems that have arisen in the past.

It has long been my opinion, which was supported by others, that the processes by which government, particularly the Australian government, administers Aboriginal financial affairs was always going to fail in a top-down situation. This legislation is an addition to a top-down approach, and it is not surprising because it has been put together by a centralised bureaucracy, assisted in some regard by certain members of the Aboriginal elite—people whose personal fortune today can be measured in millions of dollars and who have done very well out of the concern of the Australian community to assist the Indigenous people of Australia.

The thought that I had, surprisingly, along with others who represent and have had a long-term association with Indigenous people, was to recognise some of the cultural aspects that continue to control their lives.
very significantly and to find solutions to
them. We thought that 300 Aboriginal or-
ganisations acting primarily in an authorita-
tive but otherwise advisory capacity would
be sufficient and best equipped to address the
problems to which the Australian govern-
ment now delivers about $3 billion a year.
The idea was quite simple. Instead of having
large numbers of people being given very
large sums of money to administer—and I
will come back to that in a moment—when
culturally that created huge personal prob-
lems for those, as honest as they probably
were, we suggested having advisory groups.
The remuneration of the advisory groups was
to be similar to that of people who attend
council meetings and things of that nature. It
would not have included the provision of
vehicles. The groups would have come under
the heading of an Aboriginal board of trust.
As an Aboriginal board of trust they
would have been responsible for the administration
of, or advice to government on, the expendi-
ture of funds that were allocated from that $3
billion by the Commonwealth Grants Com-
misson, based on formulas that are well es-

tablished, in principle at least, for local gov-
ernment funding.

The Australian government places a one-
line item in the budget for local government
assistance and it relies upon the Grants Com-
misson and a formula to distribute that
money. As it happens, in that case alone it is
distributed on a state by state basis. The state
governments have their own grants commis-
sion type body—of which I was once a
member in my state—and they make the in-
dividual distributions to each local govern-
ment authority. Naturally, since 1967 and the
constitutional amendment, the Australian
government would not have had to take that
secondary approach. The Grants Commis-
sion could have decided on the amounts of
money that each community received, taking
into account their special needs.

However, that having been done, a board
of trust requires a trustee. I and others rec-
ommended that, wherever practical, the trus-
see be the nearest local government author-
ity—a body that is already subject to law as
thick as this legislation and that could have
been answerable therefore, under present-day
law, for the actual administration of the
money. The purpose of the board of trust
would have been to have considerable power
to identify where best that money might be
spent.

It was suggested on many occasions that
they should deliberately purchase services.
For instance, if truancy inspectors were
needed to raise the attendance level of Abo-
riginal children at some schools from 10 per
cent then the state education department or
the administrator of the school would be
asked to provide these truancy officers and
they would be funded from the resources.
One could give a similar definition for public
health nursing. In my state it might have
been Silver Chain, which is a stand-alone
charitable organisation of long standing that
has provided nursing services and things of
that nature. It might also have been the state
public health department. The idea was that a
deal would be struck. Hopefully, in those
circumstances, training provisions would
have been created as part of that process. In
other words, other people would make the
employment decisions; the board of trust
would make the funding decisions.

That might seem rather strange except that
it resolves the biggest problem that, unfortu-
nately, all this legislation cannot. Yes, we are
saying that if you want to be part of an In-
digenous corporation you will be subject to
the rules that apply to other corporate enti-
ties. That is right and proper for this place.
But what it overlooks is a society that above
all has one cultural imperative: ‘What I have,
you, brother, also have.’ That is not a criti-
cism. Of course, it was an absolute necessity
of life. If the hunting parties in a hunter-gatherer society were to catch a kangaroo, did the spearman and his immediate family eat it all or did all members of their tribal group participate? Of course they did. It is probably very difficult for people in this House to realise how strongly that culture applies and how little Aboriginal blood is required in terms of that imposition.

It might sound a silly example, but when I moved to a town called Carnarvon in 1958 and ran a hotel, amongst other things, we cashed the workers’ cheques because that was the way they were paid in those days. A huge percentage of the Aboriginal population that made up a third of that community had what I would term good jobs. They worked with the main roads department, the council and all sorts of other people. They did not work as labourers; they were competent machine operators. One whom I recollect was third in charge of the main roads, which at that time had the job of building about 500 kilometres of highway north and south of Carnarvon.

However, when they came to cash their cheques, it was imperative that they walked out with a significant number of dollar bills because outside the hotel—and these people had their own homes; some owned their own trucks—there was an obligation to gift certain family members from their largesse: the wages from the job they had. They could get away with giving a dollar—they were responsible people who had a family at home, a house and probably a mortgage or rent to pay—but if a $20 bill was the smallest denomination note given, there was an equal obligation to give that.

That is not a criticism; that was ingrained in their lifestyle. But, if we suddenly say to some of those people, ‘Here is the administration of $1 million, $10 million, and here are the rules,’ it will not work. Okay, we are getting smart and we are going to appoint people to the board who are probably not Aboriginal—or Indigenous, according to the second reading speech. But I am not sure, as the directors of the AWB have recently discovered, that that will be enough. I mentioned the town of Carnarvon. I have long departed from it but I am aware that some of those people who used to have employment of a productive nature now work within the Aboriginal industry, as it is known, and they thought they needed an interpretive centre in Carnarvon.

The last I heard it was under construction. It is a very significant building. I understand that some $4 million of taxpayers’ money has been expended to date, but it is not open. No-one can decide which family gets the reward of operating it, so it stays closed. It is not going to open because they cannot resolve that matter. They cannot say that a person of family A gets one job and a person of family B gets another. The dominant family gets the lot. Is that corrupt? It is not, in my mind, because that is their culture. We have such a focus in Australia on the things that are not their culture: a flag, an Akubra hat—which I have seen worn in the Great Hall of this place; I think it is glued on. But we have ignored in the administration of Aboriginal funding who has the best ideas compared to those.

Typically the stolen generation have had enough education to become the Aboriginal elite, and it has to be addressed. This is an attempt to impose further power from the top and to make it better than what was there before. But the reality is that the outcomes will not be sufficient. There will be a continuation, through the various land councils and all the others that we seek to regulate, of a very well-paid elite—a typical salary in a regional office is $150,000 plus car et cetera. That will not work, because those people will still feel obliged to create jobs and
things for their families and their immediate associates. It is quite a difficult calculation. There are some relatives whom they are not obliged to look after and others whom they cannot avoid looking after.

Why are we not looking at those principles? The argument we brought forward with bottom-up funding was to not cream the funding off to all the people who will have to be running around doing the regulating. Why do we not have all the money turn up, with just 300 organisations—which happens to equate to the number of language areas throughout Australia—utilising local government and the laws that govern their management of public funds to be both assistant and trustee? They would not make all the decisions on expenditure but would certainly see that the moneys were administered in a manner satisfactory to this parliament.

I wish that were the solution. I have never been able to get past the higher echelons of our party to understand these fundamental principles, so I come along to support their solution simply because it is better than what was there before. But it is not appropriate to try and throw people in jail because we asked them to do a job that, in many cases, is beyond their cultural responsibility. These are the issues that we must understand. We have huge amounts of money being spent and far too much of it to no good purpose. We have people who have done extremely well.

With respect to the issue of land rights, I see that the Native Title Act is one of the issues that get attention in the amendments and changes. It is an act that gives people, according to the High Court, not an estate in land but a right of access: a right of access to conduct ceremonies and a right of access to hunt and gather—notwithstanding that most hunting and gathering today is done in the corridors of a supermarket. But the act gives those rights. The act that was introduced in this parliament—ostensibly to give some administrative arrangements associated with that decision of the High Court—went as far as to say that we recognise that native title may not be proven under this act but anybody who believes that they have a claim but has not proved it should be able to negotiate with some other party who is applying to develop or use that land in some way.

That in itself was not unreasonable, except that it required the person applying to use the land to negotiate with self-identified parties in good faith and then particularly excluded the Aboriginal people from that good faith requirement. You do not have to prove anything; you just refuse to negotiate or forget to turn up and the application goes on and on and it is eventually decided that a payment of some magnitude will be made to get negotiations going. They are quite quickly concluded thereafter. Okay, these people give of their time to go and point out that that is sacred and you should use it this way and walk softly or whatever. I guess that our community has decided that that is appropriate.

But nobody ever tells us where those payments go. Are they carefully distributed for the good of all people who are recognised culturally within a certain land claim? No, they are not. You just have to be in the right family and the right place and be identified thereafter and you are able to go around and claim fees. I do not find that appropriate. But unless there is a bottom up funding/administrative arrangement put in place that minimises the draw down of the bureaucracy—and this legislation does not do that—then we have a problem. Anyway, I am prepared to give anything a try. The place is full of lawyers, and most of them have had little or no contact with Aboriginal people, and I guess that they will go on in this fashion.
Mr GARRETT (Kingsford Smith) (1.47 pm)—I want to follow on from the comments that my colleague the member for Lingiari made when he spoke to the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 and the related bills previously. Mr Snowdon moved a second reading amendment. I want to particularly make note of the things that Labor thinks would greatly improve what the government has brought forward in these bills. In particular, the government should respond immediately and comprehensively to a recent report commissioned by the Office of Indigenous Policy Coordination, which found that red tape and short-term, ad hoc funding arrangements were severely debilitating the Indigenous corporate sector. This legislative reform will not address these external causes of instability to corporate governance in Indigenous communities.

Additionally, the government must ensure adequate funding for training and assistance for the Indigenous corporate sector so that it can build its governance capacities to facilitate a smooth transition to the new regime that is contemplated under the Corporations (Aboriginal and Torres Strait Islander) Bill 2005. We note that this was a unanimous recommendation of the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the bills. I very much hope that the minister is mindful of that recommendation and of the fact that it was unanimous. Labor also has significant concerns in relation to the level of regulation and the extent of the registrar’s powers in the bills, particularly given that the registrar does not have full independence from ministerial and political interference. Aboriginal affairs still continues to be a highly charged area in which ministerial involvement and interference quite often take place.

Labor believes that for the next three financial years ORAC should include in its annual report a review of the operation of the new legislation and the results of a statistical survey of stakeholder satisfaction to ensure that the impact of the legislation is closely monitored, with appropriate transparency. This is clearly very important when changes of this kind come into effect. Finally, the government should ensure a review of the operation of the Corporations (Aboriginal and Torres Strait Islander) Act by a parliamentary committee within three years, having particular regard to the effective and proper use of the registrar’s powers under the act and the effectiveness and appropriateness of the act as a regime of corporate law for Aboriginal and Torres Strait Islander people.

The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 replaces the Aboriginal Councils and Associations Act 1976 and seeks to modernise corporate governance arrangements and accountability standards, acknowledging the specific circumstances that Indigenous communities operate under. The legislative package before the House comprises three bills, the abovementioned Corporations (Aboriginal and Torres Strait Islander) Bill 2005; the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2005, which seeks to offer support for Indigenous corporations to adapt to the new regime; and the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006, which is designed to allow for a smooth interaction between the bill and other corporation law instruments, including the Corporations Act.

It is broadly recognised, including by Labor, that there is a need to update the Aboriginal Councils and Associations Act 1976, which in fact has not been amended since 1992. The current bills’ genesis can be tracked back to the late 1960s. The Council
for Aboriginal Affairs, for instance, recognised the need for a simple, inexpensive and culturally appropriate corporate governance system for Indigenous communities. And in 1972 Prime Minister McMahon—so that is some time ago, it has to be said—announced that his government would ‘investigate ways of finding a simple, flexible form of incorporation of Aboriginal communities’. So it has been recognised for a very long time—and was recognised in this parliament by a Prime Minister from the Liberal Party—that there need to be simple and flexible forms of incorporation for Aboriginal communities.

In the recommendations made by Justice Woodward to the Whitlam government on land rights policy—which the member for O’Connor alluded to in an interesting fashion—he also considered the need for a specific system involving Indigenous corporations incorporating the principles of simplicity, flexibility and self-determination. I think the need for and importance of those principles is self-evident.

The first Indigenous corporations mainly dealt with landholding trusts, community stores and housing associations. That is a reflection of the fact that, in the first instance, it was a question of gaining access to, and some rights over, land that had hitherto been theirs, which was indeed the first goal, and one of the primary goals, of Aboriginal communities. Additionally, the need to get stores set up, particularly in remote communities, and to make provision for suitable housing for people, many of whom had been dispossessed and taken off their country, was clearly a priority. So the first Indigenous corporations mainly dealt with entities of that kind but later branched out into medical and legal services, outstation resource centres and community development employment projects. By 1998 the Australian Local Government Association, working with the Aboriginal and Torres Strait Islander Commission, had produced a study which found Indigenous corporations were in fact the main providers of local government services in Indigenous communities. So their role was an important one.

Labor recognises that important role that Indigenous corporations have played historically and continue to play in supporting Indigenous people living in remote communities. For this reason Labor believes that there is a need to update the bill and the legislative framework governing Indigenous corporations. The number of reviews, studies and reports into Indigenous corporations and their governance standards highlights that it is difficult to find the right mix between modern, mainstream corporate governance issues and suitable flexibility arrangements for these organisations working in remote and sometimes contained and constrained circumstances. Labor recognises this challenge.

In 1996 the Final Report—review of the Aboriginal Councils and Associations Act 1976 concluded:

... the Aboriginal Councils and Associations Act 1976 is too prescriptive to allow bodies to incorporate in a culturally appropriate way ... The approach currently taken under the Act confuses ... procedural accountability with the achievement of program objectives, and this has led to undue emphasis on the enforcement of compliance with statutory requirements.

An independent review of the Aboriginal Councils and Associations Act 1976, chaired by Pat Dodson and finalised in 2002, made a number of recommendations, including the establishment of a new act. I note that many of the recommendations from this review have been implemented by the Office of the Registrar of Aboriginal Corporations already, and this new legislation now seeks to implement some of those other recommendations.

Additionally we take note that the recommendations made by this review which are
not being implemented include that the Office of the Registrar of Aboriginal Corporations seek a court order prior to the appointment of an administrator. Labor believes that such a recommendation is important because it would provide for the necessary separation of responsibilities when an action as important as the appointment of an administrator takes place. It would mean that there was fairness and transparency when such appointments were made. Finally, and I think most importantly, given that Aboriginal issues are sometimes highly charged in this country, it would also mean that the appointment of an administrator would be free from suspicions of political interference.

While the introduction of a right of appeal to the Administrative Appeals Tribunal against the appointment of an administrator is a positive move, Labor believes that it does not provide the added protection offered by the review’s recommendation. I think it is worthwhile emphasising this point: sometimes the scrutiny of the media is quick and direct, focusing on a particular hot button issue of one kind or another, so it is absolutely critical, particularly if the scrutiny goes to the question of whether or not there should be an appointment of an administrator, that such an appointment is accompanied by the necessary court order. This would make sure that the due process of law that usually applies in these matters applies in cases of this kind as contemplated under this legislation. It is very important that, when decisions and actions of this kind are taken, there is no question whatsoever there has been political interference or involvement.

The recent Senate inquiry report into the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill and associated bills, which was tabled earlier this week, outlined a number of the concerns many interested parties had regarding the Aboriginal Councils and Associations Act 1976. In fact there were a number of concerns that were identified and raised by those parties and institutions that have some experience of the way these acts tend to operate on the ground. I note that the Australian Institute of Aboriginal and Torres Strait Islander Studies remarked in their submission:

Many Indigenous organisations have sought incorporation under the Corporations Act 1991 to overcome the onerous and arguably discriminatory aspects of the current ACA Act, as well as technical shortcomings, for example in relation to corporate membership, non-Indigenous membership and directors, and the like.

The Senate inquiry also raised questions over the transitional bill, stating:

It is clear, however, that many Indigenous corporations are poorly resourced and will require significant support in order to make this transition. I cannot stress how important we on this side of the House feel it is that arrangements of this kind, which are intended to better improve capacity for governance within Indigenous communities, particularly remote and regional communities, are given the means to affect those transitions so that they are not simply being set up for failure.

The Senate committee noted its concerns that the existing budget allocation for the Office of the Registrar for Aboriginal Corporations for education and training may not be sufficient to meet the needs of the 2,600 existing Indigenous corporations. Labor shares these concerns. These corporations are not simply commercial entities in the way in which we understand the word 'corporations' doing the job, producing goods and employing people in the ordinary course of business in and around Australia; they are corporations whose activities are central to the life and the vitality of the communities that they operate within.

Labor acknowledges that the Office of the Registrar for Aboriginal Corporations has a critical role in ensuring Indigenous corpora-
tions are adequately prepared for the transition to the new regime. This means the government must properly fund the ORAC to provide effective education programs during the transition period. A report from the Corporate Governance Forum in June 2004, a joint effort between the Office of the Registrar of Aboriginal Corporations and Reconciliation Australia—which considered this issue in some depth—found:

Good Indigenous corporate governance training is about community capacity building and sustainable organisations, not just compliance.

I think that summarises very well the public policy challenge in legislation of this kind, particularly when you consider some of the challenges that Indigenous communities find themselves facing.

There are rafts of different changes that are being proposed for them in terms of native title rights and shared responsibility agreements, and some of them are going through some extremely intense periods of interaction with COAG trials. It is absolutely critical that the necessary resources for training for people who work in these corporations is made available to enable not only the corporations to comply but also, in the process, capacity building and the building of an organisation that is not so shaken and challenged and under such great demand by those requirements that it then falls over a year or two later. The report went on to say:

Providers must be given the time and funding to develop programs and materials that are customised to fit the culture and priorities of the community.

Labor concurs with this finding. Recommendation 1 of the Senate inquiry also supports this view. It reads:

The committee recommends that the government should monitor funding to assist corporations with the transition to the new regime and make provision in the 2007/08 Budget to increase this funding if necessary.

Indigenous corporations cover a vast range of services that are vital to remote Indigenous communities. That Senate inquiry recommendation for the provision of funding and to ensure that corporations are able to make the transition to the new regime strikes me as being extremely important, and I hope that the minister will take note of it.

Amongst the Indigenous corporations that play a really vital and important role in the community are the Aboriginal art centres. The Indigenous art industry provides important economic benefits to many Indigenous communities. It is often the Aboriginal art centres, many of which are listed as Indigenous corporations, that provide, undertake and fulfil a number of important roles. They provide advocacy, advice and support to Indigenous artists, and their services are crucial in that respect. Aboriginal art centres are professionally run organisations, and 100 per cent of the returns are directed into Indigenous families and communities. Additionally, they provide support for marketing and distribution of Indigenous art as well as ensuring authenticity for the buyer. Aboriginal art centres not only contribute significant economic benefits to Indigenous communities but also act as a hub for social and cultural activities.

The Indigenous art industry is estimated to be worth between $100 million and $300 million. I think it would be closer to $300 million. I should point out to the House that there is a Senate inquiry underway into the industry, examining the size and scale of the industry; the economic, social and cultural benefits of the sector; the future infrastructure needs of the industry; and the continued evidence of carpetbaggers, frauds and fakes—something which Labor has been speaking about for some time, and we welcome this long overdue inquiry.
The Association of Northern, Kimberley and Arnhem Aboriginal Artists, ANKAAA, the peak advocacy and support agency for Indigenous artists and art centres in Arnhem Land, Darwin, Katherine, the Kimberley and the Tiwi Islands, is an example of a corporation that fulfils a valuable role. The services it offers include: advocacy, provision of information for artists and importantly—and I think significantly—protection of artists' interests. The recent reports that we have had of carpetbagging, the importation of fakes and other unethical behaviour within the industry means that the role of Aboriginal art centres such as ANKAAA has become more important than ever. The federal government provided some needed additional funding for Aboriginal art centres in the last budget, and I welcomed this move. But, unfortunately, this funding came in the face of the government's rejection of a resale royalty scheme for visual artists which would have provided significant economic benefits for Indigenous artists and their communities.

Overall, this package of bills will go some way towards improving the existing and outdated Aboriginal Councils and Associations Act 1976. However, as members here have noted and as foreshadowed in the amendments moved by the member for Lingiari, there are a number of unresolved concerns which these bills do not address. It is critical in this House that we get the balance right between accountability and recognition of the unique role Indigenous corporations have in remote communities. It is critical that the Senate inquiry recommendations, particularly those recommendations that relate to providing for proper education, monitoring the funding for education for people working on the transition within these corporations, are accepted by this government. (Time expired)

Mr LINDSAY (Herbert) (2.07 pm)—I welcome the support that the member for Kingsford Smith has given to the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006, the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006 and the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, a very sensible suite of bills. It is refreshing to see that support being given to the government.

I come to this debate from an electorate—Herbert, in North Queensland—that has 8,000 Indigenous Australians living within its boundaries. In my home city of Townsville we have the largest Torres Strait Islander population outside the Torres Strait. But we also have an Indigenous community that is known for the wrong reasons. Those who are listening to this debate today will know what I am talking about when I mention Palm Island. Palm Island has certainly very much been in the news of late, for the wrong reasons. I intend to say a few more words about the problems on Palm Island related to this legislation later in my contribution.

The Aboriginal Councils and Associations Act is not adequate today, given the high numbers of Indigenous corporations and their diversity, and also given developments in corporate law and other areas, such as native title. The broad objectives of the reforms are to align the CATSI legislation as much as possible with the Corporations Act 2001 to provide improved corporate governance standards while at the same time allowing for the special requirements and risks of Aboriginal and Torres Strait Islander corporations.

The legislation package that we have before the parliament this afternoon implements the majority of the recommendations of an independent two-year review. The report was publicly released in December
2002. Extensive consultations occurred during this process, and further research and consultation were done by the Registrar of Aboriginal Corporations in the lead-up to the development and the introduction of the CATSI bills.

Transitional provisions have been drafted, and this is sensible, to minimise the administrative burden on corporations as far as possible. For example, the corporations registered under the old act automatically become corporations under the new act. The legal status, office bearers, assets and liabilities of corporations are all preserved in the new act for the transitional period. There will be a period of up to two years for corporations to make the necessary changes to their constitutions and come into compliance with the new arrangements. The transitional periods are sensible and welcome.

This legislation responds to the present-day problems faced by Indigenous corporations. It aligns corporate governance requirements with modern standards of corporate accountability while allowing flexibility for Indigenous corporations to tailor their arrangements to suit their own special circumstances.

It is interesting that there are many Australians who do not have contact with Indigenous Australians. People in the southern part of the country, in particular, have no contact with Indigenous Australians and do not understand the very special issues that arise in regional or remote communities. In fact, the special issues in regional communities are often different to the special issues in remote communities.

I was very privileged some weeks ago to visit Warburton in Western Australia, which is a model Indigenous community. It was just so refreshing to see a community that knew how to conduct itself, a community that ran its own services—water supply, sewerage, electricity, airport, airline, local store and so on—all at a profit and all under good governance arrangements. It was a community that was tidy. There were not holes in houses. The people were proud to live in the community. That is what we want to see in Indigenous Australia, and Indigenous Australians are capable of achieving that. Warburton, on the Great Victoria Desert, adequately demonstrates how Indigenous Australians can be proud of their history and their heritage and can live well and properly.

This is very practical legislation that empowers Indigenous people to structure their corporations to create the best outcomes for their communities. It also allows for a range of assistance, from training to a rolling program of good governance audits.

I have often said, loudly and at length, that there are three or four things that really need to be addressed first and foremost to help Indigenous communities. They are: governance, law and order, and landownership. Until they are addressed adequately, the other major issues, of health, education and employment, will not follow. When you look at Palm Island in my electorate, you find a lack of governance, a lack of law and order and you certainly do not find any landownership. In fact, there is virtually a Soviet style system that exists on Palm Island, where the central proletariat owns and runs everything. But I can tell you, Mr Speaker, that Indigenous Australians want to embrace landownership and they want to have good governance. They do not want to see the disregard for law and order that occurs in their communities. They want their children and their women to be safe. This legislation before the parliament today is part of that. I commend the Minister for Families, Community Services and Indigenous Affairs for his foresight and work in Indigenous communities in Australia. He has been a breath of fresh air after so many years. The minister
certainly deserves the support of this parliament, from both sides of the parliament.

The Speaker—Order! It being 2.15 pm, the debate is interrupted in accordance with the resolution agreed to yesterday. The debate may be resumed at a later hour. The member will have leave to continue speaking when the debate is resumed.

QUESTIONS WITHOUT NOTICE

Higher Education Fees

Ms Macklin (2.15 pm)—My question is to the Minister for Education, Science and Training. Can the minister confirm for the House that there are now 80 undergraduate degrees enrolling Australian students in full-fee courses costing up to $200,000, with entry scores substantially lower than for the equivalent HECS place—for example, nearly 15 marks lower than a HECS place for a bachelor of education and arts degree at the University of Sydney, 18 marks lower for a Bachelor of Engineering (Aerospace) at the University of Adelaide and nearly 20 marks lower for a bachelor of sports science at Deakin University in Melbourne? Doesn’t this show that the Howard government is hell bent on Americanising our university system?

Ms Julie Bishop—I thank the member for Jagajaga for the question. I think there are many people who would take exception to her continued denigration of the American education system. It has no place in Australian politics.

The fact is that 96 per cent of Australian domestic undergraduates attend university in a Commonwealth-supported place—96 per cent. Three per cent—nearly four per cent—of students attend in a full fee paying place. At least a third of them are in relation to winter school or summer school. And so we are talking about a very small proportion of students who are given the opportunity to pay a full fee in order to attend university. The opposition think it is okay for students from Malaysia or China to have an opportunity to attend university and pay for a place, but they would deny the same opportunity to a very small number of Australian students, who deserve to have an opportunity—

Ms Macklin—Mr Speaker, I rise on a point of order on relevance. The point is that these are Australian students getting into these courses with marks—

The Speaker—the member will resume her seat. The minister is in order.

Ms Julie Bishop—The full fee paying places are offered in our most competitive courses, and Australian domestic students should have every right, as other students from overseas have, to undertake a university course. Ninety-six per cent are in a Commonwealth-supported place, and a fraction of that are in a full fee paying place. This is all about choice for Australian students.

North Korea

Mr Jull (2.18 pm)—My question is to the Minister for Foreign Affairs. What are the latest developments in the international response to North Korea’s nuclear test?

Mr Downer—I thank the honourable member for Fadden; the House recognises his expertise in the area of foreign affairs, and I appreciate his interest.

Let me begin by saying that there have been rumours this morning of a second test conducted by the North Koreans. We have no confirmation of that. Indeed, there seems to be some confusion between the possible seismic activity from a test and seismic activity from an earthquake that took place off the coast of Japan, but this is still being investigated. Having said that, we remain very concerned about the possibility of a second test and a second test happening in the near future. Of course, if that were to happen then
that would only double the resolve of the Security Council to proceed with the sanctions regime that they are looking at.

On the Security Council, we are pleased that the Security Council has condemned the announcement that the test of a weapon had taken place on Monday. I might say that I have been particularly encouraged by China’s response, which has been strong. They have said that North Korea must face some punitive action for its nuclear test. The United States and Japan have proposed to the Security Council a draft resolution under chapter 7—and we think there should be a chapter 7 resolution—and that would include a series of sanctions in relation in particular to trade in military and luxury goods as well as dual-use technologies, and also to authorise the inspection of cargoes moving into and out of North Korea.

Let me make one point: the people who have suffered the most from this policy over recent times have been the ordinary people of North Korea. They are the saddest victims of the policy of the North Korea government—oppressed to the extent that their human rights have been taken away from them. The people of North Korea do not have enough food to feed themselves, and yet they have a government that spends billions of dollars on nuclear weapons programs. It is a credit to the international community including, if I may say so, Australia, and a disgrace for North Korea that donor countries have continued to keep many of the people of North Korea alive.

A survey done by two of the UN agencies with the North Koreans—so the North Koreans were involved in this—found that 37 per cent of young children in North Korea are chronically malnourished. The robust international response to the North Korean nuclear testing will not include imposing even greater hardship on these people by canceling aid. Certainly, it is worth reflecting that last year Australia spent $3½ million on food aid and basic water, sanitation and health care for North Korea. We have set aside this financial year a budget of $4 million to spend on helping the ordinary people of North Korea. It is our intention, despite what the regime has done, to continue with our food aid programs and it is our intention to continue with health and sanitation programs as well. The ordinary people of North Korea have been treated abominably by their government and I think the international community should give them some support, while imposing rigorous sanctions on North Korea of a kind that will, in particular, do damage to the North Korean regime itself.

Higher Education Fees

Mr MURPHY (2.23 pm)—My question is to the Minister for Education, Science and Training. Minister, are you aware that this year the entry score for an Australian full fee paying university place was nearly 15 marks lower than a HECS place in secondary education and arts at the University of Sydney and 10 marks lower than for a bachelor of education and arts degree at the University of Adelaide? Minister, isn’t it hypocritical for the government to complain about teacher standards when it is selling teaching degrees to people with significantly lower entry marks? Doesn’t this show that the government is hell bent on Americanising our education system?

Ms JULIE BISHOP—Mr Speaker, I will tell you what is hypocritical. What is hypocritical is that the Australian Labor Party are prepared to allow Australian students to study at the University of New South Wales Singapore campus—they are quite prepared to allow them to pay fees to study in Singapore; they voted for it—but then they say that a full fee paying student should not be able to do the same in Australia. This is all
about choice for students. If Labor want to have a debate about lower standards then bring it on, because that is what the Australian government is committed to ensuring—that our students have a greater focus on literacy and numeracy standards. It is a disgrace that our universities are having to divert resources to remedial English classes at university. That is a failing of the state education systems.

Workplace Relations

Mr RANDALL (2.25 pm)—My question is addressed to the Prime Minister. Would the Prime Minister update the House on how reforms to the labour market allowing employers and employees more choice have strengthened the economy? Is the Prime Minister aware of any proposals to roll back elements of this reform and what is his response?

Mr HOWARD—I can inform the honourable member for Canning that the progress so far under the new Work Choices legislation—and it is just over six months, so it is relatively early days—is a lot better than we were told by the Labor Party would be the case. Since Work Choices was introduced, over 117,000 AWAs have been signed. In September, over 27,000 AWAs were signed, which was a 46 per cent increase on the average uptake per month in 2005. Additionally, over 1,000 employee collective agreements have been signed since Work Choices began, covering over 48,000 employees, and there have been 800 union collective agreements signed, covering over 240,000 employees. But most important of all, despite the predictions that the world would come to an end, the sky would fall in, there would be mass sackings, wages would be slashed and generally there would be a pestilence all across the land, what has happened is that 175,000 new jobs have been created.

The member for Canning asked me for my response. I think I can say that is my response—but, more importantly and more interestingly, what is the response of state Labor governments to the policy of the opposition leader to tear up workplace agreements? I know that the Premier of the state from which the member for Canning comes, Western Australia, made it very clear when he was in China with me in June of this year that he was not the least bit interested in following the Beazley policy of tearing up Australian workplace agreements. He leads the largest mining state, if I can put it that way, in the country and he knows the critical importance of Australian workplace agreements to the mining industry of Western Australia. He knows they need those workplace agreements to get maximum choice and maximum productivity.

But this—how shall I put it?—recalcitrant trend amongst state Labor governments has now spread to Victoria. Yesterday, Mr Hulls, a senior minister in the Victorian government, was asked on seven occasions whether he supported the Beazley policy of tearing up AWAs, and he refused to do so. Listen to this for a disingenuous reply from a state Labor minister—a disingenuous reply. This is what he had to say. The Victorian industrial relations minister, on seven occasions, refused to endorse Mr Beazley’s policy, and he included in his refusal the following words: ‘Look, I haven’t got exactly the quotes that Kim Beazley said, so I don’t exactly know what he said.’ I do not think we are in any doubt. Mr Beazley, the Leader of the Opposition, went to the ALP conference in June in New South Wales and he said, ‘I will tear up AWAs; I will tear up the government’s workplace agreements legislation.’ The truth is that Labor governments, faced with the need to cooperate with the business community of Australia, do not want a bar of the Beazley policy because they know that pol-
icy would be anathema to the future prosperity and development of this country.

Workplace Relations

Mr STEPHEN SMITH (2.29 pm)—My question is also to the Prime Minister and follows on from his answer to the previous question. Isn’t it the case that yesterday the Victorian Minister for Industrial Relations, Mr Hulls, in addition to describing AWAs as an abomination, actually said:

I fully support the federal opposition’s industrial relations policy and nothing that has been said today contradicts that. If Kim Beazley abolished AWAs in the private sector he would have complete support from us.

Isn’t it also the case that yesterday Minister Hulls released this report which shows:

Only around a third of all workplaces dominated by individual arrangements have annual leave loading, overtime rates and weekend penalty rates available to non-managerial employees.

Mr HOWARD—This is the member for Perth asking us to believe what he says about industrial relations after his performance yesterday—

Mr Beazley interjecting—

The SPEAKER—Order! The Leader of the Opposition!

Mr HOWARD—Nothing can gainsay the fact that on seven occasions the minister was asked to endorse the Beazley policy and he ran for cover on each of those occasions. The truth is that anybody in government that wants the business community to invest in their state knows that the abolition of AWAs will drive business away from that investment.

Workplace Relations

Mr BARRESI (2.31 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister advise the House of the benefits of allowing employees a choice of a collective agreement or an Australian workplace agreement? Are there any specific examples of the benefits of freedom of choice?

Mr ANDREWS—I thank the member for Deakin for his question and reiterate to him and to the House that this government is committed to providing both employers and employees with the flexibility to choose suitable employment agreements for their workplaces. I was asked about any specific examples. I was interested to read last night that AAP, the news service, reported that the member for Perth was completely unaware that Martin Donnelly Electrical Services had offered its employees the choice of a collective agreement or an Australian workplace agreement.

On Monday the Leader of the Opposition and the member for Perth went down to a construction site here in Canberra and sought to—and in fact did—publicly defame an Australian business. They did that, as was shown yesterday, without establishing the facts of the case whatsoever. They accepted the spin of their union masters in this case and launched an unwarranted attack on Australian business.

Ms Gillard interjecting—

The SPEAKER—Order, the member for Lalor!

Mr ANDREWS—They went down there and sought to trash the reputation of an Australian business. In the last couple of days we have seen what has become the standard modus operandi of the Leader of the Opposition, the member for Perth, and indeed the Australian Labor Party. On Monday when they went to this site an ETU official said to the Leader of the Opposition:

The pressure is all on you. You are our skipper. We are behind you. We are behind you with the ruck. You are our front row forward.

The pressure is certainly on the skipper today because unfortunately—

CHAMBER
Ms Gillard interjecting—

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

Mr ANDREWS—for their skipper, the Leader of the Opposition, and his first mate, the member for Perth, sunk the boat yesterday. He publicly confirmed that he was unaware of the facts. You would think after yesterday’s performance that the member for Perth would have the decency to come in here and fess up today. But it is worse than that, Mr Speaker. The company in question, Martin Donnelly Electrical Services, has released a very interesting statement. In part they say that Martin Donnelly Pty Ltd—

Mr Beazley interjecting—

Mr ANDREWS—The Leader of the Opposition just interjected and said, ‘You always accept the employers rather than the employees.’ In other words, he is saying to me and to the House that you just accept one side. That interjection was very interesting in the light of this statement which said that MDPL ‘have on three separate occasions contacted the member for Perth, Mr Smith. Unfortunately he has not responded to our request for MDPL to present their side of the story’. What hypocrisy!

Ms Plibersek interjecting—

Mr Stephen Smith interjecting—

The SPEAKER—Order, the member for Sydney and the member for Perth! The member for Perth is warned and so is the member for Sydney.

Mr ANDREWS—They go on to say that a spokesman for MDPL said ‘they were dismayed that the member could present information in parliament as factual without an understanding of the AWA’. They also say that MDPL are a small, local, family-oriented company with a firm commitment to their employees. The irresponsible statement of the Labor Party will have a long-term effect on the viability of the company and ultimately their 43 employees’ future.

Ms King interjecting—

The SPEAKER—Order, the member for Ballarat!

Mr ANDREWS—They are prepared to trash the reputation of a business here in Canberra and affect the viability of the employment of 43 people in Canberra and somehow come here and pretend that they are the friend of the workers. What hypocrisy!

Mr Bowen interjecting—

The SPEAKER—Order, the member for Prospect!

Mr ANDREWS—There is another interesting fact that, again, the member for Perth was totally unaware of. They say that it is bewildering that although the union has been ‘appointed bargaining agent for several of our employees, they have not made any contact with our office to discuss any issues regarding the AWA. We believe the union is more concerned with their own survival than the wellbeing of our employees’.

That is too true. So we have had the member for Perth sink the boat of his skipper yesterday. He ought to have the decency to apologise not just to this House and to the people of Australia; he ought to have the decency to apologise to this company and their 43 employees. It is no wonder—I will finish on this note—that business in Australia has no confidence in the Leader of the Opposition and the Australian Labor Party. They have shown through this example that they are prepared to traduce the reputation of a business and to trash business in Australia. That is economic vandalism and this man should never, ever be given an opportunity to put that into practice.

Honourable members interjecting—
The SPEAKER—Order! Members are holding up their own question time.

Workplace Relations

Mr STEPHEN SMITH (2.38 pm)—My question is to the Minister for Employment and Workplace Relations and follows on from his answer to the previous question and his reference to the AAP report and a collective union or non-union agreement. Isn’t it the case that Martin Donnelly employees in Canberra unanimously expressed a preference to negotiate a collective agreement some four months ago? Isn’t it the case that the 22—not the 10 or 12—Martin Donnelly Electrical Services employees who continue to refuse to sign the AWA are still expressing a preference to negotiate a collective agreement and that that constitutes more than 50 per cent of the workforce? Isn’t it the case that as late as 2 pm today neither the sparkies who are working at the building site nor their union representative had been informed that any sort of collective agreement, union or non-union, was on the table, union or non-union? Minister, why don’t you just take the Prime Minister on one of his walks, less than 500 metres down the road, and let the sparkies themselves tell you they do not want your AWA?

Mr Cameron Thompson interjecting—

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

Mr ANDREWS—The facts completely betray the argument put by the member for Perth, and that is pretty typical in arguments put by him. The reality is that many of these employees have taken up the offer made by the company because they are up to $150 a week better off.

Mr Stephen Smith—If they are $150 better off, why don’t they all take it?

Mr ANDREWS—Keep compounding it, Stephen; just keep going, mate. You are doing a great job of burying yourself and your party on this issue. Keep going. Let us take a couple of claims that were made by the member for Perth. Let us go back to the facts and not your rhetoric. There were no guaranteed pay increases during the life of the AWA—this is what the member for Perth said; completely false, ‘I don’t like the facts’.

Mr Beazley—Mr Speaker, I rise on a point of order: relevance. This question was about whether or not the workers had sought a collective agreement and whether he was aware—

The SPEAKER—The Leader of the Opposition will resume his seat. The Leader of the Opposition would be aware that the member for Perth asked a lengthy question. The minister had only just begun to answer it. The minister is in order.

Mr ANDREWS—It is amazing how, having come in here yesterday, the member for Perth wanted to detail a whole series of facts to prove he was right. As soon as I raised the facts that proved he was absolutely wrong, he wanted to run away, and the Leader of the Opposition is trying to save his sinking ship. He said there was no pay increase. In fact, there was a 10 per cent pay increase over two years—5.5 per cent in the first year and 4.5 per cent in the second year. He said that payment of overtime is at the sole discretion of the employer—again, wrong. In the conditions of employment, it says, ‘Overtime will be paid for at the rate of time and a half for the first three hours and double time thereafter’—set out in black and white in the conditions of employment.

He said:
Under the collective agreement, there is a tool allowance of $12.50 a week.
Under the current collective agreement there is a tool allowance of $12.50 per week. There is no separate tool allowance in the current collective agreement. He said, ‘Un-
der the current collective agreement, there are electrical certification allowances and ACA registration allowances payable each week. In fact, they have only ever been payable on the occasion when the employee was qualified in that regard. So, wrong, wrong, wrong, wrong, and they are just four of the matters raised by the member for Perth yesterday.

On the substance of the question, I go back to the statement by Martin Donnelly. He says: ‘We want either a non-union agreement or an AWA. In fact, under our AWA, employees are going to be around $150 a week better off and I cannot see what people are complaining about. The workers obviously are not.’

Mr Snowdon interjecting—

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

Economy

Mr VASTA (2.43 pm)—My question is addressed to the Treasurer: would the Treasurer update the House on today’s economic data? What does this indicate about the Australian economy?

Mr COSTELLO—I thank the honourable member for Bonner for his question today. The August figures on housing finance were released, which showed that housing finance commitments fell in the month of August but are 15.4 per cent higher over the course of the year. This is consistent with moderate growth overall in the housing market, although it is quite plain that in Perth the housing market is particularly strong and it is much more subdued in the eastern capitals.

Also released today was the Westpac-Melbourne Institute consumer sentiment, which rose 3.9 per cent in October and is now 7.2 per cent above the level of a year ago. Four of the five indexes rose in October and the index has now nearly entirely recovered the huge fall that it suffered in August. It appears as if the major reason for the rise in consumer sentiment is the fall in petrol prices. The all-capital petrol price last week around Australia was 116c per litre, down from its peak in August of 136c per litre. So that is a 20c drop in the average in capital cities over the last two months.

Indeed, looking at the oil price, the oil price, which overnight was $US58.50 a barrel, is some 20 per cent lower than it was in August. It might be too early to say that the oil price has peaked and stabilised, but a 20 per cent decline in the oil price over the last two months is certainly very welcome, and very welcome to Australian consumers, who are now paying in capital cities 20c a litre less than they were paying in August, and you are seeing that in consumer sentiment, which is now higher than it was this time last year. What all of this adds up to is continuing growth in the economy as a whole. We are now entering the 16th year of growth in Australia—the longest run of economic growth in Australian history.

Ms George—Thanks to the Labor Party’s governance.

Mr COSTELLO—I just heard the authentic voice of socialism interjecting: the former President of the ACTU, claiming credit for economic growth. Let me remind the parliament that 10 years ago—

Mr Tanner interjecting—

The SPEAKER—The member for Melbourne is warned!

Mr COSTELLO—we did not talk about surplus budgets, because the budget was $10 billion in deficit. Let me say, 10 years ago we did not talk about clearing debt, because we had $96 billion of debt.

Ms Hoare interjecting—

The SPEAKER—The member for Carlton!
Mr COSTELLO—Let me tell you, 10 years ago we did not talk about unemployment rates at five per cent, because unemployment rates were up at 10 per cent. And 10 years ago the current mortgage interest rate, at 7.8 per cent, would have been considered unattainable. Let me remind the very voluble Leader of the Opposition, ‘The Skipper’, and his crew on Gilligan’s Island over there: the member for Gellibrand, Mary Ann; The Professor, the member for Griffith. And whom will we christen Gilligan? I think the member for Lilley. He has got to be Gilligan, over on that—

The SPEAKER—Order! The Treasurer will resume his seat.

Honourable members interjecting—

The SPEAKER—Order!

Mr Tanner—Mr Speaker, I rise on a point of order. The Treasurer has strayed a long way from the question. He was not asked for alternative policies. He should be called back to order—

The SPEAKER—The member for Melbourne will resume his seat. I am sure the Treasurer will come back to the question. I call the Treasurer.

Mr COSTELLO—Mr Speaker, I was. But, anyway, as I was saying in relation to housing finance, this is consistent with a growing housing market.

Mr Rudd interjecting—

The SPEAKER—Order! The member for Griffith!

Mr COSTELLO—I was rather distracted by the crew on Gilligan’s Island over there, as the member for Menzies has christened them.

Mr Ripoll interjecting—

The SPEAKER—The member for Oxley!

Mr COSTELLO—Let me say, if we were stranded on Gilligan’s Island—

Mr Rudd interjecting—

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

Mr COSTELLO—under ‘Skipper Beazley’, we would never be where we are today.

New South Wales: Board of Studies

Mr BEAZLEY (2.48 pm)—I do not know about Gilligan’s Island, but I know about Foghorn Leghorn!

The SPEAKER—The leader will come to his question or he will resume his seat.

Mr BEAZLEY—My question is to the Minister for Education, Science and Training. Is the minister aware that the following are currently members of the New South Wales Board of Studies: the President, Professor Gordon Stanley; UTS professor Anthony Baker of the New South Wales Vice-Chancellors Committee; Ms Deborah Lloyd of the New South Wales Federation of P&C Associations; Dr Brian Croke, Executive Director of the Catholic Education Commission of New South Wales; Mr Phillip Heath, headmaster of St Andrew’s Cathedral School; Ms Carolyn Benedit from the Council of Catholic School Parents; or Brother Kelvin Canavan, Director of the Catholic Education Office for Cardinal Pell’s Archdiocese of Sydney?

Government members interjecting—

The SPEAKER—Order! The leader will come to his question.

Mr BEAZLEY—Which one of these would the minister denounced as a Maoist?

Honourable members interjecting—

The SPEAKER—Order!

Mr Ripoll interjecting—

The SPEAKER—The member for Oxley is warned!
Ms JULIE BISHOP—The Australian government is not afraid of a debate on education that sees a lifting of standards across the country. The point—

Honourable members interjecting—

The SPEAKER—Order! The minister will resume her seat.

Mr Albanese—Who’s the Maoist?

The SPEAKER—The member for Grayndler is warned!

Ms Hoare interjecting—

The SPEAKER—And so is the member for Charlton! The minister will be heard. I call the minister.

Ms JULIE BISHOP—The point that we have made is that the Australian government wants to see greater national consistency and rising standards in every school across this country. The point that I have raised is that there is a very high level of fragmentation and inconsistency in the development of school curriculum across the country—

Honourable members interjecting—

The SPEAKER—Order! The minister will resume her seat.

Ms Macklin—Mr Speaker, I rise on a point of order of relevance. The question was very straightforward: which of these would the minister denounce as a Maoist? That is what the question was.

The SPEAKER—The minister is answering the question. I call the minister.

Ms JULIE BISHOP—The focus of the Australian government is to ensure that the state education authorities are held accountable for the curriculum that they develop. We want to ensure that the highest possible standards are achieved in schools across Australia so that, wherever a child attends school in Australia, parents can have the confidence that their children are learning the essentials. That is why we are focusing on literacy and numeracy—to ensure that Australian students are given opportunities in life.

Ms Hoare interjecting—

The SPEAKER—Order! The member for Charlton will remove herself under standing order 94(a).

The member for Charlton then left the chamber.

Ms JULIE BISHOP—We want to ensure that the fads, the experiments and the political ideology are out of our schools and that we focus on the fundamentals. The Leader of the Opposition ought to be ashamed at the debacle of the outcomes based education that was implemented by the Western Australian government. This is the kind of experimentation that parents in Australia—

Ms Macklin—Mr Speaker, I rise on a point of order. The point of order is on relevance. The question was very clear: which of those members would the minister denounce as a Maoist? That is what the question was.

The SPEAKER—The minister is answering the question. I call the minister.

Ms JULIE BISHOP—The Australian government is committed to ensuring that across this country parents can have the confidence that their children are taught the fundamentals to give them a decent chance in
life. We will hold the state education authorities accountable for better educational outcomes.

**Rail Infrastructure**

**Mr ANDERSON** (2.54 pm)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Could he advise the House of reaction to the release of the study on options for an inland railway from Melbourne to Brisbane?

**Mr VAILE**—I thank the honourable member for Gwydir for his question. It was in the role as the Minister for Transport and Regional Services that the member for Gwydir first flagged that there should be a study undertaken of a north-south rail corridor through the eastern states of Australia. That study was announced early in 2005 and it started in September of 2005. Ernst and Young conducted that review and Minister Truss released that study only last month. That study indicated that there are three options for a north-south rail corridor through the eastern states. It also identified the significant growth that is going to take place in the freight tasked. In fact, within that north-south corridor over the next 25 years the freight tasked is going to double. So it is going to require some significant planning in terms of being able to deal with the balance between the freight tasked on road and the freight tasked on rail.

On the 25th of last month, I participated in a public meeting in Parkes—joining about 180 delegates, representing more than 20 local government areas. The forum was held to discuss the released review of the rail corridor. It expressed interest in and support for the development of a north-south rail corridor. A number of private sector operators and private sector interests have also expressed great interest in being involved in the development of a north-south corridor. Many industry players have said that publicly. Pacific National, Toll Holdings, Coles, Queensland Rail and the Australasian Railway Association have all welcomed and offered their support. Coles, for example, which reportedly transports 450 containers a week by rail, says the proposed link would help absorb an expected doubling in the eastern seaboard freight over the next decade. It should not be an either/or decision about rail; it should be about how we manage that task over the next decade.

Don Telford, the CEO of Pacific National, has said that an inland rail corridor will deliver rail’s long-term capacity and performance needs to handle Australia’s future freight task. I can assure the House that the government is keen to listen to the expressions of interest from industry and the communities along that corridor as we press forward with the development of a strategy. Of course, this builds on the work that we have been doing with the $15 billion AusLink package that is in place and which was added to in the budget of this year. It goes without saying that it is only through strong representation in government that rural and regional Australia will get looked after by our government as far as transport infrastructure is concerned.

**Schools Curricula**

**Ms MACKLIN** (2.58 pm)—My question is to the Minister for Education, Science and Training. Does the minister recall her statement after her meeting with all state and territory education ministers in Brisbane in July this year when she said: ‘I wasn’t pushing a national curriculum. I think that public education should be in the hands of the states.’ Isn’t it the case that the minister has now done a fundamental backflip when she says: ‘We need to take the school curriculum out of the hands of the ideologues in the state and territory education bureaucracies and
give it to a national board of studies’? Absurd allegations about Maoists aside, Minister, what do you believe?

Ms JULIE BISHOP—The Australian government position has been absolutely consistent on this issue because we are about ensuring that there is greater national consistency across this country. Currently we have eight separate education authorities around the country, each separately developing separate curricula for every subject in primary and secondary schools.

Ms Macklin interjecting—

The SPEAKER—The deputy leader has asked her question.

Ms JULIE BISHOP—I have called for a debate in order to ensure that we can achieve greater national consistency and I have said that the states should bring to the table the very best that they have to offer. So, if the New South Wales curriculum is the best in the country, let us all have a look at it and see if that can be rolled out nationally. I have suggested that representatives from the states and territories get together to discuss the best curriculum that this country can produce.

I have worked with education ministers across the country to ensure that we can get consistency in statements of learning, and they are under way in five subjects. The states have now agreed that, as part of our funding agreement, there will be national assessments in literacy and numeracy for years 3, 5, 7 and 9. What we need to focus on is ensuring that every child, wherever they go to school in Australia, has access to a high-quality education, with high-quality teaching in a high-quality environment.

Drought

Mr BRUCE SCOTT (3.00 pm)—My question is addressed to the Treasurer. Would the Treasurer inform the House of the economic effects of the worsening drought? How is the government assisting farmers in these very difficult times?

Mr COSTELLO—I thank the honourable member for Maranoa for his question. The drought in Australia is worsening. The June quarter national accounts showed that farm GDP fell 2.3 per cent. If we had a 2.3 per cent fall in GDP generally, that would be a very, very severe recession. Severe rainfall deficiencies have extended across Australia over the past few months. The Bureau of Meteorology reported in its October statement:

September 2006 saw continued below average rainfall across southern and central parts of the mainland, with deficiencies generally expanding or intensifying over South Australia, New South Wales and Victoria. Furthermore, the dryness was exacerbated by temperatures that were well above normal.

In response to these weather conditions, ABARE has revised its forecast and forecasts that Australia’s winter crop production will fall from 40.8 million tonnes to 26 million tonnes, a 40 per cent drop in the winter crop. The largest declines in production are expected to occur in Queensland—the state of the honourable member for Maranoa—and Western Australia. That was in relation to the September quarter and to date there has been no real good news in October.

There is also a human face behind the drought and the crop failures and that is the extreme pressure that farmers and farming families are under as a consequence. During the current drought, the Australian government has spent around $1.25 billion in drought assistance through exceptional circumstances. Exceptional circumstances mean that farmers can receive relief payments, which are at the rate of the Newstart allowance, to help them meet daily living expenses. They also receive a health care card and may receive concessions under youth allowance means tests for dependent
children. Eligible farmers can also receive subsidies of 50 per cent of interest costs in the first year and 18 per cent of interest costs in the second year of an EC declaration, to a maximum of $100,000 per year or $300,000 over five years.

These are provisions to keep farmers going during drought periods. The government has also put in place a number of other measures under the Agriculture Advancing Australia program, including rural financial counselling, Farm Help and the Farm Management Deposit Scheme. The situation will undoubtedly detract from overall growth, although agriculture is not as large a proportion of the overall GDP as it was in previous years, but the suffering of farmers and farm families under this cannot be overestimated. The government stands ready to help them through these extremely difficult times with the programs that I have outlined.

North Korea

Mr RUDD (3.04 pm)—My question is to the Minister for Foreign Affairs. I refer to the minister’s statement, supported by the opposition, that the UN Security Council should impose specific sanctions on North Korea. Does the minister recall telling the Cole inquiry in relation to Security Council sanctions against Iraq that he failed to set up any capacity within DFAT to ensure that UN sanctions were complied with and that DFAT did not have any expertise necessary to enforce particular sanctions? Given that the government allowed a $300 million breach of UN sanctions to occur against Iraq, will the minister outline what capacity he has now established within his department to enforce sanctions against North Korea?

Mr DOWNER—First of all, as far as the Cole commission and the AWB matter are concerned, I would have thought that the wise thing for anybody to do was to wait until the report was published.

Mr Kelvin Thomson interjecting—

The SPEAKER—Order! The member for Wills!

Mr DOWNER—When Commissioner Cole has made up his mind as to what he wants to say and it is published, I think that might be the time to have a debate about the Cole inquiry. As far as the department is concerned, I believe—and I have always said this—that, unlike the opposition, I have not been slagging off at officers of the Department of Foreign Affairs and Trade. Unlike the opposition, I have a lot of respect for the officers of my department.

Mr Kelvin Thomson interjecting—

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

Mr DOWNER—Unlike the opposition, I know that they are able to do a perfectly competent job.

Mr Rudd—Mr Speaker, I rise on a point of order. My question was what capacity the minister had established in his department to enforce sanctions—

The SPEAKER—The member for Griffith will resume his seat. The minister is entirely in order.

Private Health Insurance

Mrs MARKUS (3.06 pm)—My question is addressed to the Minister for Health and Ageing. Is the minister aware of claims that Australia should have a single monopoly health insurer for all mainstream health services? How might this damage the private health insurance system? What is the government’s response?

Mr ABBOTT—I thank the member for Greenway for her question. I assure her that support for private health insurance is one of the signature policies of the Howard government and, thanks to policies such as Lifetime Health Cover and the private health insurance rebate, almost nine million Austra-
lians now enjoy the security and choice afforded to them by private health insurance, including 61,000 people in the electorate of Greenway.

Today we saw a rare unity ticket between the Leader of the Opposition and the woman who wants to take his job when we saw a joint press release headed up ‘Only Labor will save Medibank’. What is clear is that Labor wants to keep Medibank Private in government ownership but scrap the policies that make Medibank Private work. Let us be clear about this: Medibank Private is not successful because of government ownership; Medibank Private is successful because of this government’s policies—policies which members opposite are pledged to destroy.

First we had the Leader of the Opposition’s well-known statement that the private health insurance rebate is one of the worst pieces of public policy ever to come before the parliament. Then we had Medicare Gold, Labor’s secret plan to destroy the private health insurance rebate, as revealed in The Latham Diaries. Just yesterday we had the member for Lalor endorse a report by the so-called New Matilda organisation calling for the complete abolition of the existing system of private health insurance. Yesterday this New Matilda group, headed by a former Whitlam government official, released a report calling for ‘a single universal health insurer’. The member for Lalor immediately endorsed this report and she said that it ‘correctly identified the major issues facing our health system’. I really was not surprised by the alacrity with which she endorsed the New Matilda report because I went onto the New Matilda website and I found this comment: ‘I don’t think Beazley will ever find his ticker because he hasn’t got one.’ It is no wonder that the member for Lalor is suddenly a great enthusiast for New Matilda.

Labor do not just want to keep Medibank Private public; they want to nationalise the whole private health insurance system. It is quite clear: this government supports private health insurance; the opposition do not support private health insurance. There has been no repudiation of the Latham statement about Medicare Gold, there has been no unambiguous statement of support for the private health insurance rebate and a refusal to means test it.

Opposition members—Oh, we are all Maoists!

Mr ABBOTT—I am not saying that; I am saying that you certainly do not support private health insurance. I have often said in this House that the Howard government is indisputably the best friend that Medicare has ever had. What is becoming even clearer than ever is that the Howard government—

Mrs Irwin interjecting—

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

Mr ABBOTT—is the only friend that private health insurance has.

Medibank Private

Ms GILLARD (3.11 pm)—My question is to the Minister for Health and Ageing and is about health, so it would be good if he could answer it. I refer the minister to the repeated statements of the Minister for Finance and Administration that the sale of Medibank Private will require changing its status from not-for-profit to for-profit. Is it not the case that the minister’s own department and the health insurance regulatory agency, which falls in his portfolio, will determine this change in status? Minister, exactly what health benefit will arise for Medibank Private members from changing Medibank Private to a for-profit fund?
Mr ABBOTT—The health benefits were identified by Mr Mark Fitzgibbon, head of NIB. He said that Medibank Private in private ownership would result in a ‘more competitive private health insurance system and lower premiums’. That is what he said—

Ms Gillard interjecting—

The SPEAKER—Order! The member for Lalor has asked her question.

Mr ABBOTT—and I think that on this subject he is worth listening to.

The SPEAKER—I remind the member for Lalor that she has been warned.

The Education

Mr BARTLETT (3.12 pm)—My question is addressed to the Minister for Education, Science and Training. Minister, what is the government doing to ensure high standards and national consistency in our education systems and that parents have confidence in the outcomes of their children’s education? Do parents in my electorate of Macquarie have reason to be concerned with the performance of the New South Wales government on education matters?

Ms Macklin interjecting—

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

Mr Pyne interjecting—

The SPEAKER—And so is the member for Sturt!

Ms JULIE BISHOP—The first thing they should be concerned about, Member for Macquarie, is that the Labor Party would have as an education minister the guest speaker at the Marxist centenary conference where she called for an end to capitalism. Remember that one, Jenny? Down with capitalism!

I thank the member for Macquarie for his question and I acknowledge his deep commitment to raising standards in education across the country. The Howard government is committed to ensuring that we have high standards in education across the country. We want to see greater national consistency across the country and we want to ensure that state education authorities are held accountable for what is taught in schools so that parents can have the confidence that their children are getting the fundamentals and that the education authorities are getting the fundamentals right.

I am sorry to say that they do have reason to be concerned about falling literacy and numeracy standards. Parents have a right to be concerned when universities in this country are reporting that they are having to divert resources to remedial maths and English classes for tertiary students. Parents have a right to be concerned when international benchmarking says that 30 per cent of 15-year-olds in Australia do not have an acceptable level of literacy. We have a right to be concerned when international benchmarking tells us that 12 per cent of 15-year-old students do not have fundamental mathematical literacy. These are the sorts of issues that parents are raising with us. I thank the member for his question, because we want to ensure that there is greater accountability for taxpayers, particularly parents.

Parents are sick of the fads and experiments that are going on under state education authorities. I give the example of the disastrous OBE implementation in Western Australia. In Tasmania they have now trashed the Essential Learnings program. In Queensland over the weekend they announced a review of the senior syllabus. We want to see greater national consistency, and that is what we are working towards. There are eight separate curriculums in this country. There are nine separate year 12 certificates. There are five different eligible school starting ages. I will tell you who is being disadvantaged by this. The 80,000 or 90,000 students who move
interstate every year are being disadvantaged by the lack of consistency in our education systems. So the Australian government is happy to have a significant debate on education to ensure that we can get states to commit to higher standards for all students in Australia.

Skilled Migration

Mr BEAZLEY (3.16 pm)—My question is to the Minister for Human Services and the Minister Assisting the Minister for Workplace Relations. I refer to the minister’s comments, reported in the media today, where he was critical of young Australians being unemployed while Australia has a skills shortage. How are unemployed young Australians meant to access jobs when his government allows these jobs to be advertised only overseas under the 457 temporary work visa and not in Australia at all?

Mr HOCKEY—To the Leader of the Opposition I say this: the government and, I think, most Australians have the view that if you have the capacity to work you should work, and it is a fundamental principle that each and every minute of the day Australian taxpayers spend $11,280 in payments for the dole. Every minute of every hour of every day $11,280 goes out the taxpayers’ door to people on the dole. When you go to country towns and speak to the workers and to businesses—to places such as Lismore, where the member for Page has made a good point about the fact that it has an unemployment rate of over eight per cent—you are told there are businesses that are crying out for skilled and unskilled workers. There is not a skills shortage in Australia; there is a labour shortage in Australia.

Mr Swan interjecting—

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

Mr HOCKEY—It is about the fact that there are more than half a million Australians on the dole and they are not applying for jobs in the way that they should be and have been in the past from time to time. We are in a glorious age where there are more jobs than workers. It is a great return to the golden era of the fifties and sixties when we had a low level of unemployment and high wages.

I make this final point: the Australian government would always rather see an Australian in an Australian job than a foreigner in an Australian job. That is a fundamental point. But it is also the case that if employers cannot find someone to do a hard day’s work then they have to go somewhere to get the workers. It is about the economic prosperity of the country and the economic prosperity of regional Australia.

Australian Defence Force Personnel

Mr TOLLNER (3.19 pm)—My question is addressed to the Minister for Veterans’ Affairs. Would the minister outline to the House details of the government’s new strategy to retain Defence Force personnel and support their families? How will this strategy benefit the many Defence Force families in the electorate of Solomon?

Mr BILLSON—I thank the member for Solomon for his question. With more than 5,000 ADF members from all three services and their families in his community and around greater Darwin he has a very particular interest in this. One of the challenges that kept emerging when we discussed with members of the ADF what would help keep them in the ADF—what would support a positive experience for them and through that support a defence capability—was the impact that service could have on their families. The new ADF Family Stability Initiative, budgeted to cost around $17 million a year, will provide ADF personnel with a new option where they may consider, at the time of being required to relocate on a posting, the opportunity for their family to maintain geo-
graphical stability while the personnel are away for part or all of their posting.

This is extremely important for defence personnel who are posted to areas where there is a high anticipation of deployment, where there may be other demands or, particularly, where their children have some critical years of their schooling emerging or where their spouses or partners have established employment or housing preferences. The upheavals of having to relocate can be exacerbated by these broader family impact determinations that need to be considered by the family. Under the Family Stability Initiative, ADF personnel can choose locational stability for their families whilst they proceed to fulfil their duty and their outstanding service to the Australian Defence Force. To overcome that choice and the implications that come with it, there will be added support in the services package for accommodation and rental assistance, meals assistance, increased family reunion visits and the additional costs associated with living away from their families for part or all of their posting.

Surveys of the ADF show us that this locational stability issue is a big one for our families. We may recruit a member of the ADF but to retain them we need to retain them and their families. This makes our defence enterprise a family friendly employer, it encourages military service and it encourages those keen to stay with the ADF to continue to make their contribution. It is about choice. It is about flexibility. We will always be reminding families that separation for whatever period is a difficult choice, but it is an option that needs to be considered, when broader family priorities are recognised by the family and the member, as something they wish to accommodate.

This initiative is just one of a range of things the government is canvassing. The Minister for Defence is doing a terrific job pursuing retention and recruitment initiatives. I say to anybody listening to this broadcast today: consider the delicious world of career opportunities within Defence—it is a fulfilling, meaningful and worthwhile way of using your working life. This is one of the measures that make that an easier, more supportive and choice-rich environment in which people can pursue that career.

Workplace Relations

Mr RIPOLL (3.23 pm)—My question is to the Minister for Human Services and Minister Assisting the Minister for Workplace Relations. I refer the minister to his recent visit to the Tamworth abattoir, the Peel Valley Exporters. Will the minister now swing by Australian Country Choice meatworks in Brisbane, where workers are required to sign this ‘take it or leave it’ AWA that contains no penalty rates, no shift allowances, no overtime rates and no public holiday rate or weekend penalty rate? Will the minister explain to these Brisbane meatworkers how, under the government, the choice at the appropriately named Australian Country Choice is a choice with one option: take the AWA or don’t get the job at all?

Mr HOCKEY—We all learnt a lesson from the member for Perth yesterday not to take on face value anything raised by the Labor Party in this place. It seems as though it is always a case of: when the Labor Party raise a particular issue in this place and when we delve into the facts we find that they do not speak the truth. I and the government make no apology for trying to find work for Australian workers. We make no apology for Work Choices because, in the 199 days since Work Choices started, wages are up, jobs are up and industrial disputation is at its lowest level since 1913. So we make no apologies for the industrial changes. They represent good news for Australian workers right across the country.
Mr Ripoll—Mr Speaker, perhaps to assist the minister, if he does not take my word for it, I am happy to table the document and he can read it for himself. I seek leave to table the document.

Leave granted.

Small Business

Mr WAKELIN (3.25 pm)—My question is addressed to the Minister for Small Business and Tourism. Will the minister update the House on how the government is making it easier for small business to do business?

FRAN BAILEY—I thank the member for Grey for his question and for his strong support for small business in his electorate. I am very pleased to advise the House that Australia is the second easiest country in the OECD in which to start up a business, to obtain credit and to hire workers. This information has come about through a recent report by the World Bank called Doing business in 2007. For someone wanting to start up a business in Australia it only takes two steps and two days. That compares with the average in the OECD of six steps over 16 days. That is very good for Australian small businesses. This has not happened by accident. This has happened because the Howard government has made it much easier for people to do business in Australia. We have done that by maintaining a very strong economy, by cutting taxes, by cutting red tape and by increasing the flexibility in the workplace. Since Work Choices has been introduced, 175,000 new jobs have been created.

The member for Grey asked me if there are any threats to this business environment. Sadly, I do have to advise the House that there are real threats to this environment. The Leader of the Opposition is proudly going around the country telling people how he will reintroduce unfair dismissal, the scourge of small business across this country. He intends to force small businesses to go back to that system of having to pay go-away money. He is going to rip up the AWAs. Let me remind the House that it is no accident that the Leader of the Opposition reaffirms that for as long as he sits in that chair the ALP, as he has very proudly proclaimed on a number of occasions, is not the party of small business. Every day he reaffirms that.

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

PERSONAL EXPLANATIONS

Ms GILLARD (Lalor) (3.28 pm)—Mr Speaker, I wish to make a personal explanation.

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

Ms GILLARD—Always in question time, by the Minister for Health and Ageing.

The SPEAKER—Please proceed.

Ms GILLARD—There are two times I wish to complain about today. Firstly, in question time today the minister for health claimed that I had endorsed the policy content of the New Matilda report released yesterday, A health policy for Australia: reclaiming universal health care. I actually welcomed this contribution to the debate and the fact that New Matilda were pointing to a significant void in the debate caused by the absence of participation by the Howard government in the health reform debate. I believe in democracy in a variety of voices. I am sorry the minister for health does not.

The SPEAKER—The member has made her point.

Ms GILLARD—Thank you, Mr Speaker. Secondly, the minister for health today claimed that I am opposed to the 30 per cent private health insurance rebate. This is not true. The minister for health has in fact himself on an earlier occasion conceded on national television that support for the private
The Speaker: The Manager of Opposition Business has raised an important matter, and I thank her for her question. I would make a number of comments. First of all, the motion that was moved yesterday was a suspension of standing orders and it was also a substantive motion, and the House voted on it. Could I also draw to the honourable member’s attention that it has been reasonably frequent for the House to agree in more recent times to a motion to suspend standing orders for a purpose contained within such a motion.

Having anticipated that this question might come, I might give a couple of examples. For example, yesterday there was a motion to vary the time of questions without...
notice for today. There have been other ones—

Mr Albanese—Other ones?

The SPEAKER—and there have been a number of motions moved by opposition members seeking to suspend standing orders when the intended enabling effect of the suspension is contained within the motion without calling for a separate motion to give it effect. To help the member for Grayndler, I have a number of examples. The member for Corio has had four recent examples. They were voted on. There were also examples from the member for Hunter, the member for Wills and a number of others. Indeed, the matter moved by the member for Perth was in a similar vein. So again I thank the Manager of Opposition Business but I have responded to her question.

Standing Orders

Ms GILLARD (3.34 pm)—Mr Speaker, can I ask you to reflect further on this matter, because on the examples you have used today and on the basis of the materials provided to me by chamber research, you are right to say that a practice, perhaps undesirable, has grown up in the House where on procedural matters the suspension and the object of the suspension are dealt with as the same thing—for example, delaying question time to 2.15 today. But chamber research has not been able to identify any time in the past that a non-procedural matter as serious as a condemnation of a member was dealt with in this way. It flies in the face of the protections for members in the standing orders that they need to have any allegations against them dealt with by way of substantive motion. One cannot assume the standing orders would read that way if you could use a procedural device like a suspension.

While I appreciate, Mr Speaker, you relying on precedents from the opposition—I think that is very gracious of you—one of the inconvenient things in this parliament is that opposition motions do not get up. I can assure you that, if one of our suspensions was ever successful, we would then proceed to the substantive motion that the suspension would then permit. Let me assure you, Mr Speaker, we would never leave that unattended to, should we win a suspension.

In view of the scheme of the standing orders and the information from chamber research, I really do think that this is a substantial matter that violates the long-term rights of members in this parliament. The scheme that you are contemplating means that any member at a change of business can jump up at any time and move a suspension of standing orders condemning another member and that the government, with the numbers, will then proceed with that debate and somehow the substance and the procedure have become conflated as one. That really is a very marked departure from all past practice and, I would say, a very substantial violation of our rights as members to defend ourselves through a substantive motion, through a long and unrestrained debate.

The SPEAKER—I thank the Manager of Opposition Business for her question and the spirit in which it is raised. I will make a couple of comments. I will deal with the first point that she raised. It is not a matter for the chair as to whether a motion is carried or not carried. If a motion does not require a subsequent motion then there is no need for a subsequent motion to be moved. I also make the point that it is always available to other members to move a separate motion if they so choose. The opportunity to raise a suspension of standing orders is always dealt with as soon as it is raised.

DISSENT FROM RULING

Mr BEAZLEY (Brand—Leader of the Opposition) (3.37 pm)—I move:

That the Speaker’s ruling be dissented from.
I do this with very great reluctance, Mr Speaker, but a precedent has now been set which simply cannot stand. It simply must not be permitted to stand. I agree that it is very likely that the motion I have just moved will be defeated along party lines, but I ask the House Procedure Committee and those members of the government who regard this place seriously to sit down and contemplate what has just happened here.

I very frequently move in this chamber a suspension motion, which is a prelude to a censure motion. Sometimes the government take the view that they will debate the censure motion, and invariably when they do I say about two or three sentences and then the appropriate government minister stands and says, ‘We’ll accept the motion.’ Then I formally move a censure motion. The government’s acceptance of that motion effectively permits the substantive issue to be discussed. In the chair, of course, Mr Speaker, you have an awful lot of problems when the government chooses not to accept the proposition that the censure motion should be moved and the debate takes place around the motion of suspension, because the opposition spokesperson and the government person in reply will frequently attempt to introduce the substantive matter which is the object of the suspension into the debate on the motion of suspension.

Just as frequently—and this is often upheld by the Speaker—somebody on the other side of the debate will stand up and say, ‘The only appropriate way to debate a suspension motion is to debate it procedurally and not substantively.’ Of course, the convenience of the House is often served by allowing that to go a little further, but not much further, and it is never interpreted by either side of this House or by Mr Speaker that, when a suspension motion is moved, the substance of the issue under discussion has been got to the heart of. It is not assumed. The fact that the government actually agree with that proposition is evidenced by the fact that, as frequently as you move the suspension motion and have it debated through, they interrupt that and accept suspension. In other words, standing orders are then suspended. When the government spokesperson stands up and says, ‘We accept that motion,’ that person is not accepting the substance about to be moved but accepting the notion that the debate on the substantive matter should be contemplated by the House.

Invariably, these motions that I move are censure motions on individuals, like the attempt of the government to condemn the member for Perth. Frequently, the words that are incorporated within the motions that we move in the opposition contain words like ‘condemn’. We condemn the government, censure the government, censure the Prime Minister or censure the minister for whatever. What is then debated in the context of a censure motion is the notion that that particular person ought to be censured, and the cases both for and against the censure are laid out.

Imagine the precedent you have just created, Mr Speaker. When I next move a censure motion and the Leader of the House stands up and says, ‘We accept it,’ on the basis of that interpretation the government will have just said it accepts censure. On the basis of that interpretation the government will have just said it accepts a condemnation. On the basis of that proposition, a government carrying such a resolution would see either its own resignation before the Governor-General later in the course of the afternoon or the resignation of the particular minister before the Prime Minister after that. Nobody in this place would seriously contemplate that that should be so.

The reason these substantive motions of censure have to be discussed and the reason
they are taken seriously is that people’s reputations are at stake. They are at stake on the other side of the House when we move a censure motion, and yesterday the member for Perth’s reputation was at stake in the debate. It is expected that with the relevant time permitted—for the mover of the motion I think it is 15 minutes—there is the opportunity for that to be moved and for the detailed case to be set out against the member. Then there is the opportunity for the member or minister who is being censured to present a detailed defence. Then the opportunity is open for another person on the other side of the debate to stand up and rebut elements of the defence of the person concerned. Then, following that, there is an opportunity for those defending the person under attack to get up and further rebut the argument. There is an opportunity for a dignified debate.

When my father was a member here and a suspension was accepted by the government and then a motion of censure was moved, Bob Menzies would close the parliament. Bob Menzies would say that the government’s tenure of office was under challenge in the most serious forum in which it could be discussed. If it was after question time, for argument’s sake, or during the course of the afternoon that the Leader of the Opposition, Dr Evatt generally, would move a censure motion then the Prime Minister would come into the chamber, accept the suspension and say: ‘The government’s reputation is now under attack. We will suspend the parliament until this time tomorrow, when it will be possible for us to mount a defence and hear the argument made against us.’ Those were the days when parliament was taken much more seriously and when members of parliament took themselves much more seriously than in these days of combat and warfare, when parliamentary standards have basically disappeared altogether.

The simple fact of the matter is this: on this occasion the other side of the House traduced the reputation of the member for Perth, who is more than capable of defending himself. It is nonsense to assume that this parliament would for one minute condemn a member of parliament on the basis of a 10-minute speech, under testy standing orders which actually do not permit a case to be made, followed by a 10-minute reply in which, basically, the person giving the reply should not defend themselves but make an argument as to why the matter should not be debated. To suggest that, as a result of all that, it is appropriate to have a resolution condemning somebody’s reputation in this chamber is simply nonsense.

I cannot for the life of me work out why, having got the suspension, the minister did not stand up on that occasion and make a case in the 20 minutes available to him. I made a mistake earlier—I said it was 15 minutes. I cannot for the life of me work out why the minister would not then stand up at the dispatch box for 20 minutes and make his case. I can only assume the reason would have been that the government would then have gone through to a proper, full debate on the censure of the member for Perth in which all of us would have had the opportunity to lay out in very great detail the traducing of the rights of ordinary Australians taking place now on the Prime Minister’s site, about 500 metres down from this parliament. There, people are being subjected to undue pressure. People who want a decent outcome in relation to a collective agreement have found themselves abused and suborned. There, people are being intimidated into signing AWAs. All of that would have come out in very great detail in the debate which would have taken place.

I can only assume that the government feared that prospect. But in fearing that prospect they should not have started on this
course. If they want to condemn somebody on this side of the chamber it is a serious thing. If we want to condemn someone on that side of the chamber we regard it as a serious thing, and we would move heaven and earth, if we could get it, for a few speakers from each side in such a debate.

This ruling was not a ruling that saw the member for Perth properly dealt with. The standing orders do not permit a proper discussion in a way that allows a proper judgement to be moved to condemn an individual on either side of the House. The standing orders simply do not permit that type of debate on a suspension. I do believe, Mr Speaker, you must change your position. We must dissent from the ruling. (Time expired)

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

Mr Abbott (Warringah—Leader of the House) (3.48 pm)—I do not propose to long detain the House, although, out of courtesy to the Manager of Opposition Business, she can have as much time on this motion as I propose to take myself. Let me make it very clear that if the Leader of the Opposition spent as much time on policy as he does huffing and puffing in this parliament he would certainly be a much better and more effective Leader of the Opposition. Today we have had more self-important posturing from the Leader of the Opposition.

Let me make it very clear that a practice has grown up in this House, rightly or wrongly, of debating substantive issues by way of suspension motions. On numerous occasions the opposition come into this House and move a suspension motion. In the course of that debate they make the substantive points that they would have made if that suspension motion had been passed. Let us be absolutely clear that a practice has grown up in this House of substantive points being made by way of a motion for suspension.

Certainly, in debating the motion for suspension yesterday, a number of substantive points were made by the mover of the suspension motion. He was constantly interrupted by members opposite taking points of order. When, by contrast, the member for Perth stood up to speak on the suspension motion he similarly addressed the substantive points but, respecting the contemporary practice of this House, there was no attempt to interrupt the member for Perth in making the substantive points that he sought to make.

This is the clear situation. It is possible, and indeed it is now the standard practice in this House, to have substantive debates by way of suspension motions. I would have thought that members opposite would have been grateful that, having had a successful suspension motion, the House did not further proceed with the business for the simple reason that the member for Perth had been caught out red-handed.

If members opposite want to have further debate on this matter we will oblige them at the appropriate time. There are certainly any number of opportunities for them to debate workplace relations matters in this House, if they choose. I simply make the point that what happened yesterday was perfectly in accordance with the contemporary practices of this House. Your rulings were correct, Mr Speaker. The explanation that you gave in answer to the member for Lalor was a perfectly fair and reasonable statement of exactly where things are in this House at this time.

Ms Gillard (Lalor—Manager of Opposition Business) (3.51 pm)—I wanted to hear the Leader of the House speak in order to hear what arguments he put. Unfortunately, he did not have any. There is a very clear point here that we need to understand. When you look at page 321 of House of Rep-
resentatives Practice you see it deals with the question of the censure of a member or senator—and it deals with it specifically. When you look at that section it tells you that, apart from motions against the Leader of the Opposition, a motion of censure of a private member has only been moved on two occasions. On those two occasions, both motions were agreed to.

I think we can assume that a motion of censure against the Leader of the Opposition is, if you like, a political device to have a political debate and not necessarily a personal allegation against the Leader of the Opposition. There were only two occasions on which such motions were moved and agreed to against private members. One was against the Leader of the National Party, then in opposition, for conduct unworthy of a member. Another was a motion put to the House condemning the Leader of the National Party for reflecting on the Speaker, and the motion was withdrawn by leave after he apologised.

I only take you to those precedents, Mr Speaker, to reinforce the point that censuring or condemning a member of the House is an unbelievably unusual thing because it is an unbelievably serious thing. And because it is a serious thing, there are special ways of dealing with it under the standing orders. It is exactly, if you like, why we have different laws in the criminal arena from those in the civil arena. We make special rules to protect the rights of the accused. In the standing orders of this parliament the same approach has been taken, and special rules have been made to protect the rights of a member who is the subject of a substantive allegation.

Those rights mean that that member gets to deal with that matter by way of substantive motion and, by way of substantive motion, put their answer. The member gets an extended time for the debate and an unrestrained debate. You cannot implant that into a procedural motion and get the same result. The very fact that you cannot implant it into a procedural motion and get the same result is borne out by more than 100 years of history in this place, where chamber research has been unable to identify where a procedural motion has been used to get a substantive result other than dealing with the most basic of procedural things. The precedents you use, Mr Speaker, show that.

We have allowed those matters to come together if we have been changing the sitting times of the House, or perhaps changing the way in which we are dealing with a bill. We have never before in this parliament witnessed a day when it occurred that an individual member was under attack. We ought never to allow that to occur and it ought not to have occurred yesterday. I understand that the past is history. What we are debating now is the future. I think the best reading of yesterday’s Hansard is that there was a procedural motion moved—

Mr ABBOTT (Warringah—Leader of the House) (3.55 pm)—I move:

That the question be put.

A division having been called and the bells having been rung—

Mr Albanese—Mr Speaker, could I clarify that this vote is just on that the motion be put, or are you going to count this as the substantive motion as well?

The SPEAKER—Order! The motion before the chair is that the question be put.

Question put.

The House divided. [3.59 pm]
(The Speaker—Hon. David Hawker)

Ayes............  80
Noes............  58
Majority........  22

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

NOES
Adams, D.G.H.   Albanese, A.N.
Andren, P.J.    Beazley, K.C.
Bevis, A.R.     Bird, S.
Bowen, C.       Burke, A.E.
Burke, A.S.     Byrne, A.M.
Corcoran, A.K.  Crean, S.F.
Elliot, J.      Ellis, A.L.
Ellis, K.       Emerson, C.A.
Ferguson, L.D.T. Fitzgibbon, J.A.
Garrett, P.     Georganas, S.
George, J.      Gibbons, S.W.

* denotes teller

Question agreed to.

Original question put:
That the Speaker’s ruling be dissented from.

The House divided.  [4.09 pm]

(The Speaker—Hon. David Hawker)

Ayes............  58
Noes............  80
Majority........  22

AYES
Adams, D.G.H.   Albanese, A.N.
Andren, P.J.    Beazley, K.C.
Bevis, A.R.     Bird, S.
Bowen, C.       Burke, A.E.
Burke, A.S.     Byrne, A.M.
Corcoran, A.K.  Crean, S.F.
Elliot, J.      Ellis, A.L.
Ellis, K.       Emerson, C.A.
Ferguson, L.D.T. Fitzgibbon, J.A.
Garrett, P.     Georganas, S.
George, J.      Gibbons, S.W.
Mr BEVIS (4.12 pm)—Mr Speaker, I have a question to you that follows what appears to be the new precedent established yesterday and just a few moments ago. It goes to page 333 of the *House of Representatives Practice*, dealing with a debate on a motion of suspension, in which it is recorded:

> 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.

Is it your intention to create another new precedent in dealing with that particular practice of the House? What advice do you propose to give to members who are subject to combined procedural motions and censures, such as the way the motion yesterday was moved? What facilities of the House are available to any member, either now or in the future, to defend themselves in a full debate in relation to the censure moved against them, given the precedent clearly established and referred to at page 333 of *Practice*?

The SPEAKER—I thank the member for Brisbane for his question. I will make a couple of points in response. First of all, clearly the House did just debate that very point in the motion of dissent. I will also say, as I said earlier in answer to the question from the Manager of Opposition Business, that...
where these two points are combined into one motion clearly it would be preferable in such a situation for that to be dealt with by two motions. But, if the House chooses to do that or wishes to reconsider that, it would probably be preferable if it were referred to the Procedure Committee for clarification.

Mr Albanese—Can I take it that that will be referred to the Procedure Committee as a result?

Mr Abbott—I would be happy for that to happen.

The SPEAKER—It would appear that there is agreement.

Dissent Motion

Mr ALBANESE (Grayndler) (4.14 pm)—Mr Speaker, at what time would the 30 minutes have expired for that debate had the gag motion not been moved on the dissent motion?

The SPEAKER—I believe the answer is eight minutes past four.

PERSONAL EXPLANATIONS

Mr ALBANESE (Grayndler) (4.15 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr ALBANESE—Yes.

The SPEAKER—Please proceed.

Mr ALBANESE—To save the time of the House, I make this personal explanation on behalf of the member for Wills as well as for myself. Today’s *Herald Sun* has in it an article by Andrew Bolt, in which he suggests:

Religious bigots are dangerous in politics. Just see what federal Labor frontbenchers Kelvin Thomson and Anthony Albanese will do in the name of their green faith.

In this article about climate change, Andrew Bolt goes on to question what both of us have said—that is, that there is a scientific consensus concerning global warming. Both the member for Wills and I know that, due to the intergovernmental panel on climate change, some 5,000 of the world’s top scientists do have a consensus on climate change.

The SPEAKER—Order! The member does not have to debate it; he should show where he has been misrepresented.

Mr ALBANESE—That does not make one a religious zealot; that makes one someone who recognises that the world is round and climate change is real.

DOCUMENTS

Ms JULIE BISHOP (Curtin—Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues) (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:

- Crimes Act 1914—Controlled operations—Report for 2005-06.
- Members of Parliament (Staff) Act—Report on consultants engaged under section 4 for 2005-06.
- Repatriation Commission, Department of Veterans’ Affairs and the National Treatment Monitoring Committee—Report for 2005-06.

Debate (on motion by Ms Gillard) adjourned.

QUESTIONS TO THE SPEAKER

Standing Orders

Mr BOWEN (4.17 pm)—Mr Speaker, I have a question to you. Yesterday, while the honourable member for Perth was moving a motion to suspend standing orders, the honourable Minister for Agriculture, Fisheries and Forestry took a point of order that the motion to suspend standing orders was too long. The minister referred generally to
standing orders but did not cite a specific standing order.

Standing order 47, which governs motions to suspend standing orders, is silent on the matter of their length. Page 330 of *House of Representatives Practice*, which deals with suspensions, is also silent on the length of motions. *House of Representatives Practice* does deal with the length of notices, but a motion to suspend standing orders does not meet the definition of a notice as outlined on page 287 of *House of Representatives Practice*. Mr Speaker, given that you ruled that the motion was too long, for the assistance of honourable members can I ask on what basis the chair can rule that a motion is too long?

The SPEAKER—I thank the member for Prospect. If I recall correctly, I asked the member for Perth to conclude his motion but I did not stop him completing his motion. So I think that I dealt with the matter at the time.

MATTERS OF PUBLIC IMPORTANCE

Education

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

The Government’s placement of its political interests and agendas ahead of solving the real problems facing Australia’s schools, TAFE’s and universities.

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 MACKLIN (Jagajaga) (4.18 pm)—We have had the most extraordinary outbursts from the Minister for Education, Science and Training over the last few days. Just last Thursday night, the minister for education circulated a speech calling for a common national curriculum. She justified this with the following quite incredible remark. She said:

Some of the themes emerging in school curriculum are straight from Chairman Mao.

She went on to say:

We are talking serious ideology here. It is not the teachers that she is hopping into this time—although we know those on that side of the parliament like to blame the teachers for most things. On this occasion, the minister for education is blaming the state boards of education.

Today in question time the Leader of the Opposition asked the minister for education which Maoist was actually present on the New South Wales Board of Education. The Leader of the Opposition asked whether it was the president, Professor Gordon Stanley; whether it was any of the parents from the state schools or the Catholic schools; whether it was Dr Brian Croke, Executive Director of the Catholic Education Commission of New South Wales; whether it was Mr Phillip Heath, Headmaster of St Andrew’s Cathedral School; or whether it was Brother Kelvin Canavan, Director of the Catholic Education Office. The Leader of the Opposition asked which of these people this minister for education in the Howard government would identify as a Maoist. Of course, she could not do any such thing.

Mr Kelvin Thomson interjecting—

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Wills has been warned and will be removed if he does not desist from interjecting.

Ms MACKLIN—Her whole point last Thursday was just so out of touch and so steeped in politics. It had nothing to do with the standard of education that is being delivered—for example, by the New South Wales
Board of Education—and everything to do with politics. That is all the government are interested in these days. They are interested in politics and they are interested in making ridiculous statements like: ‘Themes in school curriculum coming from Chairman Mao.’ This minister for education has yet again been shown up today as being completely out of touch.

Following her extraordinary remarks, we had quite a lot of comment in the media about whether or not her criticisms bore any relationship to reality—is she so out of touch that she had no support from those who do understand what is happening to the standards of education in our schools? Unlike the minister for education, Professor Barry McGaw, architect of the New South Wales Higher School Certificate and former head of education in the OECD—that is, somebody who does actually know about standards in education—dismissed out of hand the education minister’s claims that literacy and numeracy standards are falling. In fact, he is quoted in the *Sydney Morning Herald* as saying:

“There has been a substantial attention to particularly literacy but also numeracy in recent years with state and national assessment programs and curriculum reform,” he said.

“The international comparison shows we are not doing too badly at all in those domains.”

So it is cheap politics—the only politics that this minister is interested in—just to get her a front page. Of course, she did get plenty of front pages that went to the issue: ‘Minister to seek federal curriculum takeover’, ‘Bishop wants same classes in all states’, ‘Demand for same classes nationwide’, ‘Canberra to seize syllabus’. All of these headlines came out of her search for Maoists on our Board of Studies. What she said in her speech that she distributed on Thursday night—

**The DEPUTY SPEAKER**—I ask the member for Jagajaga not to use the personal pronoun, please.

**Ms MACKLIN**—As the minister said in her speech that she distributed on Thursday night—of course the ‘Maoist’ reference had gone by Friday, because she could not find any of them:

We need to take school curriculum out of the hands of ideologues—which of the ideologues in the New South Wales Board of Studies, of course, she has not been able to identify—in the State and Territory education bureaucracies and give it to … a national board of studies …

That was Thursday night, and on Friday she said that the minister for education in the Howard government will decide what is taught in our classrooms. That is the position that we have from the minister for education: the minister for education in the Howard government will decide what is taught in our classrooms and the context in which it is taught.

Of course, her tough stance did not last very long. The minister for education realised that this was a bit over the top, so by Sunday she had done a complete backflip. By Sunday she was saying:

I am not talking about a Commonwealth takeover. Hang on a minute. What were those headlines again? What were those headlines that said, ‘Canberra to seize syllabus’, ‘Canberra takeover’? By Sunday the minister was saying:

I am not talking about a Commonwealth takeover. My concern is raising standards, about greater national consistency in schooling …

Let us go a little bit further into this to see what this minister is really on about and see if we can discover what it is that this minister really believes. I thank the member for Fremantle for this. Back in 1998, when the min-
ister first came into the parliament, in her first speech she said:

Our democracy depends upon the dispersal of power that state parliaments inherently provide as a counterweight to the federal parliament.

... ... ...

... federalism ... ensures diversity and flexibility.

Extraordinary, isn’t it? She went on:

It is more responsive to local communities and allows for a greater sense of involvement and participation.

That was back in 1998, when the minister first came into the parliament. In July 2006 the minister told Meet the Press, after she had met with the state ministers:

I wasn’t pushing a national curriculum, I was pushing nationally consistent, high standards.

But by last week it was a national curriculum. So it was a national curriculum on Friday, back in July it was not a national curriculum and by Sunday it was not a national curriculum again. What does this minister believe in? What does she believe in? There are so many different positions just on this one issue. What we have had is an outburst of ideological language attacking the state boards of education, calling them Maoist one minute and then using that to justify a centralised takeover of curriculum by the Howard government. This is a very, very confused minister for education—a heck of a lot of politics, but nothing to do with what it should really be all about, and that is the standard of education for children in our schools.

I thought Maralyn Parker in the Daily Telegraph really pinged it today. Maralyn Parker actually follows these issues, and she said:

Be surprised we already have nationally agreed statements for English and maths.

Did that get mentioned last week? No, that did not get mentioned last week. Maralyn Parker went on to say:

This is where the Minister should be focusing—on what has already been agreed to and working on further agreements, not reviving Mao to terrify us all.

However, it is the spectre of a national board set up and run by people such as Kevin Donnelly, who has the nickname among some academics of the court jester (based on a perceived penchant for pleasing the Howard Government) that is stirring everyone up. Just recently he accused Australia of having dumbed-down and politically correct curricula—

I seem to have heard that from the minister for education—but then exhorted us to follow US-style curriculum development.

No doubt we will get that from the minister for education too. The article went on:

Meanwhile, Australian students beat the socks off US students in every subject in all national comparisons and consistently produce much higher academic standards.

Once again, the minister for education is extraordinarily out of touch.

Now we see the minister coping some pretty hefty incoming from her own side. I thought there were some pretty to-the-point criticisms in the West Australian newspaper today. The West Australian today quoted Peter Collier, the Western Australian Liberal education spokesman and, until today, I understand, a staunch ally of the minister:

“To suggest that the Federal Government has the panacea for success in education is naive in the extreme. If the Federal Government wants to have a fight over State issues, I’ll just say bring it on.”

So we are going to have a good fight between a Western Australian federal minister for education and her state opposition counterpart.
Another senior Liberal from Western Australia, Norman Moore, also hit out at the education minister’s plan for a national curriculum, labelling it—and I think this guy got it right—an exercise in ‘greed and power’. On Monday, Jeff Kennett warned that we could end up with the ‘lowest common denominator’ if we have a single national curriculum. Former National Party senator John Stone said he was against this thing being centralised in Canberra. He said, ‘I think that would be an absolute bloody disaster.’ So we have had some extraordinary incoming from the minister’s own side.

It does not seem that it is only in this area of national curriculum, though, that this minister for education is confused. In fact, there was a comment from the Minister for Health and Ageing, Tony Abbott, in today’s Sydney Morning Herald. It was buried a bit, but I thought I would draw it to people’s attention in this matter of public importance debate. It really does, once again, humiliate the minister for education. The minister for health said:

... the (history) summit’s recommendation that students should develop their understanding of Australian society “by pursuing a series of open-ended questions” sounds like more of the fact-free “thematic stew” that has so dismayed narrative historians.

That was the minister for health on the minister for education’s history summit. The core of this humiliation from the health minister is his very deliberate use of the Prime Minister’s primary insult—thematic stew—in describing the outcomes of her summit.

Dr Emerson—That’s a bit ugly!

Ms MACKLIN—Yes. Another area where the education minister seems to be all over the place is when it comes to who controls what goes on in universities. Back in July 2006—so not that long ago—the minister for education proposed that the Commonwealth seize control of universities from the states. She said:

My suggestion is that we have one body, one accreditation agency.

So it was all to be done by the Commonwealth. But we did not hear any more about this after she was comprehensively rolled by the state ministers. Not a word about it since July until last week, when I read in the Age newspaper a completely contrary view. The minister said:

Universities are creatures of our states.

Ms Julie Bishop—It’s a fact.

Opposition members interjecting—

The DEPUTY SPEAKER—The member for Gorton is warned.

Ms MACKLIN—It is a fact—that is exactly right. Universities are creatures of the states.

Mr Brendan O’Connor interjecting—

The DEPUTY SPEAKER—The member for Gorton will remove himself under standing order 94(a).

The member for Gorton then left the chamber.

Ms MACKLIN—The minister went on to say:

They are accredited, registered, audited, governed by the states.

Ms Julie Bishop—Exactly.

Ms MACKLIN—But back in July it was going to be all taken over by the Commonwealth. Once again, one just cannot figure it out.

Ms King interjecting—

The DEPUTY SPEAKER—The member for Ballarat might follow the member for Gorton.

Ms MACKLIN—The minister says, ‘Exactly.’ So perhaps it is the case that this minister still wants to take over control of uni-
versities from the states, even though just a couple of weeks ago we had the minister pleading with the states for them to start putting more money into our universities.

We have had a few other thought bubbles from this minister. She has said that there should be compulsory preschool for four-year-olds. That was back in April. Have we heard any more about that since?

Dr Emerson—Not a word.

Ms MACKLIN—Yes, not a word. There was a proposal for vouchers across the board for education—that got a run. We have heard nothing about it since.

Ms Julie Bishop interjecting—

The DEPUTY SPEAKER—Order! Minister!

Ms MACKLIN—What will be next? That is the question. What we are not getting from this minister is anything that addresses the serious problems that are facing this country because of the government’s failure to address the skills crisis—to make sure we have enough apprentices, engineers, nurses, teachers and doctors. These are the issues that the education minister should be addressing. These are the issues that this country needs addressed. Without that, this country is going to go backwards, because we have a major skills crisis that is now stopping business from doing what it needs to do. (Time expired)

Ms JULIE BISHOP (Curtin—Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues) (4.34 pm)—The Howard government welcomes this MPI debate. We are not afraid to have the spotlight placed on our record in schools, TAFEs and universities and our call for higher standards. Indeed, it is the Howard government that wants to open the lid on what the state and territory education systems are doing in terms of education and training and place the spotlight on the failure of the state and territory governments’ education systems.

And do you know what hurts Labor? They know that the parents of Australia agree with the Howard government on this issue. It is pretty rich to hear the member for Jagajaga talk about the politicisation of curriculum—I have to get this in the Hansard. The member for Jagajaga would be the last person to suggest that there are not people in the education system trying to ensure the curriculum is politicised. There she was, at the Marx Centenary Conference, where she said, ‘What does the dismantling of capitalism and the building of socialism involve?’

Ms Macklin—It’s a bit late, Julie. Brendan already used that one.

Ms JULIE BISHOP—Exactly; it gets better by the telling. She went on:

It is all too clear that spontaneous uprising is not around the corner, planned insurrection is only dream in some people’s heads. We are talking about transformation. The essence of this is that it is a strategy for a war of position where we can gradually make incisive interventions into the sovereignty of capital.

Ms Macklin—No prize for second best!

The DEPUTY SPEAKER (Hon. IR Causley)—Order! The member for Jagajaga!

Ms JULIE BISHOP—The member for Jagajaga called for ‘incisive interventions into the sovereignty of capital.’ And this is the person that the Labor Party would put up as an alternative education minister. Labor is being entirely disingenuous on this issue, as with so many others. Members might not realise that it was in fact the Labor Party, when the current Leader of the Opposition was the minister for education, that called for a national curriculum and threatened states. They threatened to tie grants to a national curriculum in 1993. How extraordinary that the—
Ms Macklin interjecting—

The DEPUTY SPEAKER—Order! The member for Jagajaga has been warned. I will not hesitate to put her out.

Ms JULIE BISHOP—member for Jagajaga would now raise this with such high dudgeon. Of course, last week we had the shadow shadow minister—the member for Rankin—sitting up there calling for it to be compulsory for every child to be required to complete year 12. Mind you, the member for Jagajaga is so bereft of policy ideas that the member for Rankin has taken it upon himself to become the shadow shadow minister and is publicly pitching for her job. And all the member for Jagajaga can do is sit there and watch her position as shadow minister erode before her eyes.

Let me turn to schools. Recently there was an unprecedented event in education circles: Australia’s representative on the executive of the United Nations education body, UNESCO, Professor Kenneth Wiltshire, made a significant attack—through the media—on state and territory governments for their failure to monitor the quality of teaching in their education systems. Professor Wiltshire pointed out that state Labor governments, who are under the influence of the teachers unions, are unable to achieve any significant reforms to improve educational quality. Professor Wiltshire’s criticisms underscore the reality that any government that is unwilling or incapable of standing up to the teachers unions will be unable to put students and education standards first.

The Howard government are committed to raising academic standards across the nation. We are committed to achieving greater national consistency between state and territory school systems so that students who move between states are not disadvantaged. We are committed to ensuring that state and territory curricula are more accountable so that parents have confidence that schools are focused on teaching their children the essential and fundamental skills that will allow them to be well-informed citizens of the future. Parents are concerned about failing standards in our schools, and they are turning to the Australian government to focus on literacy and numeracy and get the state and territory education ministers to raise those standards.

The member for Jagajaga says, ‘Oh, we’re not doing too badly.’ I am sorry; that is not good enough. We accept nothing less than the highest possible standards, and there are numerous examples of failure on the part of state and territory education authorities. You just have to read the recent reports in the media. The Australian Defence Force Academy will force almost half of its tertiary engineering students to sit remedial maths courses to bring them up to university standard. A Queensland university has to require more than half its first-year science and engineering students to undertake remedial maths classes. Law lecturers in a number of law schools around the country are having to give their students remedial English classes. One of Australia’s best science research institutes, the Queensland Institute of Medical Research, has had to employ a lecturer from the University of Queensland to run remedial English classes for PhD students—these are meant to be our best and brightest.

Across Australia, universities are having to direct valuable resources to remedial English and maths classes for tertiary students. This is because the states and territories, who set the curricula, have failed to ensure that students are getting the basics right. You just have to talk to employers, businesses and industry across the country to realise how concerned they are about the standards in our schools. International benchmarking shows some 30 per cent of Australian students did not reach the standard of literacy that would be required to meet the demands of lifelong
learning—30 per cent; that is not good enough. The Labor Party is prepared to accept that 30 per cent of students should be condemned to a low literacy standard; we are not. This is a failure of the states and territories, and the Labor Party knows it.

Parents have also got a right to know what is being taught in their children’s classrooms and that their children are getting the necessary skills to perform at university and in the workplace. There has to be greater accountability for what is being taught in our classrooms, with schools not being used to politically indoctrinate children.

There are over 80,000 young people who move between states each year—it is probably closer to 90,000—and they should not be disadvantaged by the fragmented, inconsistent approach of the states and territories to schooling. We owe it to our Defence Force families and other families who are prepared to move interstate—and their numbers will only increase with our mobile workforce—to ensure that the education of their children is not disrupted beyond that which is necessary. What the states and territories and the federal opposition have failed to recognise is that parents are calling for educational reform, they are calling for a greater focus on teacher quality and they want more accountability and transparency in the development of curricula. The shadow minister, Ms Macklin, is unable to make any contribution to the debate about lifting educational standards because she is beholden to the teachers unions.

Research both in Australia and overseas concludes that the critical factor in determining a student’s achievement at school is the quality of the teacher. That is why, to promote teacher quality, we are focusing on the need to start giving teachers performance based pay and the need to develop a nationally consistent and rigorous approach to compulsory professional development. We recognise that of course there are outstanding teachers in this country, and they need to be identified and encouraged and rewarded. We need to provide teachers with incentives to lift their standards and to aspire to delivering better results for students. We have got to improve the quality of what is being taught in our schools.

There is widespread community concern about the content of curricula being developed by state government education authorities. Just take the debacle in Western Australia with the implementation of the outcomes based education system. Who suffers from this debacle? Not the education authorities, not the state government but the students, the teachers and the parents. That system has now been junked, and the students and parents are waiting to hear what the next fad is for the Western Australian government.

The member for Jagajaga mentioned Australian history. Well, yes, there has been considerable concern expressed about the downgrading of Australian history in our schools. And, over recent weeks, we have had professional geographers calling for the strengthening of their discipline in our schools, expressing their concern about the politicisation of geography, of all subjects. There is a need for the Commonwealth to take a leadership role in a fight for a back-to-basics approach across curricula. We have to work to ensure that we have consistently high standards across the country.

The failure of state governments to protect the interests of young Australians from trendy educational fads has led to the community turning to the federal government to take action. And let us open the lid on what is being taught in our schools; let us have a debate on what can be taught in schools and how and why. We should have curricula that are not hijacked by those who want to inject their politics into courses. History, English
and geography classes should not be allowed to slide into political science courses by another name. The only way to do this is to lift the lid on the development of curricula and ensure that there is public accountability for what is going on.

The community are demanding an end to fads. They want a return to a commonsense curriculum with agreed core subjects like Australian history. They want a renewed focus on literacy and numeracy. Of course the curriculum must be challenging and aim for the very highest standards, not the lowest common denominator. We must not lower the educational bar to make sure everyone gets over it; we should be raising the educational bar across Australia and striving for excellence. Why can’t we identify the highest standards across the nation, adopt them nationally, focus on best practice in each state and channel the savings back into ensuring that every student, wherever they attend school in Australia, receives a high-quality education from high-quality teachers in a high-quality environment? Think of the duplication and the waste of resources that come from eight separate education authorities each developing a separate curriculum for every subject for every year from K to 12. The states and territories collectively spend more than $180 million each year just to run their boards of studies—each developing curricula, each developing curriculum documents and, in many cases, developing the same or at least similar curricula.

Getting our schools back to the fundamentals will have a positive flow-on effect for students and parents across the nation both in government and non-government schools. It is an educational agenda worth pursuing. Labor are entirely disingenuous in their concerns. If they were so concerned about the future of schools, they would have got onto their state and territory colleagues and they would have initiated reform. But they are slaves to the teacher unions and unable to put the best interests of Australian students first. Turning to higher education, the government have invested more in higher education than any other government at any time. As a result of our reforms to higher education this sector will be $2.6 billion better off over five years and $11 billion better off over the next decade.

Ms Macklin interjecting—

Ms JULIE BISHOP—If the Australian government is required to contribute to the funding of Australian schools, why shouldn’t states and territories contribute an equivalent share to universities? On the question of student enrolments at universities, the Australian government has presided over a period...
when there are now record numbers of students attending universities across this country. There are almost a million students at university—

Ms Macklin—There is a decline in the number of Australian students.

Ms JULIE BISHOP—and that is because we have been funding significant numbers of places.

Dr Emerson—That’s rubbish!

Ms JULIE BISHOP—Australian government funding for an additional 18,515 more places has ensured this record number of students attending university. We are committed to increasing participation in higher education for all Australians. More students than ever before are receiving a university education. There is more funding for higher education than ever before. Ten thousand additional domestic students commenced an undergraduate course.

Ms King—That is just not true.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The member for Ballarat!

Ms JULIE BISHOP—That was an increase of around six per cent to over 175,000. The number of commencing domestic students increased by around 7,000. We now have 260,000, up 2.7 per cent. Unmet student demand has fallen by more than 60 per cent—

Dr Emerson—They have been deterred—

The DEPUTY SPEAKER—Order! The honourable member for Rankin should be very careful.

Ms JULIE BISHOP—This is the lowest level for decades. I think that we should just recall what it was that the Leader of the Opposition said when he was education minister. He was looking back to the days when he had portfolio responsibility for education and training and he said:

... I had sort of finally got to accept that I would never be Defence Minister again, so I lost a lot of ambition and I stopped straining ... I thought that there was less capacity to achieve in that [education] portfolio than just about any I have had.

What an absolute disgrace! The Howard government is committed to higher standards in education. (Time expired)

Ms LIVERMORE (Capricornia) (4.49 pm)—Since this is a debate about education, I am going to start out by playing teacher just for a second. Hands up all those of you who are sick and tired of being lectured by Howard government ministers about things for which they have had responsibility for the past 10 years. Hands up. It happens time and time again. All we get from John Howard and his ministers is commentary—never action, never solutions, just commentary. They spend all their time playing politics, lecturing others and usually blaming others. What they seem to forget is that they have been in government for 10 long years, so these problems that they lecture other people about have been theirs to fix for quite some time.

But of course nothing is ever their fault. The latest example of this lecturing is Joe Hockey’s comments today. He accuses Australians of being lazy. Apparently the skills shortage has nothing to do with the government’s failure to train Australians. It is not the government’s fault; it is just that people are too lazy. I suggest that before the minister starts pointing the finger at the community he should take a good hard look at his cabinet colleagues, because when it comes to dealing with the challenges facing this country this government knows all about laziness.

Let us have a quick look. We now know, thanks to the Cole inquiry, that members of the government were too lazy to read the many cables coming into their offices raising concerns that an Australian company was funnelling $300 million to Saddam Hussein. Five years after the terrorist attacks on the
United States the government still has not addressed the gaping holes in Australia’s transport security regime. The government’s policy laziness and fixation on the privatisation of Telstra has left Australia stranded on an information goat track while our competitors have access to broadband internet speeds that families and businesses in Australia can only dream of. And of course there is the subject of today’s MPI—education and training—where the government’s laziness and obsession with ideological agendas for the past 10 long years has left Australia falling behind the rest of the developed world—and not just the developed world but the other parts of the world as well—in its investment in training and education. This is happening at a time when this country is crying out for highly skilled and qualified people so that we can make the most of our opportunities and remain competitive.

For the Labor Party, at least, education is seen as a crucial portfolio and one that brings with it an enormous responsibility to develop policies to ensure that our education system gives everyone the opportunity to reach their full potential. Education creates opportunities for individuals and secures our future as a nation. So the education portfolio can be seen and should be seen as an opportunity to change lives and build the nation.

But, sadly, like every other portfolio in this government, education is seen as nothing more than another opportunity for grandstanding and cheap political point scoring. We all know the usual targets from this government. First are the states—they always try and shift blame onto the states for everything. There are the education unions, and the cheapest shot of them all: teachers—those professional and dedicated people who do no more to aggravate the government than just get out into schools every day and teach our kids.

After 10 long years of this government, there is no shortage of failures for a new education minister to get in and fix. Perhaps you could start with the chronic skills shortage. The Reserve Bank thinks that might be a good idea. Earlier this year it identified the shortage of skilled workers as one of the significant constraints in our economy that is putting pressure on inflation and upward pressure on interest rates.

Perhaps you could look into the reasons behind the decline in domestic enrolments at our universities. This is particularly a problem for regional unis like CQU in my electorate. You have to ask: where will we get the engineers, nurses and ag scientists that we need in our regions if people are being discouraged from higher education? Perhaps the minister could do something about the numbers of apprentices who do not complete their trades—a big contributor to the skills shortage. Figures for the March quarter this year showed apprenticeship cancellations and withdrawals reached 36,000—up 13 per cent from 2005.

It is clear that there is plenty to do if you were part of a government that actually cared about the future of this country. But, sadly, for this minister it is all about playing politics. The minister’s performance has shown she does not want to get serious about the portfolio or fix any of the problems this government has presided over. She is much too busy dreaming up her next headline to worry about substantial policy—the substantial policy on education that this country needs.

The education minister has not developed much in the way of education policy but she has mastered the art of grandstanding. One could say that she learnt from the master who was her predecessor in this portfolio. The grandstanding pattern goes something like this: first of all, float a thought bubble—and the shadow minister has run through a
few of those. First there were vouchers and then there was the threat to withhold funding from the states over teaching history as a stand-alone subject. We heard about universal preschool education for four-year-olds and then there was last week’s idea about the national curriculum. So you float the thought bubble, bask in the headlines for a day and then nothing.

Ms George—And backflip.

Ms Livermore—Maybe there is a backflip; there is often a backflip or nothing—no follow-up, no substantial policy development, no implementation of initiatives that might make a difference. It is a shameful performance from a minister who has responsibility for such a crucial area of public policy. How dare she play politics with the education of our children and the future of this country while there are such serious issues to be dealt with in her portfolio area.

There has been a great deal of attention given to the minister’s ridiculous accusation last week that school curricula in the states have been hijacked by Maoists—those crazy Maoists—like the New South Wales board of education that we heard about today. The minister’s suggestion of a national uniform curriculum has been soundly rejected by the states and many other bodies with actual experience of and expertise in education. One of my favourite quotes was in the Weekend Australian from the Australian Secondary Principals Association president, Andrew Blair, who said:

...Ms Bishop was taking a populist position and rejected the idea that left-wing ideologues were controlling curricula. ‘It is a ... cheap political shot,’ he said.

While Mr Blair welcomed a debate on the need for a national curriculum and the association supported a national framework, he said imposing uniformity was not the answer. ‘We must not just adhere to this back-to-basics claptrap that is going on,’ he said.

Hear, hear! The state governments have rejected the proposal and indicated a much more mature way of working though issues with curricula and standards across Australia. Our Queensland minister for education, Ron Welford, who is the chairman of MCEETYA, pointed out to the minister that the states and territories are already working together to improve consistency across their different curricula. Mr Welford called on the federal government to show its concern for what students learned by increasing its funding and cooperation with the states. Other state ministers have said similar things—talking about cooperation with the states—not just this cheap shot at grabbing political power by the Commonwealth. So in contrast to these people who take education and their responsibilities seriously, the minister has been exposed as having no substance. She floats the thought bubbles, grabs the headlines but does not come up with any real solutions.

Another example of the minister failing to do the work after a press conference is over came to light on the Insight program on SBS on 26 September. This was a very interesting program because the minister was sharing the forum with people who actually know and care about education and who were prepared to challenge the minister to come up with more than glib statements and political spin. In one part of the program the minister was asked to explain the government’s new requirement imposed on the states for A-E report cards. The presenter asks:

So what does an A mean and what does a B mean and what does a C mean?

The minister says:

...we’ve asked for the regulations to set out 5-point scale —A to E or equivalent—in plain English ...
The presenter:
Now, does that mean a C means you’re performing to standard and anything above a C is extra, is better than the basic standard? How does it work?
The minister:
Everybody understands what A to E means.
The presenter:
I don’t know that they do. What does an A mean, and what does a C mean? Does a C mean that you’re underperforming or does it mean you’re performing to a particular level?
The minister says:
Average.
The presenter:
C means you’re average.
Then Judith Wheeldon, who is the former principal of a Sydney girls’ school, comes in and says:
Is it in the school or is it statewide or is it national?
The questions keep coming and the minister is asked for her response. She says:
C means the standard expected and B means higher than that standard and A means excellent.
JUDITH WHEELDON: Expected in the school or in the State?
JULIE BISHOP: Across that year.
And so it goes on.
Ms Julie Bishop—What’s the point of it?
Ms LIVERMORE—The point is: we have a minister who comes up with these ideas and then cannot follow through on any of them. Behind the resources boom Australia is facing real challenges. We need an education minister who will take up these challenges and treat her important portfolio seriously. When it comes to our education system, Australians deserve more than glib headline-grabbing one-liners and cheap populist politics. We need real policy and real investment. We need a Labor government.

Opposition members interjecting—
The DEPUTY SPEAKER (Mr Jenkins)—Order! Members on my left!
Ms Macklin interjecting—
Mr MICHAEL FERGUSON (Bass) (4.59 pm)—I just loved the contribution from the member for Capricornia. It reminded me very much of the member for Jagajaga’s contribution, all of which was read from a prepared speech. There was not a hell of a lot of imagination injected into it. It was all politically contrived, yet the tail-end of it seemed to suggest that it was the government that was attempting to score petty political points and grandstanding.

It is unfortunate and it is a little difficult, perhaps even a little unsustainable, for Labor to come into the House of Representatives to lecture a minister—indeed, the government; indeed, the House—on the government’s record. As the Minister for Defence, the former minister for education, has been singled out a few times, I thought I would bring into the House a clipping of a very well-known article published in the Sunday Herald Sun in 1992, because the Minister for Defence very often quotes from it. The editorial is headed ‘A national disgrace’. It reads:

Welcome to the lucky country. University graduates are begging for unpaid jobs just to get experience in the workplace. Sacked apprentices are offering their services for nothing in return for a chance to finish their trade training. Welcome to the lucky country. Youth unemployment is an open sore on the face of Australian society, its odour touching everyone. Welcome to the lucky country. A desperate father is offering to pay an employer $100 a week for three years to give his son an apprenticeship ... Welcome to nothing ... for that is what the young have inherited from probably the worst economic managers ever to sit on the Treasury benches in Canberra. The politicians should not squabble over the youth unemployment figures; they should hang their heads in shame. They have wounded young Australia. They have helped create disasters in the western
suburbs of Melbourne and in regional cities, where one in two teenagers is out of work.

This article was written at a time when Australia was being brought to its knees by the people, now diminished in number because most of them have gone, who sit across from me now—people like the member for Jagajaga, who was involved in that government; people like the—

Ms Macklin interjecting—

Mr MICHAEL FERGUSON—Yes, that is right. People like the opposition leader who, perhaps not at the exact date but in the same government—

Ms Macklin interjecting—

Mr MICHAEL FERGUSON—I think you ought to listen to this. We listened to you; I think you ought to listen to this. The Leader of the Opposition at that time was a member of the government, as the minister for education—the government that was crippling Australia and bringing it to its knees, and reducing young Australians, our greatest asset of all, to begging an employer—even offering to pay them—to give them an opportunity at life. In here today, it grieves me to hear the member for Jagajaga just grandstanding, with very little to offer but a prepared speech. This comes from the woman who would be Deputy Prime Minister of the greatest country in the world.

Ms Macklin interjecting—

Mr Ripoll interjecting—

Mr MICHAEL FERGUSON—For these reasons, as they mock and jest—that is great sport—

Ms Macklin—It is—you’re right there.

Mr MICHAEL FERGUSON—If we want to have a—

Ms Macklin interjecting—

Mr MICHAEL FERGUSON—I am happy to hear the interjections. I think those interjections are terrific because they are so shallow and so hollow. The Labor Party today have nothing to offer young people of Australia. Their policies are empty. And they come in here and accuse the government of flip-flopping. I find that very ironic indeed. I note the interjections are slowing down. It is just superficial. There is no substance behind it. The Minister for Education, Science and Training has very boldly and quite properly proposed continuing reform in education in Australia. This is a difficult issue. It is difficult because not all of the problems can be solved in this room. The member for Jagajaga ought to remember that. Many of the problems facing young people in our education and vocational training system around Australia require cooperation. They require genuine political goodwill from all of the authorities around this country—that is, the states and territories.

I would suggest that it is fair to say that, despite the good offices of this government, it is people like the member for Jagajaga and the Leader of the Opposition—those who would be Deputy Prime Minister and Prime Minister—who may in fact have some influence on their Labor colleagues in the states and territories. The influence that there may be will never be tested. We will never know because they never pick up the phone. They do not pick up the phone and ask their education minister colleagues why they do not give priority to education in the state budgets. They do not do it. They do not go to the Minister for Education in Tasmania and ask him to abolish up-front fees for TAFE students; they lecture this minister. This minister is lectured by that woman, who would be Deputy Prime Minister, about up-front fees for TAFE students—in Tasmania, something like $1,000 for a year. That may not sound like a lot of money to people who rest their buttocks in these comfortable green chairs, but for a young person—
Mr Ripoll—There’s softer leather on that side!

Mr MICHAEL FERGUSON—It is all very funny, isn’t it? And in disability services in Tasmania we have quadriplegic students being left in a room for an hour because there is nobody to take over, because the aid time is so low. It is not a funny subject. I do not think I have actually—

Ms Macklin—Why don’t you do something about it then?

The DEPUTY SPEAKER (Mr Jenkins)—Order! The Deputy Leader of the Opposition! The honourable member will ignore the interjections and the interjectors will cease.

Mr MICHAEL FERGUSON—But I welcome the contest because this is an important subject for debate in this country. This is very important. It is very critical to the future of the greatest country in the world. I could have come in here with a five- or six-page prepared speech.

Mr Ripoll—Instead, you’re going to ramble with nothing!

Mr MICHAEL FERGUSON—It is more jokes.

The DEPUTY SPEAKER—Order! The member for Oxley!

Mr MICHAEL FERGUSON—All it really is from the other side is grandstanding. The reality is that there has been no government in the history of Australia that has invested—I do not say ‘paid’; I say ‘invested’—more in education and vocational training. How has the Howard government been able to achieve great things like record spending and record investment in our primary schools, record investment in our high schools, record investment in a new initiative—the Australian Technical Colleges—and record investment in our higher education sector? How has this been achieved? It has been achieved because of the Howard government’s responsible economic management. I refer you again, Mr Deputy Speaker, to the editorial “A national disgrace”.

Opposition members interjecting—

Mr MICHAEL FERGUSON—And while they continue to laugh, the evidence will stand for the rest of time. The Labor Party are the worst economic managers. It may be true that there are people in Australia who, with the passage of time, may have forgotten about Northern Tasmania having an unemployment rate of 10 per cent. There may be people who have now forgotten that, but I have not. There may be people who have forgotten about the then government’s $10 billion black hole. Every year they were in government, they were short $10 billion. Who was finance minister? It was Kim Beazley, the Leader of the Opposition. It is little wonder that investment was simply not possible. It is little wonder that further investment in the future of our country was just not possible. If it were the case that the Howard government had reduced funds to primary schools, secondary schools or our higher education sector, I would take the lecture from you, Jenny Macklin. I would do it and I would listen to you—and I may even have agreed with you.

Mr Price—Mr Deputy Speaker, I rise on a point of order. The member for Bass should address members by their title.

The DEPUTY SPEAKER—The honourable member will refer to members by their title and refer his remarks through the chair.

Mr MICHAEL FERGUSON—The reality is that that is not the case. The member for Jagajaga is a shallow, hollow and futile deputy leader of her party. She has no policies, she has no agenda and she has no leadership ability. She has no ability to take this country into the future by providing sustain-
able policies and good economic management, or to be part of a team that can actually achieve for this country. \textit{(Time expired)}

\textbf{The DEPUTY SPEAKER}—Order! The discussion is now concluded.

DELEGATION REPORTS
Parliamentary Delegation to Mozambique and Kenya

\textbf{Mrs Elson} (Forde) (5.07 pm)—by leave—I present the report of the Parliamentary Delegation to Mozambique and Kenya from 11 to 23 July 2004.

Leave granted.

MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2006

Report from Main Committee

Bill returned from Main Committee without amendment, appropriation message having been reported; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

\textbf{Third Reading}

\textbf{Ms Gambaro} (Petrie—Parliamentary Secretary (Foreign Affairs)) (5.11 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT) BILL 2006

Report from Main Committee

Bill returned from Main Committee without amendment, appropriation message having been reported; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

\textbf{Third Reading}

\textbf{Ms Gambaro} (Petrie—Parliamentary Secretary (Foreign Affairs)) (5.13 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

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

Report from Main Committee

Bill returned from Main Committee without amendment, appropriation message having been reported; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

\textbf{Third Reading}

\textbf{Ms Gambaro} (Petrie—Parliamentary Secretary (Foreign Affairs)) (5.13 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) CONSEQUENTIAL, TRANSITIONAL AND OTHER MEASURES BILL 2006

Cognate bills:

\textbf{CORPORATIONS AMENDMENT (ABORIGINAL AND TORRES STRAIT ISLANDER CORPORATIONS) BILL 2006}

\textbf{CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) BILL 2005}
Debate resumed.

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

Mr MELHAM (Banks) (5.14 pm)—I rise to speak on each of these bills, which the Labor Party has decided to support. I want to go to the explanatory memorandum in the first instance, to give the background of and purpose for each of these bills. The explanatory memorandum to the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 points out that this supports the implementation of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 and that the CATSI Bill will replace the Aboriginal Councils and Associations Act 1976. The explanatory memorandum states:

The Bill comprises three parts: consequential amendments, transitional provisions and amendments to the Native Title Act 1993.

I will not go into the consequential amendments at this stage because I think they are pretty basic and they can be found in the explanatory memorandum.

The Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006 amends the Corporations Act 2001 as a consequence of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005. The amendments remove duplication arising from provisions in the CATSI Bill which mirror provisions in the Corporations Act. The amendments also remove areas of doubt and potential regulatory gaps that could be created by implementing the CATSI Bill alongside the Corporations Act. The main bill, the substantive bill, the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, replaces the Aboriginal Councils and Associations Act 1976 to improve governance and capacity in the Indigenous corporate sector. While this bill aligns with modern corporate governance standards and Corporations Law, it maintains a special statute of incorporation for Aboriginal and Torres Strait Islander peoples that takes account of the special risks and requirements of the Indigenous corporate sector.

The background that is pointed to in the explanatory memorandum, which is worth pointing out, is as follows:

1.3. The ACA Act was envisaged as an incorporation statute to provide a simple and flexible means for incorporating associations of Indigenous people and was reserved for the use of Indigenous people.

1.4. In February 2001 the Registrar commissioned the most recent review of the ACA Act. The final report of the review was presented in December 2002.

1.5. The major finding of the review was that the special incorporation needs of Indigenous people should be met through a statute of incorporation tailored to the specific incorporation needs of Indigenous people. The review recommended a thorough reform of the ACA Act by enactment of a new Act. The review recommended that the new act provide Indigenous people with key facilities of a modern incorporation statute such as the Corporations Act. The review also recommended that the new Act provide special forms of regulatory assistance to support contemporary standards of good corporate governance.

1.6. The review also concluded that the ACA Act was out-of-date and suffered from a large number of technical shortcomings to the point that the ACA Act itself had become a source of disadvantage for Indigenous people.

1.7. The Bill implements the key recommendation by retaining a special incorporation statute to meet the needs of Indigenous people. The Bill introduces a strong but flexible legislative frame-
work that maximises alignment with the Corporations Act where practicable, but provides sufficient flexibility for corporations to accommodate specific cultural practices and tailoring to reflect the particular needs and circumstances of individual groups. In acknowledgement of the fact that most corporations are located in remote or very remote areas, and may provide essential services or hold land, the Bill also offers safeguards through the Registrar’s unique regulatory powers.

A number of the review’s proposals were not implemented, and they are outlined on page 10 of the explanatory memorandum as follows:

3.26. The review recommended providing a transitional mechanism for appropriate corporations to move to the Corporations Act and enter mainstream corporate practice. This will be implemented in a further bill to be brought forward, the Corporations (Aboriginal and Torres Strait Islander) Miscellaneous and Transitionals Bill.

3.27. The review recommended that membership of corporations be restricted to Indigenous people. This has partly been implemented by providing that a majority of members (and directors) must be Indigenous. This improves flexibility for corporations to permit non-Indigenous membership which is often important to ensure that services can be provided to non-Indigenous people or adopted children. As some corporations are the only providers of essential services in some communities it also ensures that non-Indigenous members of such communities are not disadvantaged.

3.28. The review recommended that corporate members should not be permitted. The Bill does permit corporate membership which improves the flexibility of corporate design to allow for resource agencies and peak bodies.

3.29. The review also recommended that particular regulatory powers under the current ACA Act should not be retained. For example, the review suggested that instead of the Registrar being able to appoint an administrator, the Registrar should apply to court for appointment of a receiver under the court’s equitable jurisdiction. This recommendation has not been implemented but the appointment of an administrator by the Registrar (called a ‘special administrator’) has been improved to address a number of the reasons why the review considered that Registrar-appointed administrators were problematic. A key improvement is that a decision to appoint a special administrator is a reviewable decision.

I thought it was important to put on the record that background, a bit of history, and the arguments for those proposals that have not been implemented. But I have to say this: I find these measures very complex, very detailed. I am worried that down the track they are going to present some problems to Indigenous people. I hope we are not going from the frying pan into the fire.

I think everyone agrees that the Aboriginal Councils and Associations Act 1976 needs to be updated. We have had a number of reviews, and the Senate Legal and Constitutional Affairs Legislation Committee also looked at the legislation and came up with a report dated October 2006 which was very worth while. It was interesting to look at some of the evidence before the Senate committee—for instance, that of Mick Dodson. I commend that report to the parliament. As shown in the transcript of the inquiry, Professor Dodson said what I think is the important thing:

... if government requires these onerous reporting exercises then it needs to ensure that people have the capacity to meet those requirements. In the last two years the Office of the Registrar of Aboriginal Corporations has put 600 Aboriginal corporation directors through a three-day training course in Queensland. They have got 100 through a certificate IV program in Queensland. They have done 10 in a three-day workshop at Maningrida. They have done 20 in the APY lands in Central Australia and a further 20 in the Tjukurla COAG area. That is a bit over 700.

There are 2,800 Indigenous organisations incorporated under the existing legislation. If their boards have on average 10 members, we have 28,000 directors. You do the maths.
Mick also said, in his inimitable style:

It is going to take at this rate about 4,000 years to acquaint them with the requirements under this act and other requirements, including understanding the money. If this is to work and these accountability requirements are to produce real accountability, people need to be given the capacity to properly report under the legislative and regulatory requirements.

He said further on in the transcript:

I would prefer that the extensive reviews that have been conducted, whose major recommendations included simplicity of incorporation and cultural appropriateness, were better taken up. They have not been.

I raised Mick Dodson’s concerns because I have a lot of respect for Mick and I think he made a valid point.

I read somewhere in the material that I have gone through that it was asserted that this legislation could be constituted as a special measure under the Racial Discrimination Act for Aboriginal people. I find that interesting, because I have a view about special measures, and I am aware of the racial discrimination convention. But, in my view, you have to do a little bit more than to produce this particular legislation to come under a special measure. Even with some concessions for Indigenous people because of their cultural backgrounds or whatever, I do not know that that necessarily constitutes a special measure. I do not want to debate it, but I think the principle is right.

We have to recognise that we are dealing with Indigenous people here, and I applaud the concept of special measures for their advancement and that they are specifically recognised under the Racial Discrimination Act and under the International Convention on the Elimination of All Forms of Racial Discrimination. We should not apologise for that. We should be introducing special measures to assist Aboriginal people to reach equality with the rest of the community, and that requires differential treatment. True equality requires differential treatment. If we are all sitting at the table and we all have different skills and we want to get ourselves to a certain level of equality, it might require intervention of a different kind for the different individuals around the table—for example, to bring their level of mathematics up to a certain level.

So I think what Mick Dodson said is right: we should not apologise for having simple, streamlined provisions in this area for Aboriginal people. We can argue for doing that and for doing it in a proper way. It is one thing to say you have a special measure; it is another thing to actually have a special measure. We have to be able to demonstrate that we are taking into account cultural sensitivities. The provision and facilitation of training—which, as Mick has highlighted, has happened already in Queensland—is something that, you could argue, like a social justice package, could constitute a special measure. That is the area that the government has to concentrate on, because this is red tape.

I have an economics degree and a legal degree and, even with my background, frankly I would hate to be a director running one of these organisations and having to comply with the requirements. I would require intensive massaging. That is where I think you could argue the special measure could come from in relation to backing up the act with money and with assistance to Aboriginal communities and not apologise for it. Too often part of the problem that I have seen with some of the act, including when I was Aboriginal affairs spokesman from 1996 to 2000, is that the registrar, in a number of instances, might have acted with haste.

As I said earlier, I read somewhere that one of the suggestions that might make it a
special measure is the ability of the registrar to come in quickly to protect the assets and not have to go through a whole range of things. But I notice that at the moment that is subject to review, as it should be. It is important, in terms of the reviews that have been done, that I commend the government for bringing in amendments and for taking into account aspects of the reviews. I have put on record those parts of the reviews' recommendations that were not picked up. I do not think government has to pick up everything that a review says if there is a reasonable basis for it acting in a particular way.

Repealing the old act and bringing in the new act has been too long coming, and it will require a continuing monitoring of the situation of Aboriginal people. There are going to be some problems. What I am worried about are the processes. I appreciate the review mechanism that is there. There needs to be an ability to challenge. I notice that the Central Land Council, for instance, in their submission were not all that keen on the legislation. It has been amended since the Central Land Council looked at it. The Central Land Council, in their summary at page 2 of their submission—and I cannot say that I have crosschecked all of this with some of the amendments that have come through; I make that concession—said:

2. The 'special incorporation needs of Indigenous people' are not being met by the main provisions of the Bill.

3. The draftsman has created a 'default setting' of intense regulation.

4. The needs of the majority of Aboriginal corporations, at least in Central Australia, are not met by the main provisions of the Bill but rather by the provisions providing for exemption from obligations created by the Bill.

5. The proscriptive nature of the Bill may go so far as to deter Aboriginal groups from using the statute thereby defeating completely the purpose of having an Indigenous incorporation statute.

6. There are hundreds of Aboriginal corporations operating in Central Australia, struggling to comply with the requirements of the current Aboriginal Councils and Associations Act.

7. The Central Land Council believes that the complex issues associated with prescribed bodies corporate should be the subject of a separate and specific review.

8. The Central Land Council supports the view that the complex nature of prescribed bodies corporate justifies a separate Division in the Bill rather than as proposed, a situation where they are in no way distinguished from other bodies incorporated under the legislation.

I also note that there is some suggestion that because of time frames in some areas there has not been the consultation with Aboriginal people that one would have hoped for. Whether that is right or wrong, I would suggest that, in a continuing monitoring situation, consultation is of the essence. At the end of the day, what we are about is Aboriginal people. My approach in representing Aboriginal people was to listen to them and to represent them. It was not to take the missionary approach and go in and tell them what is good for them. When groups like the Central Land Council raise concerns, we should listen. The Central Land Council is one of the best Aboriginal organisations in the country. They are the most professional that I have had to deal with—although I did not necessarily agree with everything that they said. It seems to me that there is a diversity issue. I would put the Central Land Council in a different category to some other organisations.

That is the other important thing that this legislation will hopefully allow to be picked up. You need some flexibility and discretion
in relation to how you deal with some of these organisations. You have to have standards that are appropriate and, on balance, most people agree that this is an improvement. That is the way that it should be. What I have been concerned about in recent history with regard to this government is that it is not really about improvements; it is about changing things just because of philosophical disagreements on a number of issues. I will be speaking shortly on the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 [2006]. There are amendments to that, but they do not go to substantive issues.

This is important legislation. I do not think Aboriginal people can say that they do not want this legislation. They have to have the legislation, but it has to work for them. The fact that there have been a number of amendments made since the initial bill saw the light of day—and the minister released a number of amendments recently that have been the subject of discussion—is a good thing, because it is about improving the lot of Aboriginal people, not about taking a missionary approach to them. I am happy to support these bills.

Mrs VALE (Hughes) (5.35 pm)—The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 replaces the Aboriginal Councils and Associations Act 1976. It will improve governance and capacity in the Indigenous corporate sector, and it is presented in this House together with two related bills covering consequential, transitional and other measures relating to Indigenous affairs. While the bills align with modern corporate governance standards and Corporations Law, they maintain a special statute of incorporation for Aboriginal and Torres Strait Islander peoples that takes into account the special risks and requirements of the Indigenous corporate sector.

Since its enactment, the Aboriginal Councils and Associations Act 1976 has become the most significant vehicle for the incorporation of a broad range of Aboriginal and Torres Straight Islander associations. There are currently close to 3,000 associations incorporated under part IV of the act. These corporations have also come to play a central role in the delivery of government services at Commonwealth, state and territory levels. The Aboriginal Councils and Associations Act has been the source of much comment and criticism, particularly over the last 10 years.

Since the last amendment of the act in 1992, there have been several significant reviews of the Aboriginal Councils and Associations Act. Two bills to amend the act were proposed in 1994 and 1995, and were discussed in parliament, but they lapsed and were not reintroduced. The various reviews of the act have raised important issues of law reform, including many not addressed by the 1994 and 1995 bills. In February 2001, the registrar commissioned the most recent review of the Aboriginal Councils and Associations Act. The final report of the review was presented in December 2002. The major finding of the review was that the special incorporation needs of Indigenous people should be met through a statute of incorporation tailored to the specific incorporation needs of Indigenous people.

The review recommended a thorough reform of the Aboriginal Councils and Associations Act by enactment of a new act. The review recommended that the new act provide Indigenous people with key facilities of a modern incorporation statute such as the Corporations Act. The review also recommended that the new act provide special forms of regulatory assistance to support contemporary standards of good corporate governance. The review found that the Aboriginal Councils and Associations Act was
out of date and suffered from a large number of technical shortcomings to the point that the act itself had become a source of disadvantage for Indigenous people. This is most likely because in the period since the enactment of the Aboriginal Councils and Associations Act in 1976 there have been significant changes in the circumstances of Indigenous people in Australia and in the uses which Indigenous people make of corporations.

Government policy in the area of Indigenous affairs has also changed dramatically. Government funding and service provision patterns have changed, often creating the need for more corporations tailored to the needs of Indigenous people. In the past decade, greater emphasis has been placed upon the need for greater accountability of Indigenous corporations for public moneys. In the period since 1976 there have also been substantial changes in the legal environment for corporate regulation and in the recognition and enforcement of Indigenous legal rights.

The state companies codes upon which the Aboriginal Councils and Associations Act was based have been amended numerous times. The contemporary Corporations Act now reflects a regulatory philosophy which better facilitates the objectives of persons using corporations as a vehicle for commercial enterprise.

Looking at the bill, it implements the key recommendation of the review by retaining a special incorporation statute to meet the needs of Indigenous people. The bill introduces a strong but flexible legislative framework that maximises alignment with the Corporations Act where practicable but provides sufficient flexibility for corporations to accommodate specific cultural practices and reflect the particular needs and circumstances of individual groups. In acknowledgement of the fact that most corporations are located in remote, and indeed very remote, areas and may provide essential services or hold land, the bill also offers safeguards through the registrar’s unique regulatory powers.

This is one of many reforms that are required if we are to make significant inroads into reducing Indigenous disadvantage. The abolition of ATSIC was only the beginning. The changes being brought to the Indigenous affairs landscape are the most significant in decades. This government has established a national Indigenous council as the peak advisory body to the government on Indigenous affairs, with membership including experts in areas such as law, education, health, sport and business.

The government has established 30 Indigenous coordination centres as multi-agency units, including staff from most of the key agencies now responsible for Indigenous programs. This gives Indigenous communities a one-stop shop for dealing with the Australian government and, in some cases, state and local governments. The government has established the Ministerial Taskforce on Indigenous Affairs supported by a secretaries group to drive and oversee the reforms in Indigenous affairs and to set national priorities.

The government has worked more closely with state and territory governments to reduce overlap and duplication and to clarify responsibilities. Bilateral agreements are also being negotiated with each state and territory and have been finalised with the Northern Territory, Queensland and New South Wales. The government has moved to improve data and accountability. The government commissioned the Productivity Commission report into Indigenous disadvantage and over the longer term will measure progress. The Secretaries Group on Indigenous Affairs produces an annual report on progress.
We have ensured a more strategic approach. There is now one coordinated single Indigenous budget submission rather than individual departments putting forward separate proposals in an uncoordinated way. The government has reformed the Community Development Employment Program to ensure that more people move into real and permanent jobs. In addition, the most important reforms to the Northern Territory Aboriginal land rights legislation will be introduced this year. The government is reforming the native title system to make it even more workable. Aboriginal legal services have been put out to competitive tender and more outcome effective services are now operating in most states. This is only the beginning of a reform process that will deliver dramatically improved outcomes for Indigenous Australians.

Recently I had the privilege of visiting Indigenous organisations through my work on the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, which is chaired by Mr Barry Wakelin, the member for Grey. Last July I was fortunate enough to participate in a committee visit to the Northern Territory and to the north of Western Australia for public committee hearings to learn first hand of many success stories enjoyed by several Indigenous corporations and other organisations in that region which employ and train Indigenous young people.

The committee visited Maningrida, the Wunan Foundation in Kununurra, the Argyle Mine, Home Valley station and tourist facility, Voyages El Questro Wilderness Park resort and went on to Broome to visit the Roebuck Plains Station and the Nirrumbuk Aboriginal Corporation. We met and heard evidence from Indigenous and non-Indigenous employers and corporation managers who trained, employed or assisted Indigenous people to find employment. All these organisations were very well managed and had achieved measurable success in training young Indigenous people.

Initially we flew into the remote community of Maningrida and were met by Mr Ian Munro, the CEO of the Bawinanga Aboriginal Corporation, which was established in 1974 and incorporated in 1979. Their annual report for 2004-05 records that, over the past 31 years, this vibrant corporation has been responsible for a growing portfolio of services and support for over 800 members living on 32 outstations in an area of approximately 10,000 square kilometres.

This corporation also operates a Community Development Employment Program, commonly referred to as a CDEP, which employs around 590 participants and a salaried staff of 55. The policies of this corporation are decided by the consensus of an elected body of outstation representatives at meetings that are open to all residents. These policies are then carried out by the CEO and the management team in conjunction with senior staff in each program area.

While the initial focus of the Bawinanga Aboriginal Corporation was the support of outstation people living in the bush, its portfolio of services has expanded to provide housing, training, human services, a road party project, a building program, a mechanical workshop, a fuel supply, the tucker run and, importantly, the provision of the necessary administration to keep it all happening. Always on the watch for new business opportunities, in the last financial year the corporation established a crabbing operation, a hairdresser in the Women’s Centre, the Good Food Kitchen in the Maningrida community and a retail outlet for the Maningrida Arts and Culture Centre in the main tourist precinct in Darwin.

Training is also an important focus of this corporation. In only its third year of opera-
tion, the corporation training facility coordinates and delivers training to CDEP participants and salaried staff. Under contract with the Department of Employment and Workplace Relations, one highlight of this program was the successful completion of two STEP projects, the business and sustainable harvests projects, which showed outstanding results. A total of 26 CDEP participants gained qualifications in Certificate II Business, certificates I and II Horticulture, and certificates I and II Resource Management.

The committee learnt that the success of the training programs was a source of pride for the corporation. Twenty of the participants had been retained in employment after the completion of their training. All are on a CDEP-plus basis, working a minimum of six hours per day on a regular basis and thus making a significant contribution to local productivity. Some have been promoted to supervisor and some work crews are now able, through their additional skills, to earn the income required to provide more than half their wages. The committee learnt that one of the many CDEP courses was the chainsaw and advanced tree felling course. The skills gained from this course proved a vital resource for the people of the Maningrida community after the ravages of Cyclone Monica earlier this year. Such skills allowed this very remote community to be totally self-reliant and self-sufficient in clearing up after the cyclone, and this clearly illustrates just how important and effective a well managed CDEP training program can be for these remote communities.

The human services program run by the corporation is principally funded by community aged care packages and the Home and Community Care Program. It provides meals on wheels for over 30 clients in Maningrida, a wide range of aged care services, the disability buddy program and a substance misuse program. Under the road party service, the corporation successfully tendered for a contract to undertake major roadworks on the Darwin road last year and contributed significant additional funding to realign the road to eliminate several danger areas.

The corporation’s building program employs a number of contract tradesmen to work with Aboriginal people to construct buildings for the corporation. Buildings constructed in the last financial year included two mud-brick duplexes for staff, a new complex for the Djelk rangers, the road party shed, the Good Food Kitchen, CDEP toilets, the pilot’s flat and a new creche. Extensions were carried out to house the wildlife centre, and there were numerous renovations to existing buildings, including the Women’s Centre. It was pointed out to the committee that, while commercial development and the construction of staff housing is largely unsupported by government and thus imposes significant ongoing demands on the resources of the corporation, its future as an incubator of commerce and regional development heavily relies on such infrastructure, and government support in these areas is vital for sustainable commercial success in the future.

The very successful Tucker Run is an innovation by the corporation which provides a fortnightly mobile service to outstation residents, supplying food and a variety of other goods. Two Toyota Landcruiser utes operate the Tucker Run in the dry. During the wet season, a fortnightly air service operates to those outstations unreachable by road. November 2004 marked the opening of the Bawinanga Good Food Kitchen, which heralded a new focus on healthy food options in Maningrida. With high levels of dietary related illness in the community, healthy hot and cold meals and snacks and drinks need to be readily available. After the completion of the new building for the Good Food Kitchen, staff completed training in safe food
handling techniques, and more training is planned for the future.

Other community development projects promoted by the corporation include the Maningrida municipal, the Maningrida nursery, the CDEP Women’s Centre, the Djelk Sea Rangers, the Djelk Women Rangers, the wildlife centre, the crab harvesting program, tourism and the internationally renowned Maningrida Arts and Culture Centre. This highly successful culture centre is professionally managed by French curator Apolline Kohen, who has assisted Maningrida artists to establish an enviable reputation in art circles both in Australia and overseas. Maningrida artists were well represented in the Telstra National Aboriginal and Torres Strait Islander Art Award, in which they won two of the five art categories. Famous local artist John Bulunbulun received further recognition in December 2004 when he won the prestigious Red Ochre Art Award.

In a major exhibition at the New South Wales Art Gallery between September and December 2004, Maningrida art was such an outstanding success that, as a direct result of this one exhibition, the enhanced profile of its artists both nationally and internationally has ensured a sustained interest from the art collectors and buyers of the world. As a fine measure of international recognition, renowned Maningrida artist John Marwurndjul was one of only eight Indigenous Australian artists especially selected for a major public art commission for the new Musee du Quai Branly in Paris this year. Further, a major retrospective of John’s work appeared in the Musee Jean Tinguely in Basel in Switzerland only last month. Such results and recognition of the fine work of the Maningrida artists are further indications of the good management of this corporation.

The Bawinanga Aboriginal Corporation at Maningrida is an excellent example of a well-organised and well-managed Indigenous corporation that provides essential services to its people and initiates activities that create economic development, training and job creation. Its work is invaluable to the people of the Maningrida community. Reading through its recent annual report, one sees that this corporation deals with income in the tens of millions of dollars, almost half of which is in the form of government grants. In his message, the chairman states that ‘the success of these projects will rely on our commitment, vision and effort, supported by increased levels of government support.’

There are many other Indigenous corporations across Australia like the Bawinanga Aboriginal Corporation that also provide valuable and essential services to their communities, but there are also many that are, regrettably, not as well managed. Bawinanga is fully accountable to its members and the government and it produces an annual report which, among others things, includes a statement of financial performance. To encourage and to provide guidance as to good practice and procedure in the better management of corporations, these bills will assist in accountability as we work together to end Indigenous disadvantage. I commend these associated bills to the House.

Mr PRICE (Chifley) (5.52 pm)—Whilst this is a cognate debate, I want to talk in particular about the Corporations (Aboriginal and Torres Strait Islander) Bill 2005. The honourable member for Hughes—and I do welcome her contribution—spoke about Maningrida and Maningrida art. Earlier this year, when we were looking at the problems that were being created by 13,000 illegal Indonesian fishing boats entering our territorial waters, I visited that community, and I can affirm the excellence of the art that is produced at Maningrida. I certainly thank the community for the warm hospitality that was shown to me and my colleagues, including
the Labor senator for the Northern Territory and the honourable member for Lingiari, who was a key person in arranging the details of the visit.

I was very interested also that the member for Hughes mentioned the sea ranger program. I have had extensive questions about that program put on the Notice Paper, because there is a significant difference between the way Customs treats sea rangers and the way the Defence Force utilises our Indigenous community as part of the ADF. I know your great interest in defence, Mr Deputy Speaker Lindsay, and you would be pleased to know—I am sure you already know—that the Indigenous community in the north make an invaluable contribution to our defence forces through the reconnaissance units that they largely man. But Defence treats them completely differently in the north of Australia. They are actually members of the Defence Reserves and they are remunerated like any other reservists. I think that that is proper. The job that they do is valued. We could not do it without them and their remuneration is, I think, significant and recognises the value of their contribution.

The sea ranger project, as the honourable member for Hughes points out—and I agree with her—is doing a very worthwhile thing in the north of Australia and particularly in the Northern Territory, with its extensive coastline. I will not say that the people participating in the project receive nothing from Customs; I have had it recorded in an answer to a question that they do receive Customs mugs and key rings as a way of thanking them for their valuable work. If you talk to sea rangers, you find they actually want to contribute more. They would welcome proper training by Customs. They are more than happy not only to detect but to interdict these 13,000 illegal boats that invade our sea space and our coastline every year. When I was at Maningrida, they not only had a very fast boat that they used and would like to use more; they also had an aeroplane. But they are not authorised to use that plane. If they were allowed to use it, they would not look for great recompense—that is, being able to depreciate the aeroplane et cetera—but actually being able to have the fuel supplied would be worthwhile.

I admire—as the Department of Defence and the ADF do—the Indigenous component of our reserve force in our north. The work they do is highly esteemed and valued and they are appropriately and not differentially treated within the reserves. We could not do without them. Like the honourable member for Hughes, I recognise the valuable work that the sea rangers are currently doing. I say to Customs: take a fresh look at it. I apologise to the member for Hughes and to the House, but I actually put a question on the Notice Paper about whether or not Customs gives or proposes to give those sea rangers cigarettes, tea, flour and sugar. I got the response, of course, that they do not, but no one in the department, much less the minister, understood the irony in the question.

Maningrida is a great place and the sea rangers are great people, and I felt very privileged to be there. But why am I interested in the Corporations (Aboriginal and Torres Strait Islander) Bill 2005? The bill makes quite a number of changes. It is intended to introduce modern governance standards while maintaining a special statute of incorporation for Aboriginal and Torres Strait Islander peoples. The Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 facilitates the transition from the old to the new regime and the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006 addresses cross-jurisdictional issues. The legislation implements a key recommendation by retaining a special incorporation statute to meet the
needs of Indigenous people. It introduces a legislative framework that maximises alignment with the Corporations Act where practical but provides the flexibility to incorporate specific cultural practices to reflect the needs of individual groups. As most of the corporations—but not all, I might say—are located in rural areas, the registrar provides safeguards via unique regulatory powers.

There was, in my view, an inconsistency in the current arrangements in the ability to prosecute the general managers and chief executive officers of Aboriginal organisations. There was a bit of a void. There was an attempt to fix it by way of regulation, but clearly the changes in this legislation make it abundantly clear that a general manager or chief executive cannot hide behind the fiduciary responsibilities that board members of these associations have.

This is particularly painful for me because I have already previously raised the issue in the context of an Aboriginal childcare centre. It is not the only federally funded organisation that has gone belly up. In fact, I was very pleased to see a ‘white run’, if you like, organisation that was defrauding the Commonwealth closed down very sharply and swiftly when I raised the matter in this House. Murawina has a special place in my heart. It was originally founded in Janet Street. That was the street that I moved to in Mount Druitt when I was 17. As the local federal member, in the mid-eighties I was successful in having the childcare centre transferred to Toooolon Street, a bit further but not much more than a block away from the CBD of Mount Druitt.

The facilities for Aboriginal kids attending that childcare centre were really great. A friend of mine, an elder now, Danny Eastwood, a renowned Aboriginal artist from my community, was instrumental in the establishment and good functioning and governance of that childcare centre. For many years, it was a very successful organisation. It was something that I was very proud of. In fact, I recall that some of the neighbours of the childcare centre, before it was operational, came to see me and complained bitterly about the loss of value of their homes and the wild orgies and corroborees that might be held et cetera. Well, none of their fears transpired. The organisation for many years went from strength to strength, as it should have. It was a well-run childcare centre meeting the special needs of our Indigenous kids.

In recent times, that has not been the case. We have not only had a board of management that has run this childcare centre into the ground but we have also had a chief executive officer who, under the previous regime, may have felt that she was immune from any charges and that it would be only the board members that would be charged. Some $900,000 has gone missing. It is in default by $900,000—that really takes some special effort. At Christmas time last year—and I thank the government for it—the government provided an extra payment whilst the centre was still operating to meet the salaries or wages of the staff working at the centre. The government could have made out very strong arguments about why they should not have done it, but they did, and I am grateful. I would like to report to you, Mr Deputy Speaker Lindsay, that all that money went to those that it was intended to go to. That extra payment, which was effectively an ex gratia payment to the centre, did not go to the people who were working in that centre. The centre has now closed.

I have had meetings with the Indigenous community. I am pleased to say that the federal Department of Families, Community Services and Indigenous Affairs representatives were the only representatives who were prepared to come to that meeting. I com-
mend them for it. The state Department of Community Services and the state Department of Fair Trading did not, but the Department of Families, Community Services and Indigenous Affairs did. The one thing those parents of Aboriginal children who used to go to Murawina want—as indeed do some of the workers that turned up to these public meetings—is for the guilty parties to be prosecuted.

We are currently at a bit of an impasse. I am disappointed that I do not have the same level of interaction with the federal department that I enjoyed when Kay Patterson was the minister. I regret that. There has been an audit completed of the childcare centre. And there is an attempt, because the land was originally owned by ASIC, that the covenant on the land in the name of the Commonwealth should be removed and the auditor allowed to sell the childcare centre and land. I strongly support the Commonwealth and the minister in ensuring that that does not happen—the covenant should stay in place. I regret to say that it is a matter for the state Department of Fair Trading as to whether or not the auditor can complete a forensic audit. We need a forensic audit so that the auditor can then present to state or federal police the details of how one childcare centre can go into deficit to the tune of $900,000. At this stage, I am unable to say to the House whether or not such an audit will be undertaken, and I think that that is wrong.

This legislation is really fixing up the fact that, if a forensic audit is done and it is found that the board and the chief executive officer—or general manager, or whatever the title is—has done the wrong thing, then we can bring them to justice, which is what my Indigenous community wants. Without that forensic audit, it will be problematic. I take the view that these things need to be aired publicly. I do not think we should try to sweep them under the carpet. In fact, again, this is what the community wants. They are so savage about and so critical of how this organisation has been deliberately run down.

For too long, the community in my electorate has been without any dedicated Aboriginal childcare. I repeat that, Mr Deputy Speaker: outside of the Northern Territory, I have the largest urban Aboriginal community in Australia, and we are currently without childcare.

I want to make a couple of pleas. I say to the minister, Mal Brough: my intention has always been—and I think I have proved my credentials on this—that we should work together. We need to work together and we need to work together with the states as well—and local government, for that matter—and get this fixed up as quickly as possible and get an Aboriginal childcare centre operating as quickly as possible out of the Murawina premises. It would initially, hopefully, be auspiced by the local council but in the future turned over to the community, but with the community being backed up by proper governance or instruction on proper governance by any board that is established. It would also involve fully informing the parents of those children what their rights are.

I have to say that, in this sorry saga, at one time dodgy bills were sent out to every parent who had sent a child to Murawina children’s centre. It was a way of trying to demonstrate in the Supreme Court of New South Wales that the centre had access to money and should therefore be allowed to continue operating. I am pleased to say that, with the assistance of advice from legal aid, we were able to counter that. For everyone who approached us with a dodgy bill, we were able to counter it, and finally we had them withdrawn.

I do, as quickly as possible, want to brag about a new Murawina centre that is provid-
ing services for the Aboriginal kids in my electorate, doing a fantastic job and getting them well on their way on the path of learning. I certainly support this bill. I certainly support the fact that there is no immunity now for any general manager or chief executive of an Aboriginal body or corporation that does the wrong thing under the law. They should understand that, like any other citizen in this country, they will be subject to the law and proper and due process.

Mr JOHNSON (Ryan) (6.10 pm)—I am pleased to speak in the Australian parliament today on the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 as the representative of the electorate of Ryan, which I have the great pleasure and the great honour of representing here. I want to say at the outset that I do know that many of my constituents would have been horrified to see on the ABC’s Lateline program the shocking allegations of abuse of children in the remote Mutitjulu community in the Northern Territory. In fact, some of my constituents did contact me to express their very deep shock and their hope that the government would continue very strongly to pursue policies and initiatives that would eradicate such violence and abuse, particularly of women and children.

I should say that several months ago I had the opportunity of going to a dinner function where the federal Minister for Families, Community Services and Indigenous Affairs, Mal Brough, spoke, and some of his comments came as a great shock to me. One in particular that I recollect—it stayed in my mind because it was so shocking—was that he had come across young women in their 20s who were already grandmothers, something that I found absolutely unbelievable. Clearly, in certain parts of Australia, in some remote areas of the country, there are such shocking tales.

Those allegations do highlight very strongly the need for reconciliation in this country and the need for the government and Australians in general to reach out to our Indigenous community. It is of course very much a priority of the Australian government. Equally, it is a priority that Indigenous Australians view themselves as first-class citizens of this country, as no lesser Australians than anyone else who has the privilege, I think, to be an Australian.

Recently Pope Benedict, via a written statement, encouraged all Australians to ‘address this issue with compassion and determination’. I would like to refer the parliament to his broader comments, because he did touch on the importance of Indigenous Australians not allowing themselves to fall into the temptation of things like alcohol and drugs. I would like to read his comments to the parliament, because I think they are very pertinent and very inspiring:

Indeed, every human community needs and seeks strong, inspiring leaders to guide others into the way of hope. Much rests therefore… upon the example of the elders of communities. I encourage them to exercise authority wisely through faithfulness to their traditions—songs, stories, paintings, dances…

Pope Benedict went on to say:

Don’t allow your dreaming to be undermined by the shallow call of those who might lure you into the misuse of alcohol and drugs, as promises of happiness… Such promises are false, and lead only to a circle of misery and entrapment.

I should say that the occasion for his statement was the 20th anniversary of Pope John Paul II’s visit to this country, and it was through the Bishop of Darwin, the Most Reverend Edmund Collins. His comments go on:

Much has been achieved along the path of racial reconciliation, yet there was still much to be accomplished. No-one can exempt themselves from this process. While no culture can use past hurt as
an excuse to avoid facing the difficulties and meeting the contemporary social needs of its own people, it is also the case that only through the readiness to accept historical truth can a sound understanding of contemporary reality be reached and the vision of a harmonious future espoused.

I therefore again encourage all Australians to address with compassion and determination the deep underlying causes of the plight which still afflicts so many Aboriginal citizens ... A commitment to truth opens the way to lasting reconciliation through the healing process of asking for forgiveness and granting forgiveness—two indispensable elements for peace.

I certainly endorse those remarks of Pope Benedict. I also want to say very clearly that reconciliation is very much more than just eloquence or fine rhetoric. I do want to give to the parliament and my constituents a flavour of what the Howard government’s reconciliation definition is. I think that it is very important that Australians are fully aware that this government is very genuinely committed to the reconciliation process, but it has to be reconciliation with substance. We all know that at its heart is the phrase ‘practical reconciliation’ where we do make a meaningful impact upon the lives of Indigenous Australians, and where we take many of those small steps in the right direction. I quote the Prime Minister in his speech of July to the Reconciliation Australia dinner in Melbourne when he said:

I think all of us are aware that reconciliation is not going to come as a result of eloquent rhetoric or high-level communiqués. It will come through indigenous and other Australians taking millions of small steps in the right direction. I think it’s important if we’re realistic to understand that.

The Prime Minister went on to say:

It is the greatest country in the world. But in the area of indigenous opportunity and advantage we still do have a very long way to go if we’re to live up to the highest ideals and aspirations of that deeply held belief that we have. And today I want to particularly focus on the issue of education, and because I believe it lies at the heart of bridging that gulf between indigenous Australians and the rest of the community.

This bill goes a very long way to showing the country that reconciliation must have some teeth to it. It must have some substance and meaning to it. This bill is a very clear example of the Howard government’s practical reconciliation approach. The Howard government understands that. Real progress in the area of Indigenous welfare must be built on the firm foundation of law and order. Minister Brough showed his commitment to this principle earlier in his responses to the claims of sexual abuse in the Mutijula community, and I think this bill again reflects that very genuine commitment on behalf of the government.

The 2006-07 budget provides some $28.1 million to help Indigenous corporations improve their governance capacity and their ability to deliver effective services, especially to remote communities. This bill represents a pivotal part of that commitment. It will provide a firm legal base on which further practical advances in Indigenous welfare can be made. The bill will replace the Aboriginal Councils and Associations Act 1976 to ensure that Aboriginal corporations are founded on the basic principles of good governance while also providing the flexibility to incorporate cultural distinctions. There are currently some 2,800 Aboriginal and Torres Strait Islander corporations registered under the ACA Act. Sixty per cent of these corporations are located in remote or very remote areas. These corporations range in their size and focus from small to very large organisations controlling millions of dollars in assets. Many own property and infrastructure which service remote communities where the conventional provision of services provided by government might be very difficult to render.
In some remote and very remote areas these corporations often provide communities with fundamental basic services such as electricity and, because of the important role they play, it is critical that these corporations operate with transparency and accountability for they do have a lot of financial resources within their ambit. It is critical for the health of Indigenous communities that these corporations are functioning properly and are free from corruption and manipulation. Currently, Indigenous groups or associations can incorporate under the 30-year-old ACA Act. Since the act’s inception there has been an exponential expansion of Aboriginal corporations in both size and number. The current bill will therefore replace the ACA Act which, after 30 years, is in poor form. It has been proved unable to adapt to changes in native title legislation and in corporate and accountability requirements as they have evolved in recent years.

The current bill will institute the majority of changes recommended by the 2001 review that was commissioned by the Office of the Registrar of Aboriginal Corporations. This bill represents the government’s continued commitment to a special incorporation statute to meet the needs of Indigenous people. Again, I think that the most important feature of this bill is that its foundation stone is the Corporations Act 2001. For the most part the bill replicates the corporate governance standards expected of all directors and officers of an incorporated entity. It ensures company officers are responsible and accountable to their members, with provisions for directors and managers to be disqualified and placed on a roll of disqualified directors if that is appropriate. Of course the government recognises the special needs of Aboriginal corporations especially due to their remoteness, capacity and culture. So there is flexibility in the bill to accommodate that and to tailor the organisations to the government structures that provide the best outcomes according to the specific circumstances and the specific communities that they serve.

I think it is fair to say that in this country one of the greatest challenges for government is to address and redress as far as humanly possible the great challenges we have in Indigenous affairs. One of the greatest challenges for a government is to get right its policies in relation to Indigenous affairs. Simply throwing money at the problem is not the answer; we have to come up with real and meaningful ideas and solutions to the great intellectual and political challenge that confronts us in terms of the wider community’s relationship with Indigenous Australians. I think the Howard government can be proud of its part in its 10 years of office in trying to address Indigenous issues. Clearly, as the Prime Minister noted, it is a work in progress. It is a very difficult issue, but we will continue to address it as far as we can.

One of the key voices in Australia in Indigenous issues is, of course, Noel Pearson from my home state of Queensland. I think that his remarks in recent times have become a symbol of what can and should be done. I want to read in the parliament some of his words because I think they are very pertinent to all of us here. I think they are especially pertinent to those in the Labor Party who might have different views on how to approach and redress the issue of welfare as it pertains to the Indigenous community. I want to refer to Noel Pearson’s comments on 5 June 2005 on the ABC’s Insiders program where he said:

... I have been obviously a bid advocate of the need for really fundamental welfare reform, because I think that it is a crucial problem underpinning our disadvantaged. Until we get on top of passive welfare we will never be able to get on top of our life expectancy deficit problem. But, at the same time, I think it has got to be recognised that it’s not just Indigenous people who are suf-
suffering from the problems of passive welfare. There are non-Indigenous communities in this country who suffer from real disadvantage.

The real disadvantage that Indigenous and non-Indigenous Australians suffer in the lowest classes in this country is the passing on of dependency between generations and all of the social problems that rise from inter-generational dependency and I see this, I see emerging signs in the mainstream community that white Australians are suffering as much from the problems of welfare dependency as Indigenous communities are.

Indigenous communities are really a wake up call. Thirty years later the Indigenous communities of Australia represent a wake up call for mainstream community - that if you put people and families in a situation of inter-generational dependency, then really tragic social problems will arise.

I say 'Hear, hear!' to that, and it lies at the heart of the Howard government’s policy in terms of addressing the welfare issue. It is critical that we have a safety net for Australians in genuine need, but we are not in the business of simply providing welfare to Australians for the sake of doing so. Noel Pearson’s words are probably harsh for those opposite to accept but, as the Minister for Human Services said today, some $11,000 of taxpayers’ money is spent on the dole per minute in this country.

I think that taxpayers in this country have the right to expect Australians who have the capacity to work to work, and they feel very strongly about the government’s policies in that respect. Equally, they are very generous, as taxpayers and as Australians. We also have an obligation to look after our fellow Australians who are in genuine need. Of course, amongst those in genuine need are Indigenous Australians.

I want to end my remarks by giving the Australian community, in particular those who live in my electorate, some information on the government’s financial support for Indigenous Australians, because it is taxpayers’ money. It is government policy to support Indigenous Australians through various vehicles and mechanisms and it is important that my Ryan constituents are aware of where Australian government funds are in terms of their fellow Indigenous Australians.

Real spending on Indigenous specific programs has increased by almost 50 per cent in the last decade from the level it was at when the Howard government was elected in 1996. The 2006-07 budget provides the biggest investment in Indigenous affairs in the history of this country—some $3.3 billion. This includes almost $500 million in additional spending to support 24 new Indigenous projects which span across six portfolios. For instance, the Howard government has allocated $23 million to support communities through programs to develop emerging leaders; $107.5 million to support and develop Indigenous home ownership on Indigenous land; $55.2 million to expand the rollout of non-sniffable fuels; and $2 million to help Scouts Australia to develop a culturally specific leadership program for Indigenous youth.

These youth programs are particularly important when you consider that 40 per cent of the Indigenous population in Australia is aged under 15—double that of the non-Indigenous population, which is approximately 20 per cent. In addition to these measures, the government has allocated a further $130 million to the fight against family violence and child abuse, which simply cannot be tolerated in this country.

The Howard government, in contrast to Labor, has a very proud record in Indigenous affairs, focusing its attention and resources on real progress, not just rhetoric. I hope very much that those opposite will shift their views, their policies and their thinking from a rights-only and a self-determination-only agenda to one which is very much in tune...
with what will make an impact in the Australian Indigenous community. They would go a long way if they subscribed to Noel Pearson’s views about what can be done in this country to address the great challenges of the Australian Indigenous community.

Finally, I want to take the opportunity in the parliament to acknowledge the Australian Indigenous Leadership Council. I was very pleasantly surprised to receive an invitation from their board to attend a graduation dinner in honour of the students who have completed the Attorney-General’s Indigenous leadership program in late October. This is an example of an organisation that is trying to address the future of Indigenous Australians’ skills to give them the confidence, knowledge and tools to be part of the broader Australian community and the capacity to make a difference, not only in their own communities but in mainstream Australia. (Time expired)

Dr EMERSON (Rankin) (6.30 pm)—The Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 and cognate bills replace the Aboriginal Councils and Associations Act of 1976. They align with modern corporate governance standards and Corporations Law, but, at the same time, provide sufficient flexibility for corporations to accommodate specific cultural practices and they are tailored to reflect the particular needs and circumstances of individual groups. So it is pragmatic legislation that improves corporate governance, as is very desirable in this and other areas, but, at the same time, it retains flexibility so that it is adaptable to the circumstances of particular communities in particular locations and with particular characteristics. So there is a lot to commend in principle about this legislation.

The legislation went to a Senate inquiry, but, as is so often the case, the Senate inquiry lasted for just a couple of days. I think that is a very clear demonstration of the way that the government is conducting itself these days, where inquiries that often merit a much greater level of detailed consideration of legislation are truncated because the government controls not only the House of Representatives but the Senate. Nevertheless, in principle, it is an improvement and on that basis it has real merit. In fact, anything that moves towards improving the life prospects of Aboriginal and Torres Strait Islander communities should be welcomed by this parliament.

The life expectancy of Aboriginal and Torres Strait Islander people is a staggering 17 years lower than that of non-Indigenous communities. So, while there have been very big increases in life expectancy in non-Indigenous communities over the last century, including in the last few years, the lag for Indigenous people in Australia is just appalling—17 fewer years. Infant mortality is a scourge on those communities and health problems through the lives of many Indigenous people are just a terrible indictment on our claim to be a civilised and fair society. 

The bills introduce a legislative framework that achieves alignment with the Corporations Act wherever practicable, but, at the same time, provide sufficient flexibility for corporations to accommodate specific cultural practices and they are tailored to reflect the particular needs and circumstances of individual groups. So it is pragmatic legislation that improves corporate governance, as is very desirable in this and other areas, but, at the same time, it retains flexibility so that it is adaptable to the circumstances of particular communities in particular locations and with particular characteristics. So there is a lot to commend in principle about this legislation.
Many Indigenous people, especially in remote communities, live in Third World conditions. But those sorts of realities are not confined exclusively to remote communities; urban based Indigenous people often face very severe hardship and disadvantage as well. What do we do about this as a very wealthy country that has enjoyed 15 years of sustained economic growth, very high living standards and great prosperity—but not prosperity shared fairly around our nation and not prosperity that is then translated through to better health and quality of life experiences for so many of the less fortunate in our country?

I have had several conversations with an Indigenous leader, one of the members of Logan elders in my own community of Logan City: Mr Patrick Jerome. He has long argued, as a chaplain who visits and supports Indigenous people in our prisons, that respect for Indigenous culture would go a considerable distance in improving the standing of Indigenous communities in our country. When you stop and think about that, it does have a lot of force. Indigenous people are reminded so frequently, at school and in the adult community, that the white community does not consider their culture to be important, valuable and rich, and yet it is. The Dreaming and all the stories that Aboriginal and Torres Strait Islander people tell to educate their young ones are wonderful, and yet very often Indigenous people in school settings feel that there is no respect for them or their culture—that in some way they are second-class citizens. The sorts of bullying and cruel remarks that are made amongst very young people can scar Indigenous people for life.

We in the non-Indigenous community should not be surprised that anger and resentment well up in Indigenous people in Australia. It is all very well for the Prime Minister to condemn what he sees as the black armband view of history in Australia in the so-called culture wars, but the truth is that great injustices have been wreaked upon Indigenous people in this country and seeking to revise history will not obliterate that very dark stain on our history. That stain can be seen today in the disadvantage and suffering of many Indigenous Australians—suffering in the form of alcohol and other drug abuse; suffering in the form of domestic violence, which is a huge problem in some Indigenous communities; and suffering in the form of child abuse. I do not mind the fact that a light is shone on these terrible cruelties. I do not care that these practices are being put in the spotlight. I do care that when we shine the light it is on one community. The point I am making is that we should be saying that we condemn these practices and that we will do everything we possibly can to address problems of sexual abuse, child abuse, violence, alcoholism and drug dependency in any community, wherever we see it. I am arguing that if that seems painful at times and if it seems controversial that we shine a light on these practices, whether they are in Indigenous or non-Indigenous communities, it is only for the common good. Unless and until the community appreciates the depth and dimensions of the problem, the community will not support the sorts of measures that are needed to remedy this awful disadvantage and suffering.

I want to acknowledge the thinking and contribution of Patrick Jerome for instilling in me, over many conversations, the importance of respect for Indigenous culture. I think that is a very important threshold issue. I also want to acknowledge the wonderful role being played by the broader group—that is, the Logan elders—in Logan City. Logan City has quite a large Indigenous community—certainly more than 3,000 members, both Aboriginal and Torres Strait Islander. The Logan elders grouping was formed on
their own initiative. They take a lot of responsibility wherever they can for the health and welfare of their own community. They work constructively with the state government. They are happy and keen to work constructively with the Commonwealth government wherever they possibly can but, importantly, they do not sit around just blaming everyone and complaining. They want to get on with getting actual results and I think they are a wonderful group of people.

The Logan elders are a model for other Indigenous communities around Australia. Indeed, the member for Kingsford Smith came to our local area and spent many hours talking with the Logan elders grouping. He is looking at that as a possible model for La Perouse in his own electorate. If we can spread the word and the wisdom of the Logan elders, and the structure that they have created, that would be a very good result.

In addition to learning more about Indigenous culture and respecting Indigenous people for their deep cultural heritage, it is important that an economic base is established wherever we can for Indigenous people. To that effect, this legislation will make some contribution because it modernises the measures in relation to corporations that deliver a lot of those services. But we do need to ask whether different Indigenous communities have an economic base. We all know of the stolen generation and the practices, however well or poorly intentioned, of bringing different Indigenous groupings together in one location and placing them in a mission or creating a township—for example, Doomadgee. It is reasonable to question whether townships like Doomadgee have an inherently productive economic base. I cannot assert an answer to that question, but it is a question that is well worth asking.

If we do want to support Indigenous communities in establishing an economic base, there needs to be some inherent viability in what we are trying to achieve or what they are trying to achieve with the support of the Commonwealth. Therefore, the question of economic viability becomes a very important one. It is heartbreaking for anyone, including Indigenous communities, to establish business enterprises that are doomed to fail. So let us ensure that where we can support the establishment of business enterprises in Indigenous communities, they do have a viable economic prospect.

An industry in the north of Australia, north of the Tropic of Capricorn, which is proving to be very viable in these times, is mining. I think the projections over the next 20 years in relation to the proportion of the population north of the Tropic of Capricorn that will have Indigenous blood are quite astonishing. The fertility rates amongst Indigenous communities are very high. The previous speaker mentioned that 40 per cent of Indigenous Australians are under the age of 15. Yet fertility rates in the non-Indigenous community have dropped dramatically. Despite a little kick up in the last year, the rates are still much lower than they were during the baby boom of the early 1960s. The fertility rates are about half of what they were in the 1960s, but the fertility rates in Indigenous communities are very high indeed.

One way of thinking about future economic prospects for Indigenous communities is for mining companies to look upon them as potentially a very valuable human resource. If, with the support of the Commonwealth, state and territory governments, there could be a really productive engagement between Indigenous communities and the mining sector, that could be a sustainable economic base over a very long period of time. Indeed, while large amounts of money are
offered to attract non-Indigenous Australians to remote communities, the irony is that Indigenous Australians very often prefer to live in remote communities, where the mines are. We can take advantage of that. I know that some of Australia’s major mining companies now have genuinely active engagement programs for Indigenous people working on the mines, and not for low pay. If they are able to gain vocational education qualifications, whether it be in the driving and repairing of vehicles or any of the other more technical operations that are associated with large-scale modern mining, then the pay is pretty good. I see that there is a real prospect for creating and strengthening an economic base for Indigenous Australians in remote locations.

More generally there is the issue of empowerment and responsibility. If we can achieve economic empowerment for Indigenous communities, that can only be to their advantage and to the national good. As part of that, there is the question of responsibility, as there is in non-Indigenous communities. There is the question of passive welfare. Perhaps we need to be looking to mutual obligation, as is the case in non-Indigenous communities. The Halls Creek trial in Western Australia produced some encouraging results. I am not absolutely aware of the current status of that. I understand that legal advice found that it breached the Social Security Act. The trial involved, among other things, school attendance as a condition of receiving particular income support payments. The results of that, as I am advised, were quite encouraging.

That raises the broader issue of participation in education by Indigenous children. Just by way of example, I have been looking at high school completion rates in this country. They are quite low by international standards. Australia’s high school completion rate is around 70 per cent, so that means that 30 per cent of young Australians do not finish high school. That is around 80,000 young Australians a year. That is 30 per cent of young Australians overall not finishing high school, but for Australians from low-socioeconomic backgrounds the most recently available figure is 41 per cent. For Indigenous young people it is much higher than that. I do not assert that high school completion is the be-all and end-all, but we do know that if we can improve the education experience and attainment of Indigenous communities then a lot of the other difficulties will be resolved.

I believe that we have not been very successful. In fact, that would be an understatement. We have been spectacularly unsuccessful as a country in lifting the education attainment and experience of Indigenous Australians. One of the key considerations in all of this is the development of school experiences that reflect and are sensitive to the cultural background and practices of Indigenous Australians. I am not talking about making excuses or saying in any way that it is okay for young Indigenous Australians not to attend primary school, but at the same time we need to ensure that school experiences are engaging for Indigenous Australians, as is the case for non-Indigenous Australians. If they are not engaging, no amount of mutual obligation, no amount of effort on the part of parents, is going to result in young Indigenous Australians staying at school and becoming enriched by a good education.

In this day and age, with the enormous wealth of this country, it is surely not beyond our wit to develop schools with quality teachers, hardworking teachers—and teachers are hardworking—who are able to deliver an engaging education experience to young people in Indigenous communities. If we can break into that, if we can turn that key, it will open the door to a much fairer Australia, a much more prosperous Australia and much
better life chances for our Indigenous people, to whom we owe a great debt.

Mr SLIPPER (Fisher) (6.50 pm)—For almost 30 years the operations of Indigenous corporations have been guided by the Aboriginal Councils and Associations Act 1976—a law that outlines the various rights and responsibilities of the corporations and also of their directors and executives. There have been several reviews of the act over that time. The last started in 2001. Many of the recommendations for change that are set out in the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 and cognate bills are included as a result of that review. As many members are aware, this House introduced updated legislation to guide Australian corporations in general way back in 2001. This has had implications for the Aboriginal Councils and Associations Act 1976.

A report by the Office of the Registrar of Aboriginal Corporations into the review of the ACA Act noted that it is now ‘inconsistent with modern corporations law in Australia’. The report stated:

... the ACA Act provides inadequate protection for members, a one-size-fits-all approach to corporations and insufficient third party protection which makes securing credit more difficult.

It also suggested that the act was:

... out of date and suffered from a large number of technical shortcomings to the point that the ACA Act itself had become a source of disadvantage for Indigenous people.

The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 seeks to rectify these major shortcomings. The bill also improves the legislative guides and protection for Indigenous corporations in areas such as accountability. The bill introduces a greater accountability for directors, bringing the laws into closer line with general corporate standards. Currently some of those business entities that come under the provisions of the Aboriginal Councils and Associations Act 1976 fall into what the ORAC describes as a ‘regulatory gap’, whereby the authority for close scrutiny by state regulators, the registrar or the Australian Securities and Investments Commission is clouded in uncertainty.

With respect to responsible governance, the bill requires those many corporations registered under the act—at present there are some 2,600 corporations—to have an internal governance framework. It will ensure that transparency is maintained in corporate decision making while also promoting better maintenance of business records. With respect to cultural recognition, practices specific to Indigenous culture can also be built into the governance framework. With respect to greater support for members, the registrar of the corporations under the ACA Act will be able to offer assistance in dispute resolution and afford a level of protection to those members who have difficulty in protecting their own rights.

With respect to human rights support, the bill gives the registrar of the Indigenous corporations the preventative powers, in certain circumstances, to help protect remote funds, assets and services. With respect to the removal of red tape, the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 will help to classify Indigenous corporations into three groups—large, medium and small—for the purposes of reporting. It is not right to believe in this area that one size should fit all. It is expected that, in general, the small and medium sized corporations will have less stringent reporting requirements while the larger corporations will find reporting requirements in line with those stipulated in the Corporations Act 2001. As you would be aware, Mr Deputy Speaker, those are just a selection of the provisions in the bill.
One of the umbrella findings of the ACA Act review of 2001 culminated in a recommendation for a new act to provide Indigenous people with the key facilities of a modern incorporation statute such as the Corporations Act but at the same time provide special forms of regulatory assistance to raise the standards of corporate governance among Indigenous corporations. The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 acts upon, and indeed implements, that recommendation to introduce new legislation to replace the current outdated laws. It will serve to assist the Indigenous corporate sector by improving the safeguards for this significant section of Australia’s business community and also promoting responsible and accountable management. That, of course, is a very laudable aim.

These legislative changes will be assisted by the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006, which will support the CATSI bill by amending references to the ACA Act and other acts in various related legislation. In addition, the changes will be assisted by the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006, which amends the Corporations Act to update it in line with the new CATSI legislation. The bills currently before the chamber are an important initiative of reform by this government, and I am particularly pleased to be able to support other honourable members in backing these bills to make sure that, as soon as possible, they become part of the law of the land.

Mr WAKELIN (Grey) (5.56 pm)—The Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006 and cognate bills are important pieces of legislation updating the Aboriginal Councils Association Act 1976. As no doubt just about every other speaker would have said, the legal environment for corporate regulation has changed very significantly in the last 30 years. The legislative package is very specific and there are a series of bills. The reforms largely replicate modern standards. In a general sense it is important, in my view, not only to update but also to recognise the challenges that are within Indigenous organisations. They are charged with very difficult and unique tasks, and the level of governance is always going to be challenging. This is an important step to encourage, protect and develop the integrity of the capacity of Indigenous governance.

I have a great interest in this subject, as I am sure just about all members would, in terms of wellbeing, development and, as the previous Labor speaker, Dr Emerson, mentioned, education. We have huge challenges there which just seem to bedevil us. The innovation that is needed is something that is all before us. In other words, whilst it is predominantly a state matter, working it in with the federal system is a great challenge, particularly in education, so I compliment the previous speaker on that.

Going back to the bills, the importance of accountability and the importance of a transparent, practical approach within modern corporations law is something that cannot be overstated. We in this place pass a lot of legislation, and it is a very difficult legal environment. To relate that back to on-the-ground strategies is not always easy.

I also note that a minor amendment to the Native Title Act 1993 to correct a technical problem prevents replacement agent prescribed bodies corporate—which is a type of corporation that can be formed to hold or manage native title—being recognised as registered native title bodies corporate under the Native Title Act. It is important to note that. In terms of the parliamentary amendments to be introduced in the CATSI bill by
the government, one amendment is to correct a technical oversight, such as ensuring that all CATSI corporations fall into the categories of small, medium and large to create a more tailored reporting scheme. This makes sure that corporations can give reports that are appropriately targeted to their size and purpose, removing the one-size-fits-all approach, which is what I was endeavouring to say a while ago about the practical results that need to come from this legislation. The amendment corrects an error that has meant that some corporations may have fallen outside these three categories.

I note that the minister is at the table. I do not intend to go on, because a lot of this material has been well and truly stated. But this evening I needed to make the general observation that the future of Indigenous affairs, in my view, will rely on good corporate governance, on appropriate training and on transparency that will match the modern day need for the outcomes that we are looking for in Indigenous affairs. This is not just a matter of legal technicality; it is so that we have the foundation stone for the legal framework that will meet the practical needs of Indigenous affairs. The minister is at the table, and I do not intend to go on any longer. I wish the bills speedy passage.

Mr John Cobb (Parkes—Minister for Community Services) (7.02 pm)—This is the summing up of the debate on the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitory and Other Measures Bill 2006 and the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006. The outdated Aboriginal Councils and Associations Act needs to be replaced. The bills before the House reflect international best practice in Indigenous corporate governance and will help to produce better outcomes for Indigenous Australians.

The tabled amendments respond to feedback received since the introduction of the first bill in June 2005. The transitional measures minimise the administrative burden on corporations already registered under the Aboriginal Councils and Associations Act. They will have up to two years to meet the requirements of the new act. The Corporations Act 2001 will be amended to close existing regulatory gaps. While there have been issues raised today in the debate, it is clear that there is broad support for the passage of the bills.

Let me thank the Senate Legal and Constitutional Affairs Legislation Committee for its report, which supports passage of the legislation. I note the committee’s recommendation that the government should monitor funding to assist corporations with the transition to the new regime. The recent $28 million budget initiative to strengthen the capacity of Indigenous corporations will include funding associated with implementation of the new act. This is in addition to the registrar’s existing funding. Adequacy of funding will be subject to regular review. The committee also recommended restricting the right of members to request a general meeting to voting members. I am advised that the flexibility of the bill already caters for this if it is desired by corporations.

The committee has also recommended monitoring the practical interaction of the bills with other legislation, particularly the Native Title Act. It is intended that the registrar will monitor the implementation of the new act for three years and will publish details of this in its contribution to the FaCSIA annual reports and the registrar’s year books. This monitoring will specifically cover the practical interaction of the new act with other legislation, including the Native Title Act.

I now turn to the details of the legislative package. The Aboriginal Councils and Asso-
The Associations Act was developed in the 1970s to cater for the small number of landholding corporations linked to the first land rights legislation. There is consensus that the legislation no longer meets the needs of Indigenous corporations or the communities that they serve. The new legislation responds to the present day problems faced by Indigenous corporations. It aligns corporate governance requirements with modern standards of corporate accountability while allowing flexibility for Indigenous corporations to tailor their arrangements to suit their own special circumstances.

Indigenous corporations are crucial to many Indigenous Australians, and in remote areas they are crucial to non-Indigenous residents as well. They are the lifeblood of many communities—holding land and native title, providing essential infrastructure, such as power, and delivering the most basic services, such as medical care. It is not appropriate for them to have lower corporate governance standards. Indigenous corporations need special support and regulation tailored to their circumstances and meeting the requirements of special statutory regimes, including native title. However, special support and regulations need to be consistent with current basic practices of other corporate regulators.

The backbone of the legislation is the application of mainstream governance standards to Aboriginal and Torres Strait Islander corporations. The standards allow flexible and customised regulation appropriate to the context in which a corporation is operating. Without regulatory powers, such as the appointment of a special administrator, Indigenous corporations and the important services they provide would be at risk.

The appointment of a special administrator carries with it new rights of review previously unavailable under the old act. The bills have a strong focus on reducing red tape for smaller corporations, which will have fewer reporting requirements in proportion to their size. Larger, more sophisticated organisations will have more rigorous reporting arrangements in line with modern corporations law. We need to remember that many corporations are often responsible for many millions of dollars of public funding. Amendments are a response to feedback from a range of stakeholders since the introduction of the bills, including submissions made to the Senate Legal and Constitutional Legislation Committee.

The most significant of the amendments deal with the voluntary transfer and amalgamation of Aboriginal and Torres Strait Islander corporations. These new provisions will allow a body corporate registered under another law to seamlessly transfer its registration to the new act. Similarly, these amendments will allow a corporation to transfer its registration to other regimes such as the Corporations Act. These amendments reduce red tape and give corporations the choice to use the incorporation law that best suits them.

Other amendments will allow corporations to amalgamate, providing an option to reduce the number of corporations and therefore reduce the compliance burden on individuals and communities. These are important reforms that complement other changes being implemented by the Australian government to provide hope and a better future for our Indigenous citizens. All our reforms, including these bills, are about empowering local people to have more say over their own lives. I commend these bills to the House.

Question put:
That the words proposed to be omitted (Mr Snowdon’s amendment) stand part of the question.
The House divided. [7.13 pm]
(The Deputy Speaker—Mr Wilkie)

Ayes………… 76
Noes………… 54
Majority…… 22

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

NOES
Albanese, A.N. Andrews, P.J.
Beatley, K.C. Bevis, A.R.
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, M.J.
Fitzgibbon, J.A. Garrett, P.
Georganas, S. George, J.
Gibbons, S.W. Gillard, J.E.
Grierson, S.J. Griffin, A.P.
Hall, J.G. * Hatton, M.J.
Hayes, C.P. Hoare, K.J.
Irwin, J. Jenkins, H.A.
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.
Pilbar, T. Price, L.R.S. *
Quick, H.V. Ripoll, B.F.
Roxon, N.L. Rudd, K.M.
Sawford, R.W. Sercombe, R.C.G.
Smith, S.F. Snowdon, W.E.
Swan, W.M. Tanner, L.
Thomson, K.J. Vamvakinou, M.

* denotes teller

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

Third Reading

Mr JOHN COBB (Parkes—Minister for Community Services) (7.21 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

CORPORATIONS AMENDMENT
(ABORIGINAL AND TORRES STRAIT ISLANDER CORPORATIONS)
BILL 2006

Second Reading

Debate resumed from 14 September, on motion by Mr Brough:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.
Third Reading

Mr JOHN COBB (Parkes—Minister for Community Services) (7.21 pm)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) BILL 2005

Second Reading

Debate resumed from 23 June, on motion by Mr Baldwin:
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.

Consideration in Detail

Bill—by leave—taken as a whole

Mr JOHN COBB (Parkes—Minister for Community Services) (7.22 pm)—by leave—I present a supplementary explanatory memorandum and move government amendments (1) to (158) together.

(1) Clause 1-5, page 2 (line 9), omit “2006”, substitute “2007”.
(2) Clause 6-55, page 6 (lines 26 to 28), omit the clause, substitute:

6-55 Transfer of registration, deregistration and unclaimed property

Chapter 12 deals with:
(a) the transfer of an Aboriginal and Torres Strait Islander corporation’s registration to another Commonwealth, State or Territory system; and
(b) the deregistration of an Aboriginal and Torres Strait Islander corporation; and
(c) unclaimed property of an Aboriginal and Torres Strait Islander corporation that has been deregistered.

(3) Heading to Division 21, page 9 (lines 5 and 6), omit the heading, substitute:

Division 21—Application for new registration of an Aboriginal and Torres Strait Islander corporation

(4) Clause 21-1, page 10 (line 28), omit paragraph (3)(c).

(5) Page 11 (after line 23), at the end of Part 2-2, add:

Division 22—Application to register existing body corporate under Part 2-3

22-1 Application for registration

(1) A person (the applicant) may apply to the Registrar for registration of an existing body corporate as an Aboriginal and Torres Strait Islander corporation under Part 2-3.

(2) The application must contain the following information:
(a) the applicant’s name and address;
(b) the body’s current name;
(c) the body’s ACN (if any);
(d) if the body is a registered body (within the meaning of the Corporations Act)—its ARBN;
(e) the law under which the body is currently incorporated;
(f) the name proposed to be adopted by the body when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3;
(g) if the applicant is requesting an exemption from having to have at least 5 members—a request for the exemption specifying the proposed minimum number of members;
(h) an indication of whether, for its first financial year, the body is expected to be a small, medium or large corporation;
(i) if the body is expected to be a large corporation for its first financial
(j) if the body is expected to be a small or medium corporation for its first financial year—the address of the proposed document access address;

(k) the director details of each person who consents in writing to become a director of the body when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3;

(l) if the body is expected to be a small or medium corporation for its first financial year—the address of the person who consents in writing to be the contact person;

(m) if the body is expected to be a large corporation for its first financial year—the name and address of the person who consents in writing to be the secretary when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3;

(n) whether, once the body becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the people who are, or have been, its members are to be liable to contribute towards the payment of its debts and liabilities and, if so, the extent of their liabilities;

(o) such other information that the Registrar specifies in writing in respect of the registration of the body as an Aboriginal and Torres Strait Islander corporation under Part 2-3;

(p) such other information that is prescribed by the regulations as information that must be included in the application.

Note: The address of the director, secretary or contact person that must be stated is usually the residential address. However, an alternative address may be stated in certain circumstances (see section 304-15).

(3) The application must also:

(a) identify the directors who are to hold office for only one year; and

(b) if the application seeks registration of the body as an Aboriginal and Torres Strait Islander corporation for the purpose of becoming a registered native title body corporate—indicate that purpose.

**Director details**

(4) The **director details** of a person who consents to become a director are the following:

(a) the person’s given and family name;

(b) all former given and family names of the person;

(c) the person’s address;

(d) the person’s date and place of birth (if known);

(e) a declaration in writing from the person stating that the person is eligible to be a director of an Aboriginal and Torres Strait Islander corporation.

(5) A specification by the Registrar under paragraph (2)(o) is not a legislative instrument.

(6) In this section:

**ACN** has the same meaning as in the Corporations Act.

**ARBN** has the same meaning as in the Corporations Act.

**22-5 Matters to accompany application**

(1) The following must accompany an application under section 22-1:

(a) evidence of the resolution referred to in section 29-17;

(b) copies of the consents referred to in subsection 22-1(2);

(c) a certified copy of a current certificate of the body’s incorporation in its place of origin, or of a document that has a similar effect;
(d) a certified printed copy of the body’s constitution (if any);
(e) evidence that the body is not an externally-administered body corporation;
(f) evidence that no application to wind up the body has been made to a court (in Australia or elsewhere) that has not been dealt with;
(g) evidence that no application to approve a compromise or arrangement between the body and another person has been made to a court (in Australia or elsewhere) that has not been dealt with;
(h) evidence that under the law of the body’s place of origin:
   (i) the transfer of the body’s incorporation is authorised; and
   (ii) the body has complied with the requirements (if any) of that law for the transfer of its incorporation;
(i) any other documents that are prescribed.

Note: Under the internal governance rules requirement (see section 29-20), a copy of the proposed constitution of a proposed corporation must also be provided to the Registrar before the time the Registrar makes a decision under section 26-1 in respect of the application.

(2) The Registrar may extend a period specified under subsection (1).

(3) If the applicant does not comply with the request, the Registrar may treat the application as being withdrawn and notify the applicant in writing accordingly. The notice must be given within 28 days after the Registrar makes the decision to treat the application as being withdrawn.

(4) A request under this section must state the effect of subsection (3).

Page 11, after proposed Division 22, insert:

Division 23—Application to register amalgamated corporation under Part 2-3

23-1 Application for registration

(1) A person (the applicant) may apply to the Registrar for registration of an Aboriginal and Torres Strait Islander corporation (the amalgamated corporation) under Part 2-3 to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the amalgamating corporations).

(2) The application must contain the following information:

(a) the applicant’s name and address;
(b) the names, and ICNs, of the amalgamating corporations;
(c) the name proposed to be adopted by the amalgamated corporation when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3;
(d) if the applicant is requesting an exemption for the amalgamated corporation from having to have at least 5 members—a request for the exemption specifying the proposed minimum number of members;
(e) an indication of whether, for its first financial year, the amalgamated...
corporation is expected to be a small, medium or large corporation;

(f) if the amalgamated corporation is expected to be a large corporation for its first financial year—the address of the proposed registered office;

(g) if the amalgamated corporation is expected to be a small or medium corporation for its first financial year—the address of the proposed document access address;

(h) the director details of each person who consents in writing to become a director of the amalgamated corporation when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3;

(i) if the amalgamated corporation is expected to be a small or medium corporation for its first financial year—the name and address of the person who consents in writing to be the contact person;

(j) if the amalgamated corporation is expected to be a large corporation for its first financial year—the name and address of the person who consents in writing to be the secretary when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3;

(k) whether, once the amalgamated corporation becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the people who are, or have been, its members are to be liable to contribute towards the payment of its debts and liabilities and, if so, the extent of their liabilities;

(l) such other information that the Registrar specifies in writing in respect of the registration of the amalgamated corporation as an Aboriginal and Torres Strait Islander corporation under Part 2-3;

(m) such other information that is prescribed by the regulations as information that must be included in the application.

Note: The address of the director, secretary or contact person that must be stated is usually the residential address. However, an alternative address may be stated in certain circumstances (see section 304-15).

(3) The application must also:

(a) identify the directors of the amalgamated corporation who are to hold office for only one year; and

(b) if the application seeks registration of the amalgamated corporation for the purpose of becoming a registered native title body corporate—indicate that purpose.

**Director details**

(4) The **director details** of a person who consents to become a director are the following:

(a) the person’s given and family name;

(b) all former given and family names of the person;

(c) the person’s address;

(d) the person’s date and place of birth (if known);

(e) a declaration in writing from the person stating that the person is eligible to be a director of an Aboriginal and Torres Strait Islander corporation.

(5) A specification by the Registrar under paragraph (1)(l) is not a legislative instrument.

**23-5 Matters to accompany application**

(1) The following must accompany an application under section 23-1:

(a) evidence that, on registration, the amalgamated corporation will meet the creditor notice requirements referred to in section 29-18;
(b) evidence of the resolutions referred to in section 29-19;
(c) copies of the consents referred to in subsection 23-1(2);
(d) evidence that none of the amalgamating corporations is an externally-administered body corporate;
(e) evidence that no application to wind up an amalgamating corporation has been made to a court (in Australia or elsewhere) that has not been dealt with;
(f) evidence that no application to approve a compromise or arrangement between an amalgamating corporation and another person has been made to a court (in Australia or elsewhere) that has not been dealt with;
(g) any other documents that are prescribed.

Note: Under the internal governance rules requirement (see section 29-20), a copy of the proposed constitution of a proposed corporation must also be provided to the Registrar before the time the Registrar makes a decision under section 26-1 in respect of the application.

(2) The Registrar may extend a period specified under subsection (1).

(3) If the applicant does not comply with the request, the Registrar may treat the application as being withdrawn and notify the applicant in writing accordingly. The notice must be given within 28 days after the Registrar makes the decision to treat the application as being withdrawn.

(4) A request under this section must state the effect of subsection (3).

(5) Clause 26-1, page 12 (line 7), after “application”, insert “under section 21-1, 22-1 or 23-1”.

(6) Clause 26-1, page 12 (line 11), after “section 21-1”, insert “, 22-1 or 23-1”.

(7) Clause 26-1, page 12 (line 13), before “the application”, insert “if the application is made under section 21-1—”.

(8) Clause 26-1, page 12 (after line 14), after paragraph (2)(b), insert:

(ba) if the application is made under section 22-1—the application is accompanied by the matters set out in section 22-5 (but see section 26-5); and

(bb) if the application is made under section 23-1—the application is accompanied by the matters set out in section 23-5 (but see section 26-5); and

(9) Clause 26-1, page 12 (line 22), before “the pre-incorporation requirement”, insert “if the application is made under section 21-1—”.

(10) Clause 26-1, page 12 (after line 22), after subparagraph (2)(c)(iv), insert:

(iva) if the application is made under section 22-1—the pre-transfer of registration requirement (see section 29-17);

(ivb) if the application is made under section 23-1—the creditor notice requirements (see section 29-18) and the pre-amalgamation requirements (see section 29-19);
(13) Clause 26-1, page 13 (after line 2), at the end of the clause, add:

Special rules for amalgamation application under section 23-1

(3) Subsections (4) and (5) apply in deciding whether to grant an application under section 23-1 to register an Aboriginal and Torres Strait Islander corporation (the amalgamated corporation) to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the amalgamating corporations).

(4) The Registrar must not grant the application if an objection to the grant of the application has been made under subsection 29-18(3) and the objection has not been withdrawn.

(5) In addition to the matters referred to in subsection (2), the Registrar may have regard to the following matters in deciding whether to grant the application:

(a) the size and complexity of the operations of the amalgamating corporations;

(b) whether there are any unresolved disputes:

(i) internal to the operation of any of the amalgamating corporations;

(ii) between any of the amalgamating corporations and other persons;

(iii) about whether the amalgamated corporation should replace the amalgamating corporations;

(c) the extent to which the amalgamating corporations, and the officers of the amalgamating corporations, have complied with this Act and the regulations;

(d) the nature of any services provided by the amalgamating corporations and the people to whom those services are provided;

(e) the capacity of the amalgamating corporations, and their officers, to make an application to the Court for orders under Part 5.1 of the Corporations Act (as applied by Division 45 of this Act);

(f) whether it would be desirable for a court to supervise the process of the amalgamated corporation replacing the amalgamating corporations;

(g) whether the amalgamating corporations have different member liability arrangements;

(h) any other matter the Registrar considers relevant.

Note: If the Registrar decides not to grant the application, the amalgamation may be able to be achieved by applying to the Court for orders under Part 5.1 of the Corporations Act (as applied by section 45-1 of this Act).

(14) Clause 26-5, page 13 (line 4), omit “and (b)”, substitute “, (b), (ba) and (bb)”.

(15) Clause 26-5, page 13 (line 9), after “section 21-5”, insert “, section 22-5 or 23-5”.

(16) Clause 26-10, page 13 (line 19), at the end of subclause (1), add:

; or (d) the pre-transfer of registration requirement; or

(e) the creditor notice requirements; or

(f) the pre-amalgamation requirements.

(17) Clause 29-10, page 15 (line 24), after “of the corporation”, insert “who is an individual”.

(18) Page 16 (after line 30), after clause 29-15, insert:

29-17 Pre-transfer of registration requirement

(1) A body corporate in relation to which an application is made under section 22-1 meets the pre-transfer of registration requirement if:

(a) the members have by a resolution that has been passed at a meeting by at least 75% of the votes cast by members entitled to vote on the resolution:
(i) authorised the applicant to apply for the registration of the body as an Aboriginal and Torres Strait Islander corporation; and

(ii) approved the proposed constitution provided to the Registrar under subsection 29-20(2) as the constitution to be adopted by the body when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3; and

(iii) if the internal governance rules that would apply to the body when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3 will include one or more replaceable rules—agreed to those replaceable rules so applying; and

(iv) nominated, as persons who will become directors of the body when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the persons specified in the application as persons who will become directors on registration; and

(v) if the application indicates that the body is expected to be a small or medium corporation in respect of its first financial year—nominated, as a person who will become the contact person when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the person specified in the application as a person who will become the contact person on registration; and

(vi) if the application indicates that the body is expected to be a large corporation in respect of its first financial year—nominated, as a person who will become the secretary when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the person specified in the application as a person who will become the secretary on registration; and

(b) the members were given at least 21 days notice of the meeting and the proposed resolution.

(2) The document evidencing the agreement under subparagraph (1)(a)(iii) must:

(a) refer by section or subsection number (as appropriate) to the replaceable rules that will apply without modification to the body when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3; and

(b) set out the terms of the replaceable rules (if any) that are being modified or replaced by the proposed constitution.

(19) Page 16, after proposed clause 29-17, insert:

29-18 Creditor notice requirement

(1) If an application is made under section 23-1 to register an Aboriginal and Torres Strait Islander corporation (the amalgamated corporation) to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the amalgamating corporations), the amalgamated corporation meets the creditor notice requirement if:

(a) the applicant has given the Registrar a notice of intention to make the application; and

(b) the applicant has, within 14 days after giving the Registrar the notice, published the following in accordance with subsection (2):

(i) a copy of the notice;

(ii) a statement informing substantial creditors of the amalgamating corporations that those creditors may, within the objection period, object under subsection (3) to the grant of the application;
(iii) such other information as is prescribed by the regulations for the purposes of this subparagraph; and

c) each of the amalgamating corporations has, during the objection period, taken reasonable steps to bring the following to the attention of persons who are, or who are likely to or who may become, substantial creditors of the corporation:

(i) the proposed amalgamation;

(ii) the right that substantial creditors of the corporation have under subsection (3) to object to the grant of the application made under section 23-1; and

(d) the application under section 23-1 is made within 14 days after the end of the objection period.

Note 1: For substantial creditor, see paragraph (5)(a).

Note 2: For objection period, see paragraph (5)(b).

(2) The material referred to in paragraph (1)(b) must be published:

(a) in a national newspaper; or

(b) for each State or Territory in which any of the amalgamating corporations has its registered office (if any) or carries on business or other operations—in a daily newspaper that circulates generally in that State or Territory.

If the material is published in a number of newspapers under paragraph (b), all of the publications must occur on the same day.

(3) A substantial creditor of any of the amalgamating corporations may object to the grant of the application by:

(a) lodging with the Registrar a written objection that contains the information prescribed by the regulations for the purposes of this paragraph; and

(b) giving the applicant a copy of the objection;

within the objection period.

(4) A substantial creditor of an amalgamating corporation who has lodged an objection under subsection (3) may, by written notice to the Registrar, withdraw the objection.

(5) For the purposes of this section:

(a) a person is a substantial creditor of an amalgamating corporation if:

(i) the amalgamating corporation owes a debt, or debts, to the person; and

(ii) the amount of that debt, or the sum of the amounts of those debts, that is unsecured exceeds the amount prescribed by the regulations for the purposes of this subsection; and

(b) the objection period is the period of 21 days after the day on which the material referred to in paragraph (1)(b) is published in accordance with subsection (2); and

(c) an amalgamating corporation is taken to owe a debt to a person even if the debt is contingent or prospective.

(20) Page 16, after proposed clause 29-18, insert:

**29-19 Pre-amalgamation requirements**

(1) If an application is made under section 23-1 to register an Aboriginal and Torres Strait Islander corporation (the amalgamated corporation) to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the amalgamating corporations), the amalgamated corporation meets the pre-amalgamation requirements if the members of each of the amalgamating corporations have passed a special resolution:

(a) authorising the applicant to apply for the registration of the amalgamated corporation to replace the amalgamating corporations; and
(b) approving the proposed constitution provided to the Registrar under subsection 29-20(2) as the constitution to be the amalgamated corporation’s constitution when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3; and

(c) if the internal governance rules that would apply to the amalgamated corporation when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3 will include one or more replaceable rules—agreeing to those replaceable rules so applying; and

(d) nominating, as persons who will become directors of the amalgamated corporation when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the persons specified in the application as persons who will become directors on registration; and

(e) if the application indicates that the amalgamated corporation is expected to be a small or medium corporation in respect of its first financial year—nominating, as a person who will become a contact person of the amalgamated corporation when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the person specified in the application as a person who will become the contact person on registration; and

(f) if the application indicates that the amalgamated corporation is expected to be a large corporation in respect of its first financial year—nominating, as a person who will become the amalgamated corporation’s secretary when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3, the person specified in the application as a person who will become the secretary on registration.

(2) The document evidencing the agreement under paragraph (1)(c) must:

(a) refer by section or subsection number (as appropriate) to the replaceable rules that will apply without modification to the amalgamated corporation when it becomes registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3; and

(b) set out the terms of the replaceable rules (if any) that are being modified or replaced by the proposed constitution.

(21) Clause 32-1, page 18 (line 4), after “an application”, insert “under section 21-1, 22-1 or 23-1”.

(22) Clause 37-10, page 22 (line 20), omit “An”, substitute “Subject to subsection (3), an”.

(23) Clause 37-10, page 22 (lines 26 and 27), omit “but less than the amount prescribed for the purposes of this paragraph”.

(24) Clause 37-10, page 22 (lines 31 and 32), omit “but less than the amount prescribed for the purposes of this paragraph”.

(25) Clause 37-10, page 23 (lines 1 and 2), omit “but fewer than the number of employees prescribed for the purposes of this paragraph”.

(26) Clause 37-10, page 23 (line 10), omit “paragraph (2)(a)’, substitute “this paragraph”.

(27) Clause 37-10, page 23 (line 14), omit “paragraph (2)(b)’, substitute “this paragraph”.

(28) Clause 37-10, page 23 (line 18), omit “paragraph (2)(c)’, substitute “this paragraph”.

(29) Clause 42-1, page 25 (line 5), omit “An”, substitute “If an Aboriginal and Torres Strait Islander corporation is registered under Part 2-3 as a result of an application made under section 21-1, the”.

(30) Page 25 (after line 9), after clause 42-1, insert:

42-3 Effect of registration of existing body corporate under Part 2-3

If a body corporate is registered under Part 2-3 as an Aboriginal and Torres
 Strait Islander corporation as a result of an application made under section 22-1, registration under Part 2-3 does not:

(a) create a new legal entity; or
(b) affect the body’s existing property, rights or obligations (except as against the members of the body in their capacity as members); or
(c) render defective any legal proceedings by or against the body or its members.

Note: The Aboriginal and Torres Strait Islander corporation remains in existence until it is deregistered (see Chapter 12).

(31) Page 25, after proposed clause 42-3, insert:

42-4 Effect of registration of amalgamated corporation under Part 2-3

(1) This section applies if an Aboriginal and Torres Strait Islander corporation (the amalgamated corporation) is registered under Part 2-3 as a result of an application made under section 23-1 to register the amalgamated corporation to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the amalgamating corporations).

(2) The amalgamated corporation comes into existence as a body corporate with perpetual succession at the beginning of the day on which it is registered.

Note: The amalgamated corporation remains in existence until it is deregistered (see Chapter 12).

(3) On registration:

(a) the assets of each of the amalgamating corporations cease to be assets of the amalgamating corporation and become assets of the amalgamated corporation without any conveyance, transfer or assignment and the amalgamated corporation becomes the amalgamating corporation’s successor in law in relation to those assets; and
(b) the liabilities of each of the amalgamating corporations cease to be liabilities of the amalgamating corporations and become liabilities of the amalgamated corporation and the amalgamated corporation becomes the amalgamating corporation’s successor in law in relation to those liabilities; and
(c) if any proceedings to which an amalgamating corporation was a party were pending in any court or tribunal immediately before registration—the amalgamated corporation is substituted for the amalgamating corporation as a party to the proceedings; and
(d) any investigation that was commenced before registration in relation to an amalgamating corporation may be continued after registration as if the investigation were an investigation in relation to the amalgamated corporation; and
(e) an act or thing done, or omitted to be done, before registration by or in relation to an amalgamating corporation is taken to have been done, or to have been omitted to be done, by or in relation to the amalgamated corporation; and
(f) a reference in any document to an amalgamating corporation is taken to be a reference to the amalgamated corporation.

Note 1: The Registrar deregisters the amalgamating corporations under subsection 546-10(3).

Note 2: Paragraph (3)(e) has the effect, for example, that any regulatory action taken in relation to an amalgamating corporation under Part 10-3 may be continued as if that action had been taken in relation to the amalgamated corporation.

(4) Paragraph (3)(e) does not apply to a determination under section 487-1 that...
an amalgamating corporation is to be under special administration.

(5) To avoid doubt, if an asset of an amalgamating corporation was, immediately before registration, subject to a charge of any kind, the asset becomes the asset of the amalgamated corporation under subsection (3) subject to that charge.

(6) Subsection (7) applies if:
(a) any land vests in the amalgamated corporation under this section; and
(b) there is lodged with a land registration official a certificate that:
(i) is signed by the Registrar; and
(ii) identifies the land, whether by reference to a map or otherwise; and
(iii) states that the land has become vested in the amalgamated corporation under this section.

(7) The land registration official may:
(a) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and
(b) deal with, and give effect to, the certificate.

(8) Subsection (9) applies if:
(a) any asset other than land vests in the amalgamated corporation under this section; and
(b) there is lodged with an assets official a certificate that:
(i) is signed by the Registrar; and
(ii) identifies the asset; and
(iii) states that the asset has become vested in the amalgamated corporation under this section.

(9) The assets official may:
(a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
(b) make such entries in the register as are necessary having regard to the effect of this section.

(10) No stamp duty or other tax is payable under a law of a State or a Territory in respect of an exempt matter, or anything connected with an exempt matter.

(11) The Registrar may certify in writing:
(a) that a specified matter is an exempt matter; or
(b) that a specified thing was connected with a specified exempt matter.

(12) In all courts, and for all purposes (other than for the purposes of criminal proceedings), a certificate under subsection (11) is prima facie evidence of the matters stated in the certificate.

(13) For the purposes of this section, an exempt matter is:
(a) the vesting of an asset or liability under this section; or
(b) the operation of this section in any other respect.

(14) In this section:

- asset means:
  (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and
  (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

- assets official, in relation to an asset other than land, means the person or authority who, under a law of the Commonwealth, a State or a Territory, under a trust instrument or otherwise, has responsibility for keeping a register in relation to assets of the kind concerned.

- land means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

- land registration official, in relation to land, means the Registrar of Titles or
other proper officer of the State or Territory in which the land is situated.

*liability* means any liability, duty or obligation, whether actual, contingent or prospective.

(32) Clause 42-10, page 25 (lines 15 to 22), omit subclause (1), substitute:

**Persons become members on registration**

(1) A person becomes a member of an Aboriginal and Torres Strait Islander corporation on registration of the corporation if:

(a) the corporation was registered as a result of an application made under section 21-1 and the person is specified in the application with his or her consent as a proposed member of the corporation; or

(b) the corporation was registered as a result of an application made under section 22-1 for registration of a body corporate as an Aboriginal and Torres Strait Islander corporation under Part 2-3 and the person is a member of the body corporate immediately before registration of the corporation; or

(c) the corporation was registered as a result of an application made under section 23-1 to register an Aboriginal and Torres Strait Islander corporation (the *amalgamated corporation*) under Part 2-3 to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the *amalgamating corporations*) and the person is a member of any of the amalgamating corporations immediately before the registration of the amalgamated corporation.

Note: A member’s name must be entered in the register of members (see section 180-5).

**Persons become directors etc. on registration**

(1A) A person becomes a director, corporation secretary or contact person of an Aboriginal and Torres Strait Islander corporation on registration of the corporation if the person is specified in the application under section 21-1, 22-1 or 23-1 with his or her consent as a proposed director, corporation secretary or contact person of the corporation.

(33) Page 28 (after line 12), at the end of Division 42, add:

**42-35 Body corporate registered as Aboriginal and Torres Strait Islander corporation (liability of members on winding up)**

(1) This section applies if:

(a) a body corporate is registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3 as a result of an application made under section 22-1; and

(b) a person stopped being a member of a body corporate before it was registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3.

(2) The person is to be treated as a past member of the Aboriginal and Torres Strait Islander corporation in applying Division 2 of Part 5.6 of the Corporations Act (as applied by section 526-35 of this Act) to a winding up of the Aboriginal and Torres Strait Islander corporation.

(3) However, the person’s liability to contribute to the Aboriginal and Torres Strait Islander corporation’s property is further limited by this section to an amount sufficient for the following:

(a) payment of debts and liabilities contracted by the body corporate before the day on which it was registered as an Aboriginal and Torres Strait Islander corporation under Part 2-3; and

(b) payment of the costs, charges and expenses of winding up the Abo-
rigional and Torres Strait Islander corporation, so far as those costs, charges and expenses relate to those debts and liabilities;
(c) the adjustment of the rights between the contributories, so far as the adjustment relates to those debts and liabilities.

(34) Page 28, after proposed section 42-35, insert:

42-40 Body corporate registered as Aboriginal and Torres Strait Islander corporation (modification by regulations)

(1) The regulations may modify the operation of this Part in relation to an Aboriginal and Torres Strait Islander corporation registered under Part 2-3 as a result of an application made under section 22-1.

(2) Regulations made for the purposes of subsection (1) must not:
(a) increase, or have the effect of increasing, the maximum penalty for any offence; or
(b) widen, or have the effect of widening, the scope of any offence.

(35) Page 28, after proposed section 42-40, insert:

42-45 Registration of amalgamated corporation (liability of members on winding up)

(1) This section applies if:
(a) an Aboriginal and Torres Strait Islander corporation (the amalgamated corporation) is registered under Part 2-3 as a result of an application made under section 23-1 to register the amalgamated corporation to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the amalgamating corporations); and
(b) a person stopped being a member of an amalgamating corporation before the registration of the amalgamated corporation.

(2) The person is to be treated as a past member of the amalgamated corporation in applying Division 2 of Part 5.6 of the Corporations Act (as applied by section 526-35 of this Act) to a winding up of the amalgamated corporation.

(3) However, the person’s liability to contribute to the amalgamated corporation’s property is further limited by this section to an amount sufficient for the following:
(a) payment of debts and liabilities contracted by the amalgamating corporation before the registration of the amalgamated corporation;
(b) payment of the costs, charges and expenses of winding up the amalgamated corporation, so far as those costs, charges and expenses relate to those debts and liabilities;
(c) the adjustment of the rights between the contributories, so far as the adjustment relates to those debts and liabilities.

(36) Page 28, after proposed section 42-45, insert:

42-50 Registration of amalgamated corporation (modification by regulations)

(1) The regulations may modify the operation of this Part in relation to an Aboriginal and Torres Strait Islander corporation registered under Part 2-3 as a result of an application made under section 23-1.

(2) Regulations made for the purposes of subsection (1) must not:
(a) increase, or have the effect of increasing, the maximum penalty for any offence; or
(b) widen, or have the effect of widening, the scope of any offence.

(37) Page 28 (after line 12), at the end of Chapter 2, add:
PART 2-6—ARRANGEMENTS AND RECONSTRUCTIONS

Division 45—Application of Corporations Act arrangements and reconstructions provisions

45-1 Applying Corporations Act arrangements and reconstructions provisions to Aboriginal and Torres Strait Islander corporations

(1) The Corporations Act arrangements and reconstructions provisions apply to an Aboriginal and Torres Strait Islander corporation as if the following substitutions were made:

<table>
<thead>
<tr>
<th>Item</th>
<th>For a reference to...</th>
<th>substitute a reference to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a Part 5.1 body</td>
<td>an Aboriginal and Torres Strait Islander corporation</td>
</tr>
<tr>
<td>2</td>
<td>a body</td>
<td>an Aboriginal and Torres Strait Islander corporation</td>
</tr>
<tr>
<td>3</td>
<td>a company</td>
<td>an Aboriginal and Torres Strait Islander corporation</td>
</tr>
<tr>
<td>4</td>
<td>ASIC</td>
<td>the Registrar</td>
</tr>
<tr>
<td>5</td>
<td>registered office</td>
<td>registered office or document access address</td>
</tr>
</tbody>
</table>

Note: If a number of Aboriginal and Torres Strait Islander corporations wish to amalgamate, it may be possible, in some circumstances, for them to proceed with the amalgamation by means of an application to the Registrar under Division 23 (as an alternative to applying to a court for an order under the applied Corporations Act arrangements and reconstructions provisions).

(2) The Corporations Act arrangements and reconstructions provisions apply to an Aboriginal and Torres Strait Islander corporation:

(a) only to the extent to which they are capable of applying to an Aboriginal and Torres Strait Islander corporation; and

(b) with the modifications specified in the regulations.

(3) Regulations made for the purposes of paragraph (2)(b) must not:

(a) increase, or have the effect of increasing, the maximum penalty for any offence; or

(b) widen, or have the effect of widening, the scope of any offence.

(4) In this Act:

Corporations Act arrangements and reconstructions provisions means:

(a) Part 5.1 of the Corporations Act (other than paragraph 411(17)(a), subsection 412(3) and (5) and section 414); and

(b) section 425, subsections 427(2) and (4) and sections 428, 432, 434 and 536 of that Act to the extent to which they are applied by subsection 411(9) of that Act; and

(c) the other provisions of that Act (including Parts 1.2, 5.8, 5.9 and 9.4 and Schedule 3 but not including Parts 1.1, 1.1A and 9.4A) to the extent to which they relate to the operation of Part 5.1 of that Act and the provisions referred to in paragraph (b) of this definition; and

(d) the regulations made under that Act for the purposes of Part 5.1 of that Act and the provisions referred to in paragraphs (b) and (c) of this definition.

(38) Page 31 (after line 6), at the end of Division 57, add:

57-5 List of internal governance rules

The following table sets out the main provisions of this Act that deal with the internal governance of Aboriginal and Torres Strait Islander corporations. The table indicates those rules that operate as replaceable rules and Division 60 tells you how replaceable rules operate.
<table>
<thead>
<tr>
<th>Item</th>
<th>Subject of provision</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>How does a person become a member?</td>
<td>section 144-1</td>
</tr>
<tr>
<td>2</td>
<td>Application to corporation</td>
<td>section 144-5</td>
</tr>
<tr>
<td></td>
<td><em>subsection (2) is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Determination of applications for membership</td>
<td>section 144-10</td>
</tr>
<tr>
<td></td>
<td><em>subsection (7) is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Fees for membership and being an observer</td>
<td>section 144-15</td>
</tr>
<tr>
<td>5</td>
<td>Obligation to contribute on winding up</td>
<td>section 147-1</td>
</tr>
<tr>
<td>6</td>
<td>Corporation may impose other membership obligations</td>
<td>section 147-5</td>
</tr>
<tr>
<td>7</td>
<td>Liability of corporation members</td>
<td>section 147-10</td>
</tr>
<tr>
<td>8</td>
<td>Cessation of membership</td>
<td>section 150-1</td>
</tr>
<tr>
<td>9</td>
<td>Resolution of disputes</td>
<td>section 150-5</td>
</tr>
<tr>
<td>10</td>
<td>Resignation</td>
<td>section 150-10</td>
</tr>
<tr>
<td></td>
<td><em>subsection (2) is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>General</td>
<td>section 150-15</td>
</tr>
<tr>
<td>12</td>
<td>Member not eligible for membership etc.</td>
<td>section 150-20</td>
</tr>
<tr>
<td></td>
<td><em>this section is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Member not contactable</td>
<td>section 150-25</td>
</tr>
<tr>
<td>14</td>
<td>Member is not an Aboriginal and Torres Strait Islander person</td>
<td>section 150-30</td>
</tr>
<tr>
<td>15</td>
<td>Member misbehaves</td>
<td>section 150-35</td>
</tr>
<tr>
<td>16</td>
<td>Different classes of members</td>
<td>section 153-1</td>
</tr>
<tr>
<td>17</td>
<td>Observers</td>
<td>section 158-5</td>
</tr>
<tr>
<td></td>
<td><em>subsection (2) is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>What protections apply to variations or cancellations of class rights?</td>
<td>Division 172</td>
</tr>
<tr>
<td>19</td>
<td>Corporation or directors may allow member to inspect books</td>
<td>section 175-15</td>
</tr>
<tr>
<td></td>
<td><em>this section is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Director may call meetings</td>
<td>section 201-1</td>
</tr>
<tr>
<td></td>
<td><em>this section is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Request by members for directors to call general meetings</td>
<td>section 201-5</td>
</tr>
<tr>
<td></td>
<td><em>this section is a replaceable rule</em></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>When must directors comply with members’ request?</td>
<td>section 201-10</td>
</tr>
<tr>
<td>23</td>
<td>When must a requested meeting be held?</td>
<td>section 201-15</td>
</tr>
<tr>
<td>24</td>
<td>Amount of notice for general meeting</td>
<td>section 201-20</td>
</tr>
<tr>
<td>25</td>
<td>Notice of general meeting to members, off-</td>
<td>section 201-25</td>
</tr>
<tr>
<td></td>
<td><strong>CHAMBER</strong></td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Subject of provision</td>
<td>Provision</td>
</tr>
<tr>
<td>------</td>
<td>----------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>26</td>
<td>Auditor entitled to notice and other communications</td>
<td>subsections (2), (5) and (6) are replaceable rules, section 201-30</td>
</tr>
<tr>
<td>27</td>
<td>Contents of notice of general meeting</td>
<td>section 201-35</td>
</tr>
<tr>
<td>28</td>
<td>Members’ resolutions</td>
<td>section 201-40</td>
</tr>
<tr>
<td>29</td>
<td>Notice of members’ resolutions</td>
<td>section 201-45</td>
</tr>
<tr>
<td>30</td>
<td>Members’ statements to be distributed</td>
<td>section 201-50</td>
</tr>
<tr>
<td>31</td>
<td>Purpose</td>
<td>section 201-55</td>
</tr>
<tr>
<td>32</td>
<td>Time and place for general meeting</td>
<td>section 201-60</td>
</tr>
<tr>
<td>33</td>
<td>Technology</td>
<td>section 201-65</td>
</tr>
<tr>
<td>34</td>
<td>Quorum</td>
<td>section 201-70, subsections (1), (2), (5) and (6) are replaceable rules</td>
</tr>
<tr>
<td>35</td>
<td>Chairing general meeting</td>
<td>section 201-75, this section is a replaceable rule</td>
</tr>
<tr>
<td>36</td>
<td>Auditor’s right to be heard at general meetings</td>
<td>section 201-80</td>
</tr>
<tr>
<td>37</td>
<td>Adjourned meetings</td>
<td>section 201-85, subsection (2) is a replaceable rule</td>
</tr>
<tr>
<td>38</td>
<td>Who may appoint a proxy</td>
<td>section 201-90, this section is a replaceable rule</td>
</tr>
<tr>
<td>39</td>
<td>Rights of proxies</td>
<td>section 201-95</td>
</tr>
<tr>
<td>40</td>
<td>Appointing a proxy</td>
<td>section 201-100</td>
</tr>
<tr>
<td>41</td>
<td>Proxy documents</td>
<td>section 201-105</td>
</tr>
<tr>
<td>42</td>
<td>Body corporate representative</td>
<td>section 201-110</td>
</tr>
<tr>
<td>43</td>
<td>How many votes a member has</td>
<td>section 201-115, this section is a replaceable rule</td>
</tr>
<tr>
<td>44</td>
<td>Objections to right to vote</td>
<td>section 201-120, this section is a replaceable rule</td>
</tr>
<tr>
<td>45</td>
<td>How voting is carried out</td>
<td>section 201-125, this section is a replaceable rule</td>
</tr>
<tr>
<td>46</td>
<td>Matters on which a poll may be demanded</td>
<td>section 201-130, this section is a replaceable rule</td>
</tr>
<tr>
<td>47</td>
<td>When a poll is effectively demanded</td>
<td>section 201-135</td>
</tr>
<tr>
<td>48</td>
<td>When and how polls must be taken</td>
<td>section 201-140, this section is a replaceable rule</td>
</tr>
<tr>
<td>49</td>
<td>Corporation must hold first general meeting within 3 months of registration</td>
<td>section 201-145</td>
</tr>
<tr>
<td>50</td>
<td>Corporation must hold AGM</td>
<td>section 201-150</td>
</tr>
<tr>
<td>Item</td>
<td>Subject of provision</td>
<td>Provision</td>
</tr>
<tr>
<td>------</td>
<td>----------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>51</td>
<td>Extension of time for holding AGM</td>
<td>section 201-155</td>
</tr>
<tr>
<td>52</td>
<td>Business of AGM</td>
<td>section 201-160</td>
</tr>
<tr>
<td>53</td>
<td>Questions and comments by members on corporation management at AGM</td>
<td>section 201-165</td>
</tr>
<tr>
<td>54</td>
<td>Questions by members of auditors at AGM</td>
<td>section 201-170</td>
</tr>
<tr>
<td>55</td>
<td>Circulating resolutions</td>
<td>section 204-1</td>
</tr>
<tr>
<td>56</td>
<td>Resolutions of 1 member corporations</td>
<td>section 204-5</td>
</tr>
<tr>
<td>57</td>
<td>Constitution to provide for meetings</td>
<td>section 212-1</td>
</tr>
<tr>
<td>58</td>
<td>Calling directors’ meetings</td>
<td>section 212-5</td>
</tr>
<tr>
<td></td>
<td><strong>this section is a replaceable rule</strong></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Use of technology</td>
<td>section 212-10</td>
</tr>
<tr>
<td>60</td>
<td>Chairing directors’ meetings</td>
<td>section 212-15</td>
</tr>
<tr>
<td></td>
<td><strong>this section is a replaceable rule</strong></td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Quorum at directors’ meetings</td>
<td>section 212-20</td>
</tr>
<tr>
<td>62</td>
<td>Passing of directors’ resolutions</td>
<td>section 212-25</td>
</tr>
<tr>
<td></td>
<td><strong>this section is a replaceable rule</strong></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Circulating resolutions of corporation with more than 1 director</td>
<td>section 215-1</td>
</tr>
<tr>
<td></td>
<td><strong>this section is a replaceable rule</strong></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Resolutions and declarations of 1 director corporation</td>
<td>section 215-5</td>
</tr>
<tr>
<td>65</td>
<td>Minutes</td>
<td>section 220-5</td>
</tr>
<tr>
<td>66</td>
<td>Members’ access to minutes</td>
<td>section 220-10</td>
</tr>
<tr>
<td><strong>Chapter 6—Officers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Minimum number of directors</td>
<td>section 243-1</td>
</tr>
<tr>
<td>68</td>
<td>Maximum number of directors</td>
<td>section 243-5</td>
</tr>
<tr>
<td>69</td>
<td>Eligibility for appointment as a director</td>
<td>section 246-1</td>
</tr>
<tr>
<td>70</td>
<td>Majority of director requirements</td>
<td>section 246-5</td>
</tr>
<tr>
<td>71</td>
<td>Consent to act as director</td>
<td>section 246-10</td>
</tr>
<tr>
<td>72</td>
<td>Corporation may appoint a director</td>
<td>section 246-15</td>
</tr>
<tr>
<td></td>
<td><strong>this section is a replaceable rule</strong></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Directors may appoint other directors to make up a quorum</td>
<td>section 246-20</td>
</tr>
<tr>
<td></td>
<td><strong>this section is a replaceable rule</strong></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Term of appointment</td>
<td>section 246-25</td>
</tr>
<tr>
<td></td>
<td><strong>subsections (1) and (3) are replaceable rules</strong></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Alternate directors</td>
<td>section 246-30</td>
</tr>
<tr>
<td></td>
<td><strong>this section is a replaceable rule</strong></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>How does a person cease to be a director?</td>
<td>section 249-1</td>
</tr>
<tr>
<td>77</td>
<td>Director may resign</td>
<td>section 249-5</td>
</tr>
<tr>
<td>Item</td>
<td>Subject of provision</td>
<td>Provision</td>
</tr>
<tr>
<td>------</td>
<td>----------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>78</td>
<td>Removal by members</td>
<td>subsection (2) is a replaceable rule</td>
</tr>
<tr>
<td>79</td>
<td>Removal by other directors</td>
<td>section 249-10</td>
</tr>
<tr>
<td>80</td>
<td>Remuneration</td>
<td>section 249-15</td>
</tr>
<tr>
<td>81</td>
<td>How a secretary or contact person is appointed</td>
<td>section 252-1</td>
</tr>
<tr>
<td>82</td>
<td>Terms and conditions of office for secretaries</td>
<td>section 257-20</td>
</tr>
<tr>
<td>83</td>
<td>Terms and conditions of contact person’s appointment</td>
<td>section 257-45</td>
</tr>
<tr>
<td>84</td>
<td>Duties in relation to disclosure of, and voting on matters involving, material personal interests</td>
<td>section 257-50</td>
</tr>
<tr>
<td>85</td>
<td>Powers of directors</td>
<td>section 257-50</td>
</tr>
<tr>
<td>86</td>
<td>Negotiable instruments</td>
<td>section 257-50</td>
</tr>
<tr>
<td>87</td>
<td>Delegation</td>
<td>this section is a replaceable rule</td>
</tr>
<tr>
<td>88</td>
<td>Right of access to corporation books</td>
<td>this section is a replaceable rule</td>
</tr>
<tr>
<td>89</td>
<td>Member approval needed for related party benefit</td>
<td>this section is a replaceable rule</td>
</tr>
</tbody>
</table>

(39) Clause 60-25, page 33 (line 26) to page 35 (line 26), omit the clause.

(40) Clause 66-1, page 37 (after line 10), after subclause (3), insert:

(3A) The corporation’s constitution must provide for the resolution of disputes internal to the operation of the corporation.

(41) Clause 130-1, page 81 (line 9), after “members”, insert “and the register of former members”.

(42) Clause 144-10, page 88 (after line 28), after subclause (8), insert:

Note: An application may be made to exempt the corporation from the requirement of this subsection (see section 187-5).

(43) Clause 150-5, page 91 (lines 22 to 25), omit the clause.

(44) Heading to subclause 150-15(1), page 92 (line 17), omit “(replaceable rule—see section 60-1)”.

(45) Subclause 150-20(2), page 94 (line 7), omit the penalty.

(46) Clause 150-20, page 94 (lines 8 and 9), omit subclause (3).

(47) Subclause 150-20(6), page 94 (line 23), omit the penalty.

(48) Clause 150-20, page 94 (lines 24 and 25), omit subclause (7).

(49) Clause 150-25, page 95 (after line 4), after subclause (1), insert:

Note: An application may be made to exempt the corporation, or the directors of the corporation,
from the requirements of this section (see section 187-5).

(50) Clause 150-30, page 96 (after line 5), after subclause (1), insert:
Note: An application may be made to exempt the corporation, or the directors of the corporation, from the requirements of this section (see section 187-5).

(51) Clause 150-35, page 97 (after line 4), after subclause (1), insert:
Note: An application may be made to exempt the corporation, or the directors of the corporation, from the requirements of this section (see section 187-5).

(52) Clause 180-5, page 117 (lines 15 to 21), omit subclause (1), substitute:
(1) The register of members must contain the following information about each member who is an individual:
(a) the member’s given and family name;
(b) the member’s address;
(c) the date on which the individual stopped being a member.
The register may also contain any other name by which the individual is or was known.
(2) The register of former members must contain the following information about each body corporate that stopped being a member of the corporation within the last 7 years:
(a) the member’s name and address;
(b) the date on which the body stopped being a member.

(54) Page 118 (after line 28), after clause 180-20, insert:
180-22 Register of members and register of former members may be maintained in one document
Nothing in this Act prevents an Aboriginal and Torres Strait Islander corporation from maintaining its register of members, and its register of former members, in the one document.

(55) Clause 180-25, page 119 (line 12), omit “a register”, substitute “the register”.
(56) Clause 180-25, page 119 (line 14), omit “a register”, substitute “the register”.
(57) Clause 180-30, page 120 (line 6), after “register”, insert “of members”.
(58) Clause 180-30, page 120 (line 6), after “inspection”, insert “(without charge)”.
(59) Heading to clause 180-35, page 120 (line 16), at the end of the heading, add “or register of former members”.
(60) Clause 180-35, page 120 (line 18), after “register of members”, insert “, or the register of former members,”.
(61) Heading to clause 180-40, page 121 (line 3), at the end of the heading, add “or register of former members”.

180-15 Information on the register of former members
(1) The register of former members must contain the following information about each individual who stopped being a member of the corporation within the last 7 years:
(62) Heading to Division 183, page 122 (line 3), at the end of the heading, add “or register of former members”.

(63) Heading to clause 183-1, page 122 (line 4), at the end of the heading, add “of members or register of former members”.

(64) Clause 183-1, page 122 (line 7), after “members”, insert “, or register of former members.”.

(65) Clause 183-1, page 122 (line 16), after “membership”, insert “, or former membership.”.

(66) Clause 183-1, page 122 (line 17), after “member”, insert “, or former member.”.

(67) Page 123 (after line 5), at the end of Chapter 4, add:

PART 4-6—EXEMPTION FROM OPERATION OF CERTAIN PROVISIONS OF THIS CHAPTER

Division 187—Exemption from operation of certain provisions of this Chapter

The Registrar may exempt an Aboriginal and Torres Strait Islander corporation from certain provisions of this Chapter. The Registrar may do so on application or on his or her own volition.

187-1 What this Part is about

187-5 Exemption from certain provisions of this Chapter

(1) On an application made in accordance with subsection (3) in relation to an Aboriginal and Torres Strait Islander corporation, the Registrar may make a determination in writing exempting any of the following from the exemptible provisions of this Chapter specified in the Registrar’s determination:

(a) the corporation itself;
(b) the directors of the corporation.

Note: For the criteria for making determinations under this section, see section 187-20.

(2) For the purposes of this section, the exemptible provisions of this Chapter are:

(a) subsection 144-10(8); and
(b) section 150-25; and
(c) section 150-30; and
(d) section 150-35.

(3) The application must:

(a) specify the exemptible provisions in relation to which the exemption is being sought; and
(b) be authorised by a resolution of the directors; and
(c) be in writing and signed by a director; and
(d) be lodged with the Registrar.

(4) The determination may:

(a) be expressed to be subject to conditions; and
(b) be indefinite or limited to a specified period.

(5) The Registrar may, in writing, revoke, vary or suspend the determination.

(6) The Registrar must give the applicant written notice within 28 days of the making, revocation, variation or suspension of the determination.

(7) A determination under subsection (1), or a revocation, variation or suspension under subsection (5), is not a legislative instrument.

187-10 Registrar may make determination even if application is incomplete

Despite subsection 187-5(3), the Registrar may make a determination even if the application does not specify the provisions in relation to which the exemption is being sought.

187-15 Registrar’s power to make determinations

(1) The Registrar may determine in writing that:

(a) a specified Aboriginal and Torres Strait Islander corporation or a
specified class of Aboriginal and Torres Strait Islander corporation; and

(b) the directors of a specified Aboriginal and Torres Strait Islander corporation or of a specified class of Aboriginal and Torres Strait Islander corporation (as the case may be),

are exempted from the exemptible provision of this Chapter specified in the Registrar’s determination.

Note: For the criteria for making determinations under this section, see section 187-20.

(2) For the purposes of this section, the exemptible provisions of this Chapter are:

(a) subsection 144-10(8); and

(b) section 150-25; and

(c) section 150-30; and

(d) section 150-35.

(3) The determination may:

(a) be expressed to be subject to conditions; and

(b) be indefinite or limited to a specified period.

(4) The Registrar may, in writing, revoke, vary or suspend the determination.

(5) Notice of the making, revocation, variation or suspension of a determination in relation to a specified class of Aboriginal and Torres Strait Islander corporation, or the directors of a specified class of Aboriginal and Torres Strait Islander corporation, must be published in the Gazette.

(6) A determination under subsection (1) in relation to:

(a) a specified class of Aboriginal and Torres Strait Islander corporation; or

(b) the directors of a specified class of Aboriginal and Torres Strait Islander corporation;

is a legislative instrument.

(7) A determination under subsection (1) in relation to:

(a) a specified Aboriginal and Torres Strait Islander corporation; or

(b) the directors of a specified Aboriginal and Torres Strait Islander corporation;

is not a legislative instrument.

187-20 Criteria for determinations

(1) In making a determination under section 187-5 or 187-15, the Registrar must be satisfied that the requirements of the relevant exemptible provisions of this Chapter would:

(a) be inappropriate in the circumstances; or

(b) impose unreasonable burdens.

Unreasonable burden

(2) In deciding for the purposes of subsection (1) if the relevant exemptible provisions impose an unreasonable burden on the corporation or corporations, the Registrar is to have regard to:

(a) the expected costs of complying with the obligations; and

(b) the expected benefits of having the corporation or corporations comply with the obligations; and

(c) any practical difficulties that the corporation or corporations face in complying effectively with the obligations; and

(d) any other matters that the Registrar considers relevant.

(68) Heading to subclause 201-25(1), page 129 (line 14), omit “individually”.

(69) Clause 201-25, page 129 (line 16), omit “individually”.

(70) Heading to clause 225-15, page 159 (line 11), omit “class”.

(71) Clause 243-5, page 163 (after line 18), at the end of the clause, add:

Note: An application may be made to exempt the corporation from the
requirements of this section (see section 310-5).

(72) Clause 246-1, page 164 (line 15), after "may", insert "not".

(73) Clause 246-25, page 166 (after line 20), after subclause (2), insert:

Note: An application may be made to exempt the directors of the corporation from the requirements of this subsection (see section 310-5).

(74) Clause 249-15, page 171 (lines 19 and 20), omit subclause (6), substitute:

(6) If the director does object as provided for in paragraph (3)(c):
   (a) the directors cannot remove the director from office; and
   (b) the corporation, by resolution in general meeting, may remove the director from office in accordance with section 249-10.

(75) Clause 249-20, page 172 (lines 6 to 24), omit the clause.

(76) Clause 265-1, page 183 (after line 5), after subclause (2), insert:

(2A) To avoid doubt, a director of an Aboriginal and Torres Strait Islander corporation that is a registered native title body corporate is not taken to have a material personal interest for the purpose of paragraph (2)(b) if the director does not need to give the other directors notice of the interest because section 268-5 applies.

(77) Clause 265-40, page 187 (line 31), after "members", insert "or register of former members".

(78) Clause 265-45, page 188 (line 12), before "If", insert "(1)".

(79) Clause 265-45, page 189 (after line 6), at the end of the clause, add:

(2) To avoid doubt, a person may be considered an expert in relation to questions of traditional laws and customs.

(80) Clause 279-20, page 207 (line 9), after "Corporations Act", insert "(as applied by section 45-1 of this Act)".

(81) Page 213 (after line 13), at the end of Division 284, add:

284-10 Exemptions

An application may be made to exempt an Aboriginal and Torres Strait Islander corporation, or the directors of the corporation, from the requirements of this Part (see section 310-5).

(82) Page 216 (after line 21), after clause 287-10, insert:

287-12 Benefits given to comply with Native Title legislation obligations

Member approval is not needed to give a financial benefit if the benefit is given to the related party to comply with a Native Title legislation obligation.

(83) Clause 304-5, page 230 (line 15), omit paragraph (4)(c).

(84) Page 233 (after line 17), at the end of Chapter 6, add:

PART 6-8—EXEMPTION FROM OPERATION OF CERTAIN PROVISIONS OF THIS CHAPTER

The Registrar may exempt an Aboriginal and Torres Strait Islander corporation from certain provisions of this Chapter. The Registrar may do so on application or on his or her own volition.

310-1 What this Part is about

The Registrar may exempt an Aboriginal and Torres Strait Islander corporation from certain provisions of this Chapter. The Registrar may do so on application or on his or her own volition.

310-5 Exemption from certain provisions of this Chapter

On an application made in accordance with subsection (3) in relation to an Aboriginal and Torres Strait Islander corporation, the Registrar may make a determination in writing exempting any of the following from the exemptible provisions of this Chapter specified in the Registrar’s determination:
(a) the corporation itself;
(b) the directors of the corporation.

Note: For the criteria for making determinations under this section, see section 310-20.

(2) For the purposes of this section, the **exemptible provisions** of this Chapter are:
(a) section 243-5; and
(b) subsection 246-25(2); and
(c) the provisions of Part 6-6.

(3) The application must:
(a) specify the exemptible provisions in relation to which the exemption is being sought; and
(b) be authorised by a resolution of the directors; and
(c) be in writing and signed by a director; and
(d) be lodged with the Registrar.

(4) The determination may:
(a) be expressed to be subject to conditions; and
(b) be indefinite or limited to a specified period.

(5) The Registrar may, in writing, revoke, vary or suspend the determination.

(6) Notice of the making, revocation, variation or suspension of a determination in relation to a specified class of Aboriginal and Torres Strait Islander corporation, or the directors of a specified class of Aboriginal and Torres Strait Islander corporation, must be published in the **Gazette**.

(7) A determination under subsection (1), or a revocation, variation or suspension under subsection (5), is not a legislative instrument.

**310-10 Registrar may make determination even if application is incomplete**

Despite subsection 310-5(3), the Registrar may make a determination even if the application does not specify the provisions in relation to which the exemption is being sought.

**310-15 Registrar’s power to make determinations**

(1) The Registrar may determine in writing that:
(a) a specified Aboriginal and Torres Strait Islander corporation or a specified class of Aboriginal and Torres Strait Islander corporation; and
(b) the directors of a specified Aboriginal and Torres Strait Islander corporation or of a specified class of Aboriginal and Torres Strait Islander corporation (as the case may be); are exempted from the exemptible provisions of this Chapter specified in the Registrar’s determination.

Note: For the criteria for making determinations under this section, see section 310-20.

(2) For the purposes of this section, the **exemptible provisions** of this Chapter are:
(a) section 243-5; and
(b) subsection 246-25(2); and
(c) the provisions of Part 6-6.

(3) The determination may:
(a) be expressed to be subject to conditions; and
(b) be indefinite or limited to a specified period.

(4) The Registrar may, in writing, revoke, vary or suspend the determination.

(5) A determination under subsection (1) in relation to:
(a) a specified class of Aboriginal and Torres Strait Islander corporation; or
(b) the directors of a specified class of Aboriginal and Torres Strait Islander corporation;

is a legislative instrument.

(7) A determination under subsection (1) in relation to:

(a) a specified Aboriginal and Torres Strait Islander corporation; or

(b) the directors of a specified Aboriginal and Torres Strait Islander corporation;

is not a legislative instrument.

310-20 Criteria for determinations

(1) In making a determination under section 310-5 or 310-15, the Registrar must be satisfied that the requirements of the relevant exemptible provisions of this Chapter would:

(a) be inappropriate in the circumstances; or

(b) impose unreasonable burdens.

Unreasonable burden

(2) In deciding for the purposes of subsection (1) if the relevant exemptible provisions impose an unreasonable burden on the corporation or corporations, the Registrar is to have regard to:

(a) the expected costs of complying with the obligations; and

(b) the expected benefits of having the corporation or corporations comply with the obligations; and

(c) any practical difficulties that the corporation or corporations face in complying effectively with the obligations; and

(d) any other matters that the Registrar considers relevant.

(85) Clause 317-1, page 234 (line 15), after “Part 7-2 or 7-3”, insert “or by regulations made for the purposes of Part 7-2 or 7-3”.

(86) Clause 327-1, page 239 (line 25), after “members”, insert “on request”.

(87) Clause 333-5, page 243 (line 13), omit “The first”, substitute “Subject to subsection (4A), the first”.

(88) Clause 333-5, page 243 (after line 18), after subclause (4), insert:

(4A) However, if the corporation is registered under Part 2-3 as a result of an application made under Division 22, the first financial year for the corporation is the period that:

(a) starts on:

(i) the 1 June last preceding the day on which it is registered; or

(ii) if the corporation came into existence after that 1 June—the day on which the corporation came into existence; and

(b) ends on the 30 June next following the day on which it is registered.

(89) Clause 333-15, page 245 (lines 29 and 30), omit “each of its members”, substitute “its members (whether generally or on request)”.

(90) Clause 333-15, page 245 (line 34), after “members”, insert “on request”.

(91) Clause 336-1, page 247 (line 20), after “members”, insert “(whether generally or on request)”.

(92) Clause 336-1, page 248 (line 13), after “members”, insert “(whether generally or on request)”.

(93) Clause 336-5, page 249 (line 30), after “members”, insert “(whether generally or on request)”.

(94) Clause 336-5, page 250 (line 24), after “members”, insert “(whether generally or on request)”.

(95) Clause 339-60, page 263 (lines 1 and 2), omit subclause (3).

(96) Clause 342-1, page 273 (line 6), after “reports”, insert “on request”.

(97) Clause 342-1, page 273 (line 7), after “members”, insert “on request”.

(98) Clause 342-5, page 273 (line 14), omit “each member of the corporation a copy of the report”, substitute “a copy of the report to each
member who requests it under subsections (3A) and (3B)

(99) Clause 342-5, page 273 (lines 18 and 19), omit “each member of the corporation a copy of the auditor’s report”, substitute “a copy of the auditor’s report to each member who requests it under subsections (3A) and (3B)

(100) Clause 342-5, page 273 (after line 23), after subclause (3), insert:

Request for financial report, directors’ report or auditor’s report

(3A) A member of the Aboriginal and Torres Strait Islander corporation may request the corporation to give the member a copy of:

(a) a financial report for a financial year; or

(b) a directors’ report for a financial year; or

(c) if the corporation is required to have a financial report, or a part of a financial report, for a financial year audited—the auditor’s report in relation to the financial report or that part of a financial report.

(3B) The request must be made:

(a) during the financial year; or

(b) within 12 months after the end of the financial year.

(3C) If:

(a) a member of the Aboriginal and Torres Strait Islander corporation requests the corporation to give the member a copy of a financial report; and

(b) the corporation is required to have the financial report, or a part of the financial report, audited, the member is taken, for the purposes of this section, to request the corporation also to give the member a copy of the auditor’s report in relation to that financial report or that part of that financial report.

(3D) If a member of the Aboriginal and Torres Strait Islander corporation requests the corporation to give the member a copy of an auditor’s report in relation to a financial report, or a part of a financial report, the member is taken, for the purposes of this section to request the corporation also to give the member a copy of the financial report.

(101) Clause 342-10, page 274 (lines 17 to 24), omit the clause, substitute:

342-10 Deadline for giving member copy of report

If a member of an Aboriginal and Torres Strait Islander corporation requests the corporation under subsections 342-5(3A) and (3B) to give the member a copy of a report in relation to a financial year, the corporation must give the member the copy of the report within 14 days after:

(a) the lodgment of the report under section 348-1 if the request is made before the report is lodged; and

(b) the request is made on or after the lodgment of the report under section 348-1.

(102) Clauses 353-1 to 353-10, page 279 (line 6) to page 280 (line 27), omit the clauses, substitute:

The Registrar may exempt an Aboriginal and Torres Strait Islander corporation from certain provisions of this Chapter and certain regulations. The Registrar may do so on application or on his or her own volition.

353-1 What this Part is about

353-3 Exemption from the provisions of this Chapter

(1) On an application made in accordance with subsection (2) in relation to an Aboriginal and Torres Strait Islander corporation, the Registrar may make a determination in writing exempting any of the following from the provisions of
Part 7-2 or 7-3, or of regulations made for the purposes of Part 7-2 or 7-3, that are specified in the Registrar's determination:

(a) the directors;
(b) the corporation itself;
(c) the auditor.

Note: For the criteria for making determinations under this section, see Part 7-5.

(2) The application must:

(a) specify the provisions in relation to which the exemption is being sought; and
(b) be authorised by a resolution of the directors; and
(c) be in writing and signed by a director; and
(d) be lodged with the Registrar.

(3) The determination may:

(a) be expressed to be subject to conditions; and
(b) be indefinite or limited to a specified period.

(4) The Registrar may, in writing, revoke, vary or suspend the determination.

(5) The Registrar must give the applicant written notice within 28 days of the making, revocation, variation or suspension of the determination.

(6) A determination under subsection (1), or a revocation, variation or suspension under subsection (4), is not a legislative instrument.

353-5 Registrar may make determination even if application is incomplete

Despite subsection 353-3(2), the Registrar may make a determination even if the application does not specify the provisions in relation to which the exemption is being sought.

353-10 Registrar's power to make determinations

(1) The Registrar may determine in writing that:

(a) a specified Aboriginal and Torres Strait Islander corporation or a specified class of Aboriginal and Torres Strait Islander corporation; and
(b) the directors of a specified Aboriginal and Torres Strait Islander corporation or of a specified class of Aboriginal and Torres Strait Islander corporation (as the case may be); are exempted from the provisions of Part 7-2 or 7-3, or of regulations made for the purposes of Part 7-2 or 7-3, that are specified in the Registrar's determination.

Note: For the criteria for making determinations under this section, see Part 7-5.

(2) The determination may:

(a) be expressed to be subject to conditions; and
(b) be indefinite or limited to a specified period.

(3) The Registrar may, in writing, revoke, vary or suspend the determination.

(4) Notice of the making, revocation, variation or suspension of a determination in relation to a specified class of Aboriginal and Torres Strait Islander corporation, or the directors of a specified class of Aboriginal and Torres Strait Islander corporation, must be published in the Gazette.

(5) A determination under subsection (1) in relation to:

(a) a specified class of Aboriginal and Torres Strait Islander corporation; or
(b) the directors of a specified class of Aboriginal and Torres Strait Islander corporation;

is a legislative instrument.

(6) A determination under subsection (1) in relation to:

(a) a specified Aboriginal and Torres Strait Islander corporation; or
(b) the directors of a specified Aboriginal and Torres Strait Islander corporation;

is not a legislative instrument.

(103) Clause 358-10, page 282 (line 32), after “Part 7-2 or 7-3”, insert “, or under regulations made for the purposes of Part 7-2 or 7-3,”.

(104) Clause 358-10, page 283 (line 2), after “Part 7-2 or 7-3”, insert “, or under regulations made for the purposes of Part 7-2 or 7-3,”.

(105) Clause 376-5, page 288 (after line 9), after subclause (1), insert:

(1A) An offence against subsection (1) is an offence of strict liability.
Note: For strict liability, see section 6.1 of the Criminal Code.

(106) Clause 376-5, page 288 (after line 20), after subclause (2), insert:

(2A) An offence against subsection (2) is an offence of strict liability.
Note: For strict liability, see section 6.1 of the Criminal Code.

(107) Clause 421-1, page 313 (lines 5 to 20), omit subclause (1), substitute:

(1) Subject to subsection (1A), a person:
(a) may inspect any document lodged with the Registrar except an exempt document (see subsection (4)); and
(b) may inspect or search a prescribed register kept by the Registrar for prescribed information; and
(c) may require a copy of, or extract from, any document that the person is permitted to inspect under paragraph (a).

(1A) The Registrar may arrange for a person to:
(a) inspect a document; or
(b) inspect or search a register; or
(c) be given a copy of, or extract from, a document;
under subsection (1) in such a way that the person does not have access to personal information, or personal information generally, contained in the document or register.

(1B) A person:
(a) may inspect a notice, order or permission set out in subsection 418-15(2); and
(b) may require a certificate of the registration of an Aboriginal and Torres Strait Islander corporation or any other certificate authorised by this Act to be given by the Registrar; and
(c) may require a copy of, or extract from:
(i) any document that the person is entitled to inspect under paragraph (a); or
(ii) any certificate referred to in paragraph (b) to be given, or given and certified, by the Registrar.

(108) Clause 421-1, page 313 (line 24), after “(1)”, insert “or (1B)”.

(109) Clause 421-1, page 313 (line 26), after “(1)c)”, insert “or (1B)c)”.

(110) Clause 421-5, page 314 (line 23), after “(1)c)”, insert “or (1B)c)”.

(111) Clause 421-5, page 314 (line 31), after “(1)c)”, insert “or (1B)c)”.

(112) Clause 453-1, page 329 (line 6), after “corporation”, insert “, or a related body corporate.”.

(113) Clause 453-1, page 329 (line 13), after “management or”, insert “examinable”.

(114) Clause 453-1, page 329 (line 18), after “operations or”, insert “examinable”.

(115) Clause 453-1, page 329 (line 27), after “corporation”, insert “and any related body corporate”.

(116) Clause 453-1, page 329 (line 31), after “corporation”, insert “, or a related body corporate.”.

(117) Clause 453-5, page 330 (line 16), after “corporation”, insert “, or a related body corporate or connected entity.”.
(118) Page 331 (after line 17), at the end of Division 453, add:

453-10 Remuneration of authorised officer

(1) An authorised officer who examines the books of an Aboriginal and Torres Strait Islander corporation, or a related body corporate, and reports to the Registrar on the results of that examination is to receive such remuneration (if any) as the Registrar determines in writing.

(2) A determination under subsection (1) is not a legislative instrument.

(3) Subject to subsection (4), the authorised officer’s remuneration, charges and expenses are to be borne by the Commonwealth.

(4) The Registrar:

(a) may determine, in writing, that some or all of the authorised officer’s remuneration, charges or expenses are to be borne by the corporation or a related body corporate; and

(b) may charge some or all of the remuneration, charges or expenses referred to in paragraph (a) on the property of the corporation or a related body corporate in such order of priority in relation to any existing charges on that property as the Registrar thinks fit.

(5) This section does not apply to an authorised officer who is an APS employee or a Commonwealth officer.

(6) In this section:

Commonwealth officer includes a person who:

(a) is in the service or employment of the Commonwealth or an authority of the Commonwealth; or

(b) holds or performs the duties of any office or position under a law of the Commonwealth; or

(c) is a member of the Australian Defence Force.

(119) Clause 456-50, page 339 (lines 8 to 10), omit subclause (2).

(120) Clause 456-50, page 339 (line 13), omit “subsections (1) and (2)”; substitute “subsection (1)”.

(121) Clause 499-10, page 368 (lines 1 to 5), omit subclause (3), substitute:

(3) The provisions of the Corporations Act mentioned in subsection (1) apply to an Aboriginal and Torres Strait Islander corporation that is under special administration:

(a) only to the extent to which they are capable of applying to an Aboriginal and Torres Strait Islander corporation; and

(b) with the modifications specified in the regulations.

(4) Regulations made for the purposes of paragraph (3)(b) must not:

(a) increase, or have the effect of increasing, the maximum penalty for any offence; or

(b) widen, or have the effect of widening, the scope of any offence.

(122) Clause 511-1, page 374 (after line 19), at the end of the clause, add:

(5) This section does not apply to a special administrator who is an APS employee or a Commonwealth officer.

(6) In this section:

Commonwealth officer includes a person who:

(a) is in the service or employment of the Commonwealth or an authority of the Commonwealth; or

(b) holds or performs the duties of any office or position under a law of the Commonwealth; or

(c) is a member of the Australian Defence Force.

(123) Clause 516-1, page 375 (after line 16), after subclause (2), insert:

(2A) Regulations made for the purposes of paragraph (2)(b) must not:
(a) increase, or have the effect of increasing, the maximum penalty for any offence; or

(b) widen, or have the effect of widening, the scope of any offence.

(124) Clause 526-35, page 388 (after line 9), after subclause (2), insert:

(2A) Regulations made for the purposes of paragraph (2)(b) must not:

(a) increase, or have the effect of increasing, the maximum penalty for any offence; or

(b) widen, or have the effect of widening, the scope of any offence.

(125) Heading to Chapter 12, page 395 (lines 2 and 3), omit the heading, substitute:

Chapter 12—Transfer of registration, deregistration and unclaimed property

(126) Page 395 (before line 4), before Part 12-1, insert:

PART 12-1—TRANSFER OF REGISTRATION TO ANOTHER SYSTEM

Division 540—Transfer of registration

540-1 Transferring registration

An Aboriginal and Torres Strait Islander corporation may transfer its registration to registration under a law of the Commonwealth, a State or a Territory by:

(a) passing a special resolution resolving to transfer its registration to registration under that law; and

(b) complying with sections 540-5 and 540-10.

540-5 Applying to transfer registration

To transfer its registration, an Aboriginal and Torres Strait Islander corporation must lodge an application with the Registrar together with:

(a) a copy of the special resolution that resolves to change the corporation’s registration to a registration under the law of the Commonwealth, the State or the Territory concerned; and

(b) a statement signed by the directors of the corporation that in their opinion the corporation’s creditors are not likely to be materially prejudiced by the change and that sets out their reasons for that opinion.

540-10 Registrar makes transfer of registration declaration

The Registrar may make a transfer of registration declaration in relation to the Aboriginal and Torres Strait Islander corporation under this section if the Registrar is satisfied that:

(a) the application complies with section 540-5; and

(b) the corporation’s creditors are not likely to be materially prejudiced by the transfer of the corporation’s registration; and

(c) the law of the Commonwealth, the State or the Territory concerned adequately provides for:

(i) the continuation of the corporation’s legal personality after the transfer; and

(ii) the preservation of any rights or claims against the corporation (other than the right of a member as a member) that accrued while the corporation was registered under this Act.

540-15 Registrar to deregister corporation

(1) The Registrar must deregister the Aboriginal and Torres Strait Islander corporation if:

(a) the Registrar makes a transfer of registration declaration in relation to the corporation; and

(b) the corporation is registered under the law of the Commonwealth, the State or the Territory concerned.

Note: Despite the deregistration, officers of the corporation may still be liable for things done before the corporation was deregistered.
(2) Sections 546-20, 546-25, 546-30 and 546-35 do not apply to the deregistration of an Aboriginal and Torres Strait Islander corporation under this section.

(127) Heading to Part 12-1, page 395 (line 4), omit the heading, substitute:

PART 12-2—DEREGISTRATION

(128) Clause 546-10, page 397 (lines 23 and 24), omit paragraph (1)(a), substitute:

(a) paragraph 413(1)(d) of the Corporations Act (as applied by section 45-1 of this Act) (reconstruction and amalgamations); or

(129) Clause 546-10, page 398 (after line 6), at the end of the clause, add:

(3) If:

(a) an application is made under section 23-1 to register an Aboriginal and Torres Strait Islander corporation (the amalgamated corporation) under Part 2-3 to replace 2 or more existing Aboriginal and Torres Strait Islander corporations (the amalgamating corporations); and

(b) the Registrar registers the amalgamated corporation as a result of the application;

the Registrar must deregister the amalgamating corporations.

(4) Subsections 546-20(2) to (7) and sections 546-25 to 546-40 do not apply to the deregistration of an Aboriginal and Torres Strait Islander corporation under subsection (3) of this section.

(130) Clause 546-20, page 399 (lines 4 to 6), omit subclause (5), substitute:

(5) A person commits an offence if:

(a) an Aboriginal and Torres Strait Islander corporation is deregistered; and

(b) the person is a director of the corporation immediately before deregistration; and

(c) the person does not keep the corporation’s books for 3 years after the deregistration.

Penalty: 5 penalty units.

(131) Clause 546-25, page 399 (line 31), omit “Part 12-2”, substitute “Part 12-3”.

(132) Page 402 (after line 16), at the end of Division 546, add:

546-45 Regulations may modify Division in relation to statutory Indigenous land trusts

(1) The regulations may modify any of the provisions of this Division (other than section 546-15 and subsection (2) of this section) as they relate to an Aboriginal and Torres Strait Islander corporation that holds land for the benefit of Aboriginal persons or Torres Strait Islanders under:

(a) the Aboriginal Land Act 1991 of Queensland; or

(b) any other law prescribed by the regulations for the purposes of this paragraph.

(2) Regulations made for the purposes of subsection (1) must not:

(a) increase, or have the effect of increasing, the maximum penalty for any offence; or

(b) widen, or have the effect of widening, the scope of any offence.

(3) This section does not limit section 633-5 (which deals with regulations in relation to registered native title bodies corporate).

(133) Heading to Part 12-2, page 403 (line 2), omit the heading, substitute:

PART 12-3—UNCLAIMED PROPERTY

(134) Clause 604-25, page 458 (line 5), after “disclosure of”, insert “protected”.

(135) Clause 604-25, page 458 (line 10), after “disclosure of”, insert “protected”.

(136) Clause 604-25, page 458 (line 24), after “disclosure of”, insert “protected”.

(137) Clause 604-25, page 458 (line 26), after “disclosure of”, insert “protected”.
(138) Clause 604-25, page 459 (line 12), after "(however described)", insert ", or an officer or employee;".

(139) Clause 604-25, page 459 (line 36), after "(however described)", insert ", or an officer or employee;".

(140) Clause 604-25, page 460 (line 9), after "relation to", insert "protected".

(141) Clause 604-25, page 460 (line 10), after "body to whom", insert "protected".

(142) Clause 604-25, page 460 (line 22), after "discloses", insert "protected".

(143) Clause 604-25, page 460 (line 33), after "disclosures of", insert "protected".

(144) Clause 604-25, page 461 (line 5), after "disclosure of", insert "protected".

(145) Clause 617-1, page 464 (table item 1), after "subsection 21-10(3)", insert "22-10(3) or 23-10(3)".

(146) Clause 617-1, page 464 (after table item 5), insert:

5A To make or refuse to make a direction about persons who would otherwise be disqualified from administering a compromise or arrangement

(147) Clause 617-1, page 465 (after table item 16), insert:

16A To refuse to make a determination exempting an Aboriginal and Torres Strait Islander corporation, or its directors, from an exemptible provision of Chapter 4

16B To revoke, vary or suspend a determination exempting an Aboriginal and Torres Strait Islander corporation, or its directors, from an exemptible provision of Chapter 4

(148) Clause 617-1, page 465 (table item 21), omit "etc.", substitute ", or its directors,"

(149) Clause 617-1, page 466 (table item 22), omit "etc.", substitute ", or its directors,"

(150) Clause 617-1, page 466 (after table item 27), insert:

27A To refuse to make a subsection 310-5(1) determination exempting an Aboriginal and Torres Strait Islander corporation, or its directors, from an exemptible provision of Chapter 6

27B To revoke, vary or subsection 310-5(5) suspend a determination exempting an Aboriginal and Torres Strait Islander corporation, or its directors, from an exemptible provision of Chapter 6

(151) Clause 617-1, page 466 (table item 31), after "corporation", insert "its directors or its auditor".

(152) Clause 617-1, page 466 (table item 31), omit "353-1", substitute "353-3".

(153) Clause 617-1, page 466 (after table item 31), insert:

31A To revoke, vary or suspend a determination exempting an Aboriginal and Torres Strait Islander corporation, its directors or its auditor from record-keeping and/or reporting requirements

(154) Clause 700-1, page 521 (lines 19 to 21), omit the definition of document access address, substitute:

document access address for an Aboriginal and Torres Strait Islander corporation means the address that is the corporation’s document access address under section 42-20 or Division 115.

(155) Clause 700-1, page 523 (after line 9), after the definition of extend, insert:

externally-administered body corporate has the same meaning as in the Corporations Act.

(156) Clause 700-1, page 523 (line 21), after "(4)" insert ", (4A)"

(157) Clause 700-1, page 526 (after line 22), after the definition of party, insert:
personal information has the same meaning as in the Privacy Act 1988.

(158) Clause 700-1, page 528 (lines 8 to 10), omit the definition of registered office, substitute:

registered office of an Aboriginal and Torres Strait Islander corporation means the office that is the corporation's registered office under section 42-15 or Division 112.

Mr SNOWDON (Lingiari) (7.23 pm)—I am on my feet because I want make sure that, apart from anything else, we actually do get to the adjournment.

Mr Melham—Good man!

Mr SNOWDON—And to ensure that my friend up the back here does not have to get on his scrapers and make another speech.

Mr Melham—We can’t have that!

Mr SNOWDON—We can’t have that! I notice a supplementary explanatory memorandum has been put forward, and I have quickly browsed through the 158 amendments which have been moved to the Corporations (Aboriginal and Torres Strait Islander) Bill 2005. Whilst I do not have the act in front of me, I can see what they are there for. The concerns which have been expressed about this legislation by those of us on this side of the chamber—and previously by those in the Senate who provided additional comments to the report of the Senate Standing Committee on Legal and Constitutional Affairs—highlight our desire to ensure that we get the most effective mechanism for looking after the interests of Aboriginal corporations. I say that knowing that there have been real issues to do with the Aboriginal Councils and Associations Act, as it previously existed, and that there have been, and are, difficulties with individual corporations and that they require assistance to address those problems.

I have expressed my concerns previously, and I maintain this desire to ensure that the bill operates in the best interests of Indigenous Australians and is not just seen by some—I hope it is not but I want to make sure it is not—as a mechanism for the government imposing control over Aboriginal corporations. I say this because there is clear evidence that that is what the government has attempted to do at least in some instances. I think it behoves us to ensure that the Office of the Registrar of Aboriginal Corporations is, as far as is possible, independent from day-to-day influence of government, whether it is through the government seeking to control the funds that go into Aboriginal corporations, as they have done in a number of instances, or through the government effectively issuing instructions to the registrar that the registrar ought to appoint an administrator because the government does not like the form, the style or the haircut of individuals within a corporation. That is not an appropriate use of government powers, and it is what the government have sought to do in at least two examples I am fully aware of in the Northern Territory. The registrar, who is in the parliament this evening, knows my concerns about that.

It is fundamental to the interests of Indigenous Australians to ensure that they do account properly for the way in which they run corporations, but it is also important to understand that, for many Indigenous Australians, corporations involve a new language and new responsibilities and we must endeavour to ensure that they are properly educated about their roles, functions and responsibilities in relation to those incorporations. Unfortunately, this has not been the case to date, although I know that the registrar has been keen to ensure that her office and her staff are available to assist corporations when they have difficulties and to provide them
with assistance to ensure their governance arrangements are appropriate to their needs.

Mr JOHN COBB (Parkes—Minister for Community Services) (7.27 pm)—The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 was introduced into the House on 23 June last year, and these amendments make several improvements and refinements to the bill as originally introduced. Since the introduction of the bill, there has been further consultation. It was subject to scrutiny by the Senate Standing Committee on Legal and Constitutional Affairs for almost 12 months. I have moved a number of amendments, some of which are a result of the committee’s work. Those amendments will offer greater flexibility than the bill originally provided for.

The most significant of the amendments that I have moved today introduce new provisions dealing with the voluntary transfer and amalgamation of Aboriginal or Torres Strait Islander corporations. These support the CATSI Bill as a framework for incorporation that meets the special risks and requirements of the Indigenous corporate sector. The new provisions will allow a body corporate registered under another law to transfer its registration to the bill if certain requirements are satisfied. For example, it will allow an Indigenous controlled association incorporated under a state law to easily transfer its registration to the bill.

Similarly, these amendments allow an Aboriginal or Torres Strait Islander corporation to transfer its registration to the Corporations Act or a law of a state or territory. A large commercial Aboriginal or Torres Strait Islander corporation, for example, may decide that its future development would be best served by incorporation under the Corporations Act. These provisions will allow the smooth transition of such corporations.

Other amendments will enable an Aboriginal or Torres Strait Islander corporation to amalgamate with other Aboriginal or Torres Strait Islander corporations, either by an administrative process approved by the registrar or by applying to a court. Such amalgamations will be voluntary and may be desirable when a number of different Aboriginal or Torres Strait Islander corporations service a particular area or Indigenous group.

The amendments also make some other changes to the bill as a result of issues which have arisen since it was introduced into the parliament in June 2005, including in response to feedback provided by a range of stakeholders. A number of these amendments extend the ability of the registrar to provide exemptions from particular provisions of the CATSI Bill dealing with internal governance. For example, while boards of no more than 12 are desirable, the amendments will allow an exemption for a larger board where this is reasonable. This further improves the flexibility of the legislation and supports the reduction of red tape.

Other amendments are technical corrections to the CATSI Bill. The supplementary explanatory memorandum provides more detail about these and other changes to the bill. The CATSI Bill is a significant tool for improving Indigenous corporate governance and will help to produce better outcomes for Indigenous Australians. These amendments will refine and enhance the operation of the CATSI Bill. I commend these amendments to the House.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr JOHN COBB (Parkes—Minister for Community Services) (7.30 pm)—by leave—I move:

That this bill be now read a third time.
Question agreed to.

Bill read a third time.

ADJOURNMENT

The DEPUTY SPEAKER (Mr Wilkie)—Order! It being 7.30 pm, I propose the question:

That the House do now adjourn.

Media Ownership

Mr MURPHY (Lowe) (7.30 pm)—Mr Deputy Speaker, I rise again in this place to condemn the government’s Broadcasting Services Amendment (Media Ownership) Bill 2006. You would well know that I have made numerous speeches and asked very many questions of Minister Coonan and her predecessors over the years, Daryl Williams and Richard Alston. The replies that I have received to those questions have all been arrogantly dismissed.

Mr Jenkins—Deaf ears!

Mr MURPHY—Yes, my questions have fallen on deaf ears. A typical reply to one of my questions is one I have just received from Minister Coonan. It is the height of arrogance. I asked her on 8 August: since the government announced its intention to change Australia’s cross media and foreign ownership laws, will Rupert Murdoch’s News Ltd 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 I asked: will James Packer’s Publishing and Broadcasting Ltd media company be permitted to hold all of its existing media assets and still be able to purchase John Fairfax Holdings Ltd? If so, why? The arrogant response from the minister was to refer to an earlier question that I had asked and she had replied to, question No. 3596. The reply says:

The issues of protection of diversity and media concentration including in regional Australia are discussed in detail in the Government’s announcement “New Media Framework for Australia” of 13 July 2006.

There is not one word in any of the replies to the questions that I have asked—many questions over the years—that deal with the very serious issues that I have raised. The deceit, the complicity and the venality of all three communications ministers is before us as I speak here tonight.

The so-called four-five voice test is an absolute farce. To think that a sporting station, a music station or a radio station could provide some opposition to News Ltd or PBL is absolutely farcical. It is dishonest. The shot-gun Senate inquiry that was conducted on 28 and 29 September is contemptible for the government’s disregard for the public interest and the future of our democracy. The only interest that this government holds in relation to this matter is the interest of our two largest media companies. This morning I notice that the Australian Financial Review, inter alia, reported that the Howard government has secured a historic agreement to prevent any media company owning print, radio and TV operations in the one market. That was under the headline ‘Nats cut a deal for media shake-up.’ The Nationals have been gloating about this, and somehow or other we are supposed to be happy that a big media company cannot own all print, television and radio in the one market. The headline should have read ‘Nats cut throat of our democracy.’ And how have they cut the throat of our democracy? It is thanks to John Howard’s government. This legislation, which is going to be rammed through the parliament this week, will allow News Ltd and PBL, our two biggest media companies, to own virtually all of the major newspapers and magazines; a free-to-air television network; monopoly pay television, Foxtel; and 70 per cent of the internet’s news and information sites. And no-one else is allowed to purchase a free-to-air television licence.
I say tonight: what a black day for our democracy. Where is the life raft for the public interest in relation to media ownership? Where is the salvation for our democracy? I foreshadow here tonight, on behalf of the ALP, that all the way to the next federal election I will be arguing divestiture. I will be arguing all the way that these two big media companies, on the election of a Labor government, will have to divest some of their assets. We cannot allow such massive concentration of media ownership. This is a massive threat to the public interest and the future of our democracy. It is absolutely scandalous that the Nationals and the Liberals have got together today to sign off on behalf of our two biggest media companies, have abandoned the public interest and have abandoned those of us who are very concerned about our precious democracy. The power of the media, we know, is overwhelming. The two biggest media companies have a stranglehold on the new media—(Time expired)

Paterson Electorate: Crime

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (7.35 pm)—In this House on Monday, during the grievance debate, I raised an issue about crime and law and order in my community. I raised the fact that 829 days ago at a community meeting in the Tilligerry the state Labor member for Port Stephens told the community that the crime, the violence and the terrorist activities by the youth in the streets was their problem. I highlighted that in this House. The media have reported it. But what I need to report to the House now is what the Labor member has said today. In an article by Jacqui Jones in the Newcastle Herald, he said that the issue is a social issue, not necessarily a straight-out policing problem. But if you do not have the police on the ground to curb this violence so that the people in our communities can feel safe, then, I have to say, those with a desire to disrupt their community will continue.

Tonight, right now, as I am making this speech, there is a community meeting being held at the Tanilba golf club, where people are coming to express their concerns about the crime, the violence and the vandalism in their community. Tonight, Mike Gallagher, the New South Wales opposition police spokesman; Craig Baumann, the Liberal candidate for Port Stephens; the mayor, Ron Swan; and other members of the community are talking to the community about their concerns. It is no good fobbing off these issues as being somebody else’s fault. The community is sick and tired of being told that the vandalism, the violence and the destruction is their fault. It is the fault of the state government for its inactivity about providing a police presence. They have taken away the 24-hour police presence. They have removed the policemen from the area and moved them into other areas. Our policemen are some of the best in Australia but, without the resources and the support, they can do very little.

In my speech on Monday, I also raised the issue of the Muree Golf Club being hit five times, four of those times in the last 2½ months. In an article today in the Daily Telegraph, Gary Solly, the club president, says he has ‘had a gutful’. Not only he has had a gutful; every member of that community who pays insurance, or pays the price for the wanton, violent and destructive actions of the youth in that area, has had a gutful. This is terrorism in the Tilligerry. People in my community do not feel safe to go out in the streets not only at night but also in the daytime. They do not feel safe in their own homes anymore because this vandalism is brought right up to their front doors: their
letterboxes are smashed in, their cars are damaged.

People predominantly come to our area to retire. If you are going to retire in a community, you want to feel safe in that community. So, when people hear the state Labor government, their elected representatives, say for the second time in 829 days of inactivity that it is their problem, there is a huge problem. It is a huge problem for our community when elected representatives do not take forward the message to their elected officials. Their police minister has been absolutely invisible and absent in addressing the concerns of this community.

Enough is enough. It can end today—not tomorrow, not after the next election, but today—if the state Labor government has the will to do so. But there is not, because there is no determination, direction or drive from the state Labor member. There is not a word from the state Labor candidate. Mike Gallagher has been up there, he has met with the community, he is listening to their concerns and he is supported by Craig Baumann, the former mayor. They understand that people want to feel safe in their homes. They do not want their property destroyed, they do not want their community disrupted; they want safety. It is about time the state Labor government listened to the people in this area, addressed their concerns and provided the necessary police presence so that they can go on with their lives. I demand that action be taken, and I demand that it be taken now.

**Building Australia Fund**

**Mr BOWEN** (Prospect) (7.40 pm)—For many years, infrastructure development in Australia has been neglected. Infrastructure is of course a major long-term driver of productivity and economic development, and the former governor of the Reserve Bank, Ian Macfarlane, identified infrastructure bottlenecks as one of the reasons for upward pressure on interest rates. It requires national leadership to fix the infrastructure crisis in this country, and we are not getting this leadership from the current government.

Labor, on the other hand, has a well-considered policy in this regard. The Building Australia Fund policy, which was first announced in June of last year, would allow the returns on government financial assets to be available for productive infrastructure purposes. Rather than simply relying on current revenue for investments in the nation’s future, the Building Australia Fund would retain the assets of the Future Fund and provide a reliable income stream for infrastructure development.

Many people think this is a great idea. Last month, the very widely respected editor-at-large of the *Australian*, Paul Kelly, had this to say:

"This highlights one of the main economic policy differences between Beazley and the Howard Government, symbolised by the Future Fund and divergent economic theories in response to population ageing. The John Howard-Peter Costello policy is to use the Future Fund as a savings vehicle so that future federal superannuation obligations can be met comfortably. In fact, this is unnecessary in financial terms and unexciting in political terms. It is the reason shadow finance minister Lindsay Tanner called the Future Fund ‘a solution in search of a problem’. It is also the reason Beazley-led Labor aims to redefine the fund so it provides a different solution to a real problem—to mobilise Future Fund dividends to boost investment in nation-building in the cause of a more productive economy.

But of course Peter Costello, the Treasurer, has not supported Labor’s idea. In fact, he criticised it in question time yesterday. He said the Labor Party was ‘very directly
threatening to raid the Future Fund for its own political objectives. Wrong on four counts.

Firstly, Labor’s Building Australia Fund policy does not involve raiding anything. The government’s assets would be maintained, and only its income stream, only the return on investments, would be made available for investment in productive infrastructure. The Treasurer knows this and he chooses to ignore it for his own political purposes.

Secondly, Labor’s Building Australia Fund would not be used for political objects, except insofar as Australians might be more likely to vote for a party that is committed to addressing the nation’s infrastructure bottlenecks. In fact, as outlined in Labor’s infrastructure blueprint—released in November last year and available from the ALP website, which I would recommend to honourable members—infrastructure priorities would be based on the expert recommendations of a national infrastructure council called Infrastructure Australia. Labor’s Infrastructure Australia policy has received widespread endorsement from infrastructure, business, and employer and employee organisations. In fact, even one of the Future Fund guardians, Mr Robert Elstone, in an August interview with the Financial Review, is reported as having ‘urged more government spending to address chronic infrastructure and skill shortages’. Mr Deputy Speaker, you have to wonder why this government is so opposed to a little bit of nation-building.

Thirdly, Labor believes that investing in the nation’s future is the best way to prepare for the ageing of the population. Yesterday in the House, the Treasurer said in defence of his Future Fund policy:

The liability of the federal government for superannuation currently stands at … $97 billion or $98 billion. This liability has never been funded in the history of the Commonwealth.

But this is a ridiculous argument. The Commonwealth is adequately meeting its superannuation liabilities now. As page 7 of statement 7 of the 2006-07 Budget Paper No. 1 says:

… in 1990 and 2005 the Australian Government closed the main civilian superannuation schemes to new members.

In fact, spending on superannuation as a percentage of GDP is actually forecast to fall—not rise—according to the Centre for Independent Studies, which is not a body known for endorsing Labor policies. They suggest that it will fall from 0.6 per cent in 2001-02 to 0.3 per cent in the period 2021-42. Finally, it is this government that is pursuing its political objectives and squandering the opportunity presented by the commodity boom. To receive a lecture from this government about abuse of taxpayers’ funds for political ends is like getting a lecture on modesty from Paris Hilton. Their billion-dollar advertising campaigns would put Machiavelli to shame. (Time expired)

Burnie: Whisky Tasmania

Mr BAKER (Braddon) (7.45 pm)—On Friday, 1 September I had the pleasure of officially opening the Hellyers Road Distillery Interpretation Centre in Burnie, north-west Tasmania. I know that some believe the north-west coast can be a little chilly sometimes in the winter, but I am sure you will all agree that it was a bold and somewhat surprising move for a milk cooperative to diversify into producing premium whisky! The board of Betta Milk, a great Tasmanian company, was convinced about the merits of this project and over the last eight years has invested in excess of $8.5 million in it.

I am proud to be able to say that the Howard government has supported this endeavour by providing $840,000. A Sustainable Re-
regions grant of $110,000 contributed to the costs associated with the purchase and installation of the bottling plant and a second $730,320 Regional Partnerships grant assisted with the construction of the wonderful visitor centre that I had the honour of opening last month.

As I said at the opening of the distillery, I believe that this project demonstrates much about what Tasmanians should be celebrating in our unique part of the world. The success of Whisky Tasmania shows that businesses in the north-west of Tasmania continue to produce world-class products that can compete on national and international stages. What more proof do we need than the fact that you will soon find premium aged whisky distilled in Burnie, Tasmania, on sale in bottle shops and liquor outlets around the world? Importantly, this project highlights the drive, passion and resourcefulness of the people we have in north-west Tasmania—people like the Laurie Houses of the world. He is the chairman of the board and one of our region’s truly inspiring characters.

The Whisky Tasmania development also shows us how far the local community has come in recent years. Today the north-west coast is a vibrant community, a community which is moving forward and responding positively and with confidence to whatever challenges may come its way. What a change this represents compared with much of the 1980s and the 1990s when business confidence was low, our young people were losing hope of finding work, and commercial successes like the opening of this distillery were few and far between. There can be no better example of where the north-west coast finds itself today than in the opening of this wonderful centre.

The bottling, management and maintenance areas in the interpretation centre are expected to create up to 25 new, full-time equivalent jobs. Another 30 indirect jobs are expected to be created with suppliers in the rural, transport, wholesaling, retailing and tourism sectors in Burnie and throughout Tasmania. This opening represents a testimony to the Howard government and its support of regional Australia. Through Sustainable Regions more than $11 million has been provided to some 38 projects across the north-west and west coasts, assisting many local companies to expand and to create new jobs. This program has provided the majority of the Howard government’s assistance to Whisky Tasmania and I am also told that the $730,320 grant is one of the largest to be allocated under the program in my region.

Regional Partnerships was introduced to help our regional communities by providing financial assistance for organisations with a good idea and lots of community support. I would say that is a fitting description for the Whisky Tasmania project. Since it was launched in July 2003 over 950 community-generated projects have been approved under Regional Partnerships, with grants totalling some $248.6 million. Regional Partnerships funding also attracted $715.1 million of cash and $76.2 million of in-kind contributions from local partners for these successful projects. That is, for every dollar that the Australian government has invested in the program it has attracted over $3 from partners—without doubt a great return on the taxpayers’ investment.

I must also take this opportunity to repeat my congratulations to Laurie House and the board of Betta Milk for their drive and energy in bringing this project to fruition. In concluding—and I am sure they will not mind—please allow me to extend on their behalf an open invitation to members to visit the Hellyers Road Distillery Interpretation Centre in Burnie and maybe enjoy a wee dram of a Tasmanian-made premium spirit.
Whittlesea Community Legal Service

Mr JENKINS (Scullin) (7.50 pm)—With state government funding and immense community support and input the Whittlesea Community Legal Service was officially opened to the public on 1 June 2004. It operates as a program of the Whittlesea Community Connections and in its two years of operation has received great status within the community as a provider of valuable legal services. As one of the 38 legal centres throughout Victoria, Whittlesea Community Legal Service is one of only five that do not receive Commonwealth funding. Of the 33 legal centres that receive funding from the Commonwealth government they receive an average of about $150,000. So tonight on behalf of the Whittlesea Community Legal Service and the community that it caters for I urge the Commonwealth government to provide an equal amount of $150,000 at least to this valuable service.

If you look at the range of services that are provided by the Whittlesea Community Legal Service we see that it operates not just at its office based at Epping Plaza Shopping Centre alongside Whittlesea Community Connections; it provides outreach services to Whittlesea township, it provides outreach services at the Kildonan Child and Family Services in McDonald Road, Epping, and it provides outreach services in Mill Park through the Mill Park Neighbourhood House.

The service operates Monday to Friday from nine to five. Most of the casework takes place there, and the legal education and law reform work mostly takes place during those daylight hours. It runs a night service every Monday. It has gone out of its way to provide services that are appropriate to its local community. It provides a duty lawyer service at the Broadmeadows Magistrates Court. The night service is run by volunteer solicitors. The community legal education program involves not only going to schools but running programs like police power, safe partying and youth rights, and using Plenty Valley FM, a local community radio station, and the Macedonian community to provide valuable education work on legal services.

It has made great use of volunteers that do administration, research and casework, present talks and provide legal education for the community. There are something like 45 volunteers. In the month of June this year, the volunteers provided approximately 600 hours. So here is a legal service that is trying to get on with its job. But if we look at the statistics, there were something like 813 clients in the last financial year. Of these, there were approximately 613 family law matters. Information and referral services were provided to another 142 clients in family law matters.

The top 10 types of problems presenting at the community legal service in Whittlesea were: (1) child contact orders, (2) child residence, (3) divorce, (4) family and domestic violence orders, (5) other family law matters such as queries about parenting issues, (6) separation, (7) road traffic offences, (8) property and marriage, (9) other civil matters, and (10) motor vehicle accidents. They quite rightly place on the record that, as family law is directly involved with the Commonwealth government, that is a justification for Whittlesea Community Legal Service being one of only five of the 38 centres in Victoria that do not get funding.

This comes at a time when we have a real problem with the way that this government looks upon community legal services. In the May budget there was no increase in funding, not even a CPI increase in funding. Recently, the Attorney-General indicated that he wants to look at the way legal centres receive their cash. This was not by way of a
ministerial statement but by writing in a Liberal Party journal called the Party Room, where he claims that it is time for community legal reforms. He claims that community legal centres are too political. I do not wish to get into that debate today, but why would the Attorney-General want to create a situation where free speech cannot be seen to be in action? I can assure the Attorney-General that the Whittlesea Community Legal Service is providing services for the people in our community that are in need and those who are disadvantaged, and it is certainly making sure that access to justice—

Hasluck Electorate: Brickworks

Mr HENRY (Hasluck) (7.55 pm)—I rise to speak today on the long-running saga of the proposal to develop brickworks on the Perth airport site operated by Westralian Airports Corporation. The decision made by the minister was clearly not in the best interests of the surrounding community and residents. Approval was given even though the environmental assessment report stated, ‘This proposal presents a range of challenges and uncertainties that have not been resolved.’

In my last speech, which I thought might have been my last on this matter, I proposed the establishment of a community consultative committee to provide an opportunity for both BGC and Westralian Airports Corporation to build a bridge with the surrounding community and to ensure that the monitoring of the conditions relating to the approval of this development were transparent. I met with the Minister for Transport and Regional Services and he supported the idea and wrote to Westralian Airports Corporation. I then met with Westralian Airports Corporation and BGC to outline the proposal and to suggest some local identities who would participate in this process in a constructive way.

Their collective response was very interesting. A few days later, on Saturday, 30 September, BGC moved plant onto the site. They cleared it during the AFL grand final and on the following day—a time chosen to well and truly thumb their collective noses at the surrounding community for daring to voice their opposition to this development. In light of this behaviour it was interesting to note on the Westralian Airports Corporation website this quote from the Minister for Civil Aviation, Senator Shane Partridge, at the opening of the Perth terminal in October 1962. He was somewhat prophetic when he said, ‘Airports are sometimes not very good neighbours.’

The board and the owners of the Westralian Airports Corporation should be ashamed of the way this organisation is treating its neighbours, local governments and surrounding communities with arrogance and outright contempt in spite of their many claims in the master plan to implement good neighbourhood policies. Let us look at their recent sad and sorry record with respect to their good neighbour approach: they blatantly denied that they were planning with BGC the development of a brickworks; they intended to deny the community a public consultation process by not implementing a major project plan; and they proposed to evict the West Aviat Golf Club with only 28 days notice, after 22 years of tenancy and work with their own blood, sweat and tears to develop this golf course—they were legally able to under the agreement but it is morally contemptible.

Further, numerous requests have been made to Westralian Airports Corporation to allow heavy haulage transport to use Grogan Road, an internal airport road recently constructed as an alternative to the dangerous and hazardous situation that occurs along Tonkin Highway, Hale Road and Hawtin Road in Forrestfield through a commercial and mainly residential area, putting house-
holders at considerable risk when these contractors move their equipment. Would Westralian Airports Corporation agree to this? No. Grogan Road is only for businesses and tenants on Westralian Airports Corporation or airport land. This is a great opportunity for this corporation to live up to their good neighbour claims. The Westralian Airports Corporation is acting quite contrary its own best interests if it expects communities and local governments to cooperate with its future development plans.

Given the track record of both BGC and Westralian Airports Corporation in this matter, deception seems to be their modus operandi. Let me refer to a media release issued by Neil Kidd, property manager of Westralian Airports Corporation, allegedly on 30 September with respect to the clearing of land by BGC on that date, claiming that the initial condition for development had been met. Interestingly, the media release was emailed to my office on Wednesday, 4 October, somewhat after the event. I would suggest that the real date this media release was not 30 September. Why would I suggest this? Because on Saturday evening and Sunday I had a number of calls from media agencies about the actions of BGC in clearing this site. Surely if this was not a fabrication the journalists would have received this information and known what was going on. How can the community and neighbours of the Perth airport have confidence in its operators, the Westralian Airports Corporation, when it is hell bent on deceptive behaviour and holding the community in contempt?

Mr Causley—Order! It being 8.00 pm, the debate is interrupted.

House adjourned at 8.00 pm

REQUESTS FOR DETAILED INFORMATION

Hansard

Mr Price asked the Speaker, in writing, on 5 September 2006:

(1) Does the Department of the House of Representatives or the Department of Parliamentary Services own and have responsibility for Hansard volumes kept at Commonwealth parliamentary offices.

(2) Are Hansard volumes assessed for conservation; if so (a) how frequently and (b) with what result; and

(3) What is the annual cost of conserving Hansard volumes.

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

(1) Bound volumes of Hansard are distributed on behalf of the Department of Parliamentary Services (DPS) by its printing contractor. During their period in office, Members and Senators receive bound Hansard volumes for the House in which they serve. The distribution list also contains a number of other recipients, including some Commonwealth parliamentary offices. Once the bound volumes are printed and distributed, they are no longer owned by, or considered to be the responsibility of, the Department of Parliamentary Services.

(2) DPS does not have a conservation program for its own bound volumes of Hansard.

(3) There is no conservation work on bound volumes of Hansard planned by DPS.

NOTICES

The following notices were given:

Mr Hunt to present a bill for an act to amend the Environment Protection and Biodiversity Conservation Act 1999, and for other purposes. (Environment and Heritage Legislation Amendment Bill (No. 1) 2006)

Mr Albanese to present a bill for an act to amend the Great Barrier Reef Marine Park Act 1975 to provide for an extension of the
boundaries of the Great Barrier Reef Region. (Great Barrier Reef Marine Park (Protecting the Great Barrier Reef from Oil Drilling and Exploration) Amendment Bill 2006). (Notice given 11 October 2006.)
The DEPUTY SPEAKER (Hon. IR Causley) took the chair at 9.30 am.

STATEMENTS BY MEMBERS

Socceroos

Mr GEORGANAS (Hindmarsh) (9.30 am)—In the World Cup telecasts earlier this year we all saw the unprecedented success of the Socceroos, and there was unprecedented interest in soccer by our entire nation. We all now want our national team to do well and to be supported not only by a financially secure organisation but also by young Australians watching their heroes and developing over many years the skills that may enable them to play the sport at a professional level.

Thanks to this government, the Australian public and Australian soccer fans will not see the Socceroos’ qualifying games on free-to-air television again. Games in qualifying rounds used to be protected from competition with pay TV on an ad hoc basis, despite the ongoing calls of the Australian Broadcasting Authority that they be properly protected through the anti-siphoning list. The ABA recommended to the government that each international soccer match involving the senior Australian representative team and the senior representative team of another country be protected. That was the advice from the experts five years ago, and it did not change.

The government continued to ignore the growing and unwavering public demand to see our Socceroos engaged in international competition. The Minister for Communications, Information Technology and the Arts was so dismissive of Australian soccer and so dismissive of Australia’s love for the game that she did not even bother to include the 2010 World Cup in the anti-siphoning list until subjected to intense pressure from the opposition and the public. Yet it is she who has said that the list consists of events of national importance and cultural significance. Can someone tell me why the Socceroos are not considered to be of national importance and cultural significance? She did not include the Socceroos’ World Cup qualifying matches on that list. She did not even include the 2010 World Cup final on the list.

I call on the minister and the Howard government to explain to Australian soccer fans how it can consider so many Australians’ primary sporting interests as unimportant and insignificant. How can the minister view the Socceroos, our national team, and their march towards the next World Cup as being of neither national importance nor cultural significance? How can this government treat the growing soccer viewing public with such contempt? Any federal government worth half its weight would be bending over backwards to support the development of soccer in the Australian community.

The Australian Broadcasting Authority has continually identified Australia’s international soccer competitions as events of national importance and cultural significance. I call on the minister and the government to represent the interests of millions of Australians and also to identify them as such and to demonstrate the Socceroos’ importance to Australia by means of the anti-siphoning list, and return competitions involving Australia’s national soccer team to free-to-air television at the earliest opportunity.
Telecommunications

Dr SOUTHCOTT (Boothby) (9.33 am)—In the electorate of Boothby, we have a number of well-known institutions—the Flinders University, which is celebrating its 40th anniversary this year, the Waite Institute of the University of Adelaide, which comprises the CSIRO, industry organisations as well as the university.

The 2001 census figures showed that one-third of Boothby residents used the internet at home. Those figures would, of course, be much higher now, but that still put the electorate of Boothby just outside the top one-fifth of electorates in Australia in this respect. So residents in my electorate do expect access to the latest technologies; they do expect access to broadband, and the fastest broadband. I was pleased to table a petition recently from 40 residents of my electorate—residents of Flagstaff Hill as well as Aberfoyle Park and other suburbs. With respect to some of the issues, they were asking for better access to ADSL broadband in their suburbs. In the newer subdivisions there are pair gain problems; sometimes there are hard-to-reach areas which are too far from the exchanges. Sometimes the exchanges have not been enabled for broadband, but that problem has been fixed.

There are a couple of new initiatives that I do welcome. I refer, firstly, to the $600 million announced recently by the Australian government to encourage private sector rollouts of broadband infrastructure and, secondly, to Telstra’s announcement last week of their new wireless network, the 3G broadband network, which will also provide high-speed broadband to those people in difficult-to-reach areas.

This offers people who currently do not have broadband a couple of alternatives. Firstly, there is the alternative of the wireless broadband rollout which is being done by Telstra. I am advised by Telstra that this should cover all residents in my electorate. If they do not already have access to ADSL over the phone, they can get broadband through the wireless. The second alternative is that there are a number of providers other than Telstra. For example, in Flagstaff Hill Agile, Adamdirect and Chime(iiNet) also all provide ADSL2+. So there are a number of solutions for my residents. I welcome the two recent announcements of the $600 million to encourage private sector rollouts of broadband infrastructure and also Telstra’s recent announcement that they will be going ahead with their wireless network.

Hoxton Industries

Mr HAYES (Werriwa) (9.36 am)—Last Friday evening my wife Bernadette and I had the honour of attending the annual ball of the Association of Maria SS delle Grazie and San Vittorio Martire at the Conca D’oro Classic Lounge in Riverwood. The ball is well attended by the local Italian community. The special guest and guest speaker was Morris Iemma, who spoke very passionately of his Italian roots and of the impact of the Italian community, particularly in the south-west of Sydney.

The Italian community has a proud history of charitable works and has been extremely generous to various groups. Last Friday night was no exception. The proceeds of this ball went to Hoxton Industries at Hoxton Park. For the benefit of members, Hoxton Industries is an organisation that provides supported employment opportunities for adults with mild to moderate intellectual or physical disabilities throughout the Liverpool, Fairfield and Campbelltown areas. The company was started some 37 years ago by a group of parents and has grown to employ in excess of 100 people. As is the case in similar organisations throughout
the country, Hoxton Industries not only provides employment but also is an important part of the social lives of people with mental or physical disabilities. As I understand it, of those 100 people, a good many have now been working with Hoxton Industries for over 30 years. The company prides itself on establishing an environment that allows employees to reach their potential by achieving goals throughout their working lives.

I would like to pay particular regard to the President of Hoxton Industries, Robin Denswon, and the Vice President, Paul Thomas. Through their efforts and guiding the structure, they have made a huge impact on the lives of people in my electorate. I also thank everyone involved in organising the ball, particularly President Silvio Marrapodi and his wife Maria, Treasurer Dominic Urinso and Secretary Tina Furfuro. I would also like to mention the contributions of the representative from the Calabria Association of Australia, Pino Sgambellone, as well as everyone else who took the opportunity to contribute to making that night such a successful occasion which raised a significant amount of funds for a very worthwhile organisation. These funds will be spent on improving the working lives and social structures of people in our region. (Time expired)

Hawker Pacific

Mr LINDSAY (Herbert) (9.39 am)—Last week I visited Hawker Pacific Aviation at Townsville Airport and I was absolutely astounded at what I saw. Thanks to Brian Huddy, who is the MRO manager at Hawker Pacific, I was able to see and understand the extraordinary capability that exists in Townsville in relation to the maintenance, repair and overhaul of Australian aircraft.

Hawker Pacific is a regional company providing aircraft equipment design and aviation support services for the civil defence and special mission aerospace markets. It is a company that is widely regarded as one of the region’s foremost aviation product support organisations. I was impressed in Townsville that safety and quality assurance are paramount in the company’s vision. Their levels of certification and accreditation, combined with their unique in-house design, engineering and avionics capability, set them apart from most other companies operating in this field.

Hawker Pacific are located in the aviation industrial park at Townsville Airport. Their hangar is one of the largest and most modern of the Hawker Pacific MRO facilities. The facility is ideally located, I believe, to service the maintenance needs of airlines operating on the east coast of Australia, South-East Asia and the Pacific region. I am pleased to say that the company has the confidence to actively pursue opportunities in large aircraft maintenance now and they have invested in excess of $800,000 in employee training, aircraft tooling and modifications to the facility over the last 18 months, with further investment to be determined by the prevailing market. There is no doubt that there are significant opportunities for this facility in Townsville.

The group has all of the necessary Civil Aviation Safety Authority approvals and it has the people. It has a total staff of 32 and additional personnel are available from other Hawker Pacific facilities, should the need arise. They have airframe capabilities across a wide range of aircraft, including some of the new Boeing series and the Airbus series, and, of course, the regionally operating aircraft of Saabs, Fokkers and Metros. The plant has engine capabilities across a wide range of engines and, in component capabilities, the opportunity to repair those. Well done to Hawker Pacific. They have a bright future in Townsville.
Breastfeeding

Mr SWAN (Lilley) (9.42 am)—Recently I met with a number of representatives from the Australian Breastfeeding Association, including one of my constituents, Gaenor Dixon, who is a member of the Aspley chapter. We have a very active organisation in Wavell Heights and the voluntary work they do in our community makes it a much better place. One representative from Aspley, Gaenor Dixon, spoke to me regarding the Australian government’s failure to implement the World Health Organisation code which seeks to regulate the marketing of breast milk substitutes.

On the 25th anniversary of the establishment of the WHO code, Australia is still lagging behind other countries, with no legally binding regulation to protect parents and babies from misleading or inaccurate baby formula advertising. Although Australia was one of the original signatories to the code, Australia does not comply with the internationally recognised set of rules adopted by over 70 countries, and evidence suggests this policy is having a direct impact on the rate of breastfeeding in Australia.

Despite the government making a commitment this year during World Breastfeeding Week to protect breastfeeding as the best start in life, the government has failed to ratify the code. It is a concern that in Australia today breastfeeding is increasingly becoming less of a social norm, with breastfeeding rates in the first six months of life below the world average. Most alarmingly, breastfeeding rates have been on a downward trend over the last five years with a commensurate increase in the number of babies being given complementary infant formula.

Ultimately this is a choice, but it is a choice that we should make easier for mothers. Australia’s breastfeeding rates are low by international standards, with only one in three Australian mums continuing to breastfeed babies under six months of age. Of course, industrial relations laws have a vital impact in this area as well. Considering the considerable volume of literature which extols the benefits of breastfeeding for both mother and baby, this trend is concerning and should be read as a signal for the government to promote the health benefits of breastfeeding and to consider fully implementing the WHO code.

The WHO code was established in 1981 as a minimum requirement to protect infant health with the aim of ensuring that marketing of breast milk substitutes, feeding bottles and teats was appropriate. The code was adopted to recognise that one of the biggest barriers to breastfeeding was the persuasive and sometimes aggressive marketing by infant formula manufacturers which sometimes gives the impression that infant formula is as good or nearly as good for babies as breast milk.

Australia was one of the original signatories to the code. Australia only complies with the Marketing in Australia of Infant Formula Agreement, best described as a voluntary gentlemen’s agreement which restricts the marketing of infant formula. This agreement is voluntary by nature between the Australian government and member companies of the Infant Formula Manufacturers Association of Australia and is not legally binding. It is nowhere near as extensive or as powerful as the WHO code is and the government ought to act and implement—

(Time expired)
Western Australia Police Service

Mr KEENAN (Stirling) (9.45 am)—I note that members of the Labor Party cannot even make a speech about breastfeeding now without mentioning Work Choices, which I think shows their myopic vision at the moment.

After speaking to people in my electorate of Stirling, I note that crime is one of the issues of major concern. Indeed, I think it would probably be the No. 1 concern of people who contact my office. Families, small business owners, young couples and even schools, charities and volunteer organisations have contacted me about the level of crime in my electorate. Only last week I held a community forum with the Minister for Justice and Customs, Senator Chris Ellison, and the acting Inspector of the West Metropolitan Police District, Inspector Joe Watts. The event had one of the largest turnouts of people for any function that I have held since I was elected as the federal member for Stirling. This I think reflects the broad community concern about the issue of crime.

The reality is that the Western Australia Police Service is very stretched at the moment, with large numbers of officers leaving and an increasingly heavy workload. The downside of the economic boom in WA is proving particularly challenging for the police service, as officers leave to take up more lucrative opportunities elsewhere. And why wouldn’t they? Policing is a tough job and the pay and conditions have not kept up with the demands that police officers currently face.

The Western Australia Police Service is currently engaged in a dispute with the state Labor government about pay and conditions. Given that policing is such hard graft and exposes serving officers to considerable dangers, I think that their pay demands are completely justified.

Mr Bowen—Good to know there’s one friend of the workers on the other side!

Ms Kate Ellis—What did the police association think of Work Choices?

Mr KEENAN—Furthermore, Western Australia is never going to be able to get police officers back up to proper operational levels until pay and conditions are substantially increased. I note the support of the member for Prospect and the member for Adelaide for my position.

For the state government it is really a matter of priorities. Do they prioritise community safety, and do they believe that enough is being done to tackle crime? Do they think that it is acceptable that the police are unable to respond in a timely manner to incidents, particularly serious incidents, even involving weapons in school grounds? Considering that the Western Australian Labor government are the highest taxing state government in the whole of Australia, and they are currently sitting on a surplus of $2.3 billion, I think that it makes a lot of sense for them to meet the police service in WA halfway and accede to some of their not excessive demands. I, as the member for Stirling, fully support the Western Australia Police Service in their battle with the Western Australian Labor government and I believe that improving the conditions for serving police officers will also enhance community safety in Stirling. (Time expired)

Climate Change

Ms KATE ELLIS (Adelaide) (9.48 am)—I rise today to once again talk about the critical issue of climate change and to place on the record my disgust at the Howard government’s lack of action on this issue. I bring this issue to the attention of the House once again because
during the course of the break in the parliamentary sittings I began a series of screenings of the documentary *An Inconvenient Truth* for the residents of Adelaide to come and see some of the startling facts. I have been inundated with feedback from these residents, who have been shocked, outraged and horrified by the extent of this issue and disgusted at the way that the Howard government continues to sit on the sidelines rather than show some leadership on the issue.

They and I are not alone in having these concerns. In the past fortnight alone significant research into the impacts of greenhouse gas emissions has been published indicating once again the desperate need for this government to act. On Monday a CSIRO report documented the consequences in our region of a two-degree increase in temperatures by 2030, which it argued would result in the mass exodus of millions of Pacific islanders, many of whom would look to Australia for refuge. Last week the Lowy Institute released a poll showing that climate change is now perceived by Australians as a critical threat.

Australia’s farming community this fortnight joined the calls for action, with Australian farmers putting $10 million towards the establishment of the Climate Institute, which in turn is funding an advertising campaign to make climate change an election issue. It seems we are all agreed—all except the Howard government, that is, which has for years persisted with the ‘don’t know’ line on climate change. The government recently dismissed research in the highly acclaimed documentary *An Inconvenient Truth* as ‘mere entertainment’ and our Prime Minister explained that he remains sceptical about the more gloomy predictions on global warming.

For the benefit of this government I will place on record the realities of the environmental situation we face. Between 1990 and 2004 emissions rose in Australia by 25.1 per cent—once you exclude the progressive decisions of the New South Wales and Queensland governments on land clearing. We remain one of only two developed nations who have not ratified the Kyoto protocol and Australia currently has no national climate change action plan, no timelines, and no targets to reduce greenhouse pollution in any meaningful way. I am outraged by this because we have all of the facts on the table about climate change.

Thankfully, in my state the state Labor government has shown tremendous leadership on the issue and in 2003 commissioned a report to look at exactly how South Australia would be impacted if CO₂ emissions were to continue to rise at the current rate. It makes particularly grim reading. I have brought this topic up in this parliament before and I will continue to do so until such time as the Howard government takes the issue seriously. *(Time expired)*

**McLaren Vale Wineries**

**Mr Richardson** (Kingston) (9.51 am)—I rise today to congratulate a number of organisations, particularly wineries, in what I believe is the greatest wine region in South Australian and in this country—the region of McLaren Vale in my electorate of Kingston. The Jimmy Watson Trophy is an exceptionally prestigious award, and for the second year in a row the award for Australia’s best one-year-old red wine has gone to a wine made in McLaren Vale. The award was won by a family owned and run winery, Singleback Wines. I would like to congratulate the senior winemakers and managing director’s brothers, John and Kym Davey. I would also like to congratulate John Petrucci, who provided over 75 per cent of the grapes for the wine which won the Jimmy Watson Trophy.
I would like to take this opportunity also to congratulate the McLaren Vale visitor information centre, which was recently named best tourism operation in the southern region. The southern region encompasses a large area and includes many important tourist precincts. The tourism centre is an exceptional venue showcasing local wines, food, art and culture, and I am exceptionally proud of their achievement. It was certainly well deserved and the local volunteers who run the centre certainly deserve all the accolades they are receiving.

The congratulations do not stop there. I must also take the opportunity to congratulate Fox Creek Wines, whose 2004 reserve shiraz was crowned the Hyatt/Advertiser wine of the year. In addition, the wine was the No. 1 choice of consumers. In closing, I congratulate Penny’s Hill Winery, which received awards for the best shiraz and the best wine of show at the 2006 Boutique Wine Awards in Sydney. Again, I am exceptionally proud to represent this amazing part of the world. Some of our wineries have now finally been widely recognised for what I already knew: that McLaren Vale is one of the nation’s and one of the world’s premier wine regions. Again, I congratulate the worthy McLaren Vale recipients and everyone involved in the process of making these incredible wines and achieving these wonderful results.

Cranbourne: Telecommunications Services

Mr Byrne (Holt) (9.53 am)—I rise today to raise an issue that I have raised here in the Main Committee and in the other place on numerous occasions since I have represented the area of Cranbourne, which is a fantastic area and suburb in my electorate of Holt—that is, the great injustice that the people of Cranbourne face when they go to pick up a telephone. Unlike people in a lot of other suburbs in the surrounding areas, when the people in Cranbourne pick up a telephone they get charged an STD rate. They are not charged under the metropolitan untimed local call zone. That is due to a historical anomaly where Cranbourne residents and businesses paid this STD rate when calling central Melbourne. It has been in place, I think, since about the 1960s and it has never changed, in spite of massive urban growth around this particular area.

Cranbourne was a country town some number of years ago—no doubt about that—but it is now a rapidly growing suburb with lots of young families purchasing land and house packages. It is a suburban area which is being charged an STD rate. The government knows about this. It has been petitioned about this. It has been lobbied by members of parliament about this particular issue. But I would suggest to the government that, instead of spending $25 million advertising the sale of Telstra, instead of putting one of the mates, Cousins, on the board of Telstra to reward him for his services to the party over the years, what it may do on behalf of the long-suffering residents of Cranbourne—the residents of Cranbourne who had to wait 10 years to get a Medicare office, the residents of Cranbourne who have a Cranbourne information support service basically underfunded to provide emergency relief, the residents of Cranbourne who have a pool that is about to be built that has no federal funding, those residents of Cranbourne that have to beg the government for any essential service—is to actually have this anomaly removed.

The government still have a chance. They are still a majority shareholder. Even though they are about to flog off a major part of our national asset, they can still influence the decision. So I guess the question that the residents of Cranbourne want answered is: how serious are the government about taking this injustice, this anomaly, this outrage away? They should not have to pay an STD rate. The residents of Berwick, which is a suburb next to Cranbourne, do not
have to pay it. When the residents of Frankston, which is next to it, pick up the phone they do not have to pay this particular STD rate. So my question is: why is it the residents of Cranbourne—as I said, in a rapidly growing suburban area—have to pay this rate? It is a disgrace, it is an injustice and if the government were serious about taking their concerns into account they would take the local— *(Time expired)*

**Tree of Knowledge**

Mr BRUCE SCOTT (Maranoa) (9.57 am)—I rise this morning to place on the record my dismay and sadness at the fate of the Tree of Knowledge in Barcaldine in my electorate of Maranoa after it was poisoned earlier this year. Just last week this historic tree was officially declared dead. The iconic tree is an important part of Australia’s history. It symbolises part of our political history and tells a story of the early struggles faced by the people of western Queensland. In fact, in January this year, the federal government recognised the importance of the Tree of Knowledge by its inclusion in the National Heritage List.

The story is that on 1 May 1891 striking shearers marched through the streets of Barcaldine and met under this historic ghost gum. This strike, in conjunction with the maritime strike of 1890, was a very important event in the history of Queensland and Australia. These events led to the creation of the Australian Labor Party, but the tree and what it represented in relation to the pastoralists and grazier industries was also fundamental in their joining together as a union of employers and establishing the pastoralists and graziers association, and later the United Graziers Association of Queensland, who put forward candidates and established a push for a political party which became the Country Party and of course today The Nationals. So it has a significant part in the history of two political parties in Australia.

When I first heard of the poisoning in May of this year, I was hopeful that the damage caused by this cowardly act would not permanently damage the tree. After all, the 150-year-old 10-metre ghost gum had survived some of the harshest droughts ever recorded in our history. Ultimately, this untimely loss of such an iconic tree is a bitter blow for the people of Barcaldine, who had worked hard to preserve this unique part of Australia’s history and heritage. It was also a major tourist attraction for the region which assisted in the local economy.

However, I believe the demise of the tree should not close the investigation to find the person or people who were responsible for poisoning the tree. Whoever is responsible for such an un-Australian act should be dealt the full force of the law. I join with the people of Barcaldine, who I know will not rest until the perpetrator or perpetrators are brought to justice. I hope that the $10,000 that has been offered, I understand, by the Australian Labor Party as a reward for information will lead to a conviction. This is an important part of our national history and heritage. It has been destroyed by irresponsible people and we must make sure that we leave no stone unturned in trying to bring people to face the law because of their action. *(Time expired)*

The DEPUTY SPEAKER(Mr Causley)—Order! In accordance with sessional order 193 the time for members’ statements has concluded.

**MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2006**

Second Reading

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

That this bill be now read a second time.
Mr LAURIE FERGUSON (Reid) (10.00 am)—I rise to speak regarding another amendment to the medical indemnity legislation, that legislation implemented by this incompetent government in response to the 2002-03 crisis in medical indemnity insurance. The government’s piecemeal and inept approach to this crisis is reflected in the need for ongoing attention to the legislative stopgaps put in place by the Howard government in 2002-03. The Medical Indemnity Legislation Amendment Bill 2006 amends the Medical Indemnity Act 2002, and the Medical Indemnity (Prudential Supervision and Product Standards) Act 2003.

These amendments, like many more before them, correct flaws in the medical indemnity legislation implemented by the Howard government in response to the 2002 indemnity crisis and the flaws and errors revealed through its administration and operation of the various schemes implemented since the crisis started. The bill addresses elements of the Run-Off Cover Scheme, ROCS, following concerns raised by medical indemnity insurers and medical practitioners. In April 2002, United Medical Protection Limited, UMP, and its wholly-owned subsidiary, Australian Medical Insurance Limited, AMIL, who together provided indemnities to approximately 60 per cent of Australian doctors, went into provisional liquidation. As a result, the entire medical indemnity regime in Australia was undermined.

In response to this crisis the government rolled out a series of measures to alleviate the upward pressure on insurance premiums and the unsustainable operating environment that existed for some medical indemnity providers. The measures included the Run-Off Cover Scheme, the High Cost Claims Scheme, the Exceptional Claims Scheme, the Medical Indemnity Premium Subsidy Scheme and the Incurred But Not Reported Indemnity Scheme, IBNR.

The Run-Off Cover Scheme began in July 2004 and was designed to provide insurance for doctors who had left private practice, at no cost to them but funded through a levy on medical indemnity insurers. The intention was that medical indemnity insurers would provide cover to doctors who are eligible for ROCS on the same basis as the cover that was provided to them in the workforce and the government would reimburse medical indemnity insurers for the cost of any eligible claims incurred. The principal changes that this bill implements relate to doctors who, for various reasons, may have had gaps in their medical indemnity cover during their careers. Many of them would have subsequently addressed this situation by purchasing retroactive cover for those periods. However, under the present legislation they would not be covered under ROCS for incidents that occurred during these uncovered periods even if these claims were covered under their last contract of insurance.

Also, in discussions with medical indemnity insurers it became clear that they would not always be able to determine whether a doctor had purchased appropriate medical indemnity insurance cover at the time of the incident due to movement of doctors between insurers. This bill addresses this flaw by removing the requirement for a doctor to have had medical indemnity cover at the time of an incident for it to be covered by ROCS. This amendment will mean that the terms and conditions of cover provided under ROCS will be equivalent to those of the doctor’s last pre-retirement contract. The aim of this bill is to eliminate any uncertainty for doctors about their eligibility for ROCS which may arise out of the limitations of historical records of indemnity cover. However, given the government’s track record on managing this suite of programs and its related legislation, it would come as no surprise if this change had
further flow-on effects. For example, some medical insurers fear that doctors may be underinsured for periods in which a claim is made under this altered arrangement.

The bill also makes other changes to the Run-Off Cover Scheme, including: increasing the number of days a medical indemnity insurer has to report if a doctor becomes eligible for ROCS or ceases to be eligible for ROCS to 61 days; clarifying when the government should pay medical indemnity insurers for claims under ROCS; and changes to retroactive cover. It is not my intention to outline more of the government’s corrections to its flawed bills but I would like to highlight their mismanagement of this process.

The bill amends legislation implemented to address the crisis which first reared its head in November 2001, when Australia’s main medical defence organisation, or MDO, UMP/AMIL, failed to fund $460 million worth of ‘incurred but not reported’ claims. In the following month, UMP increased its premiums on average by 52 per cent. However, for obstetricians and neurosurgeons this was as high as 123 per cent.

In February 2002 AMIL also faced pressure by APRA to raise additional capital to meet minimum capital requirements, and APRA gave AMIL until 30 June 2002 to raise over $30 million to meet these requirements. The government intervened on 28 March 2002 and provided a short-term guarantee of up to $35 million to enable AMIL to meet its minimum capital requirements. In April 2002 UMP unsuccessfully sought further assistance from the government to enable its directors to get personal liability insurance. On 29 April of that year UMP/AMIL filed for a provisional liquidator, which was appointed on 3 May 2002, whose main objectives were to determine the company’s solvency and ability to continue trading. During this time, the Prime Minister made a commitment to ensure that, in the event of provisional liquidation, members were covered while a long-term solution was developed. On 29 April 2002 the Minister for Revenue and Assistant Treasurer announced that the government would guarantee claims arising from any procedures from 29 April to 30 June 2002 by doctors covered by UMP, legislate this guarantee and assist in determining the long-term viability of UMP.

The AMA was unsatisfied with the government’s guarantees and, as a result, the government faced closures of wards and postponement of surgery as specialists sought greater certainty. Letters from both the Assistant Treasurer and the then minister for health, and action by the Royal College of GPs and the AMA, then led to acceptance of this guarantee. It was finally approved by the courts in June 2002. This included approval of the extension of the guarantee from 30 June 2002 to 31 December of that year.

In addition, the government also agreed to assume responsibility for the IBNR claims where the incident giving rise to the claim occurred before 30 June 2003. To recoup these funds the government imposed a levy on members of the MDOs. The mechanics of the levy received strong criticism from doctors and, in response, the government announced a number of changes to the scheme which exempted doctors employed by public hospitals, all doctors 65 years of age and over and doctors who might retire early due to disability or permanent injury.

With the high cost of medical indemnity plaguing the sector, the government also implemented a medical indemnity premium subsidy scheme to subsidise premiums for obstetricians, procedural GPs, neurosurgeons and GP registrars undertaking procedural training. This was extended in 2004 to recognise indemnity costs relative to incomes. In addition to the
IBNR levy and the MIPSS, the government implemented the High Cost Claims Scheme to further reduce pressure on the MDOs. Under the scheme, 50 per cent of insurance payouts over half a million dollars are reimbursed to medical indemnity providers.

In May 2004, measures related to run-over costs were also implemented to provide run-off insurance cover for medical practitioners who had retired, left practice due to disability or maternity leave and the legal representatives of deceased medical practitioners. This filled the gap which arose when the government committed to ‘claims made’ cover only. In the event that a claim was made against a retired doctor, he or she would not be insured under the new arrangements.

From the inception of the crisis the government’s handling of this matter has resembled a bad scene from a Carry On movie. The government’s response has been littered with failed legislative attempts, reviews, countless budget measures and revenue clawbacks. On the legislative side of this Carry On-like mismanagement, the medical indemnity legislative package designed to address the crisis contains eight bills which have been before the House 16 times. Two of these bills relate to taxation matters which form part of the cost recovery measures. This count does not include consequential amendments to the human services act, the Australian Prudential Regulation Authority Act and tax act amendments. If we added these acts we would have more than 19 pieces of legislation involved in this package.

The budget side of the government’s mismanagement tells a similar story. Since the crisis’s inception, the Howard government has budgeted $363 million through 23 separate budget measures since 2002-03. However, in what constitutes further evidence of the government’s blatant mismanagement of the crisis, the actual costs of the response at June 2005 were $283 million. This underspend occurred as a result of the government’s need to claw back revenue from UMP under the incurred but not reported United Medical Protection support payments following the competitive neutrality review which found that the Howard government’s package of assistance had helped UMP restore its financial position much sooner than expected and that this assistance had delivered a competitive advantage to the insurer.

Total revenue under the scheme, dating back to the 2003-04 budget year, was originally estimated to be $129 million, but, following these competitive neutrality changes, revenue was subsequently reduced to $63.5 million. This means that the government relinquished $65.5 million of revenue as a result of its failure to take into account competitive neutrality implications of its support package to UMP. Since Graham Rogers’s report into this matter, UMP has been required to repay $35.4 million in competitive advantage payments.

These countless measures, legislative amendments and budget estimate revisions paint a vivid picture of the Howard government’s bungled attempts at managing this crisis. Did this crisis need to occur for action to take place? I would argue that this bungled approach reflects the negligence of the Howard government in not seeing the signs and managing the risks which were emerging for many years prior to the 2002-03 crisis. Anyone would have thought, given the Howard government’s response to this crisis, that this situation arose overnight. However, in reality there were a number of indicators, emerging over many years, which suggested trouble was brewing in the insurance and indemnity sector.

There was of course, in 2001, the collapse of HIH. HIH was Australia’s second largest insurer and had won a large share of the market for certain classes of liability insurance, particu-
larly public liability, through an aggressive strategy of cut-price premiums. Its demise caused premium rises to accelerate.

This corporate collapse was soon followed by the tragic events of September 11 in the United States, which forced the insurance industry to revise its underwriting practices. Insurance against terrorism disappeared and premiums were increased to recover the estimated $US25 billion to $US30 billion, at least, in September 11 claims. These price increases were passed from reinsurers through Australian insurers to policyholders. Meanwhile, medical indemnity prices for medical practitioners had been increasing for some years.

Additionally, important structural problems lurked beneath the price rises. The Tito report, a comprehensive review of medical insurance and compensation conducted in 1991, stated: While there have been significant indemnity subscription increases, these are rather indicators that financial adjustments and changes are occurring in the MDO industry, that the subscription rates prior to these increases were probably too low to properly fund liabilities, and that the major cause of increases has been the move away from the previously universal principle of mutuality.

The rest of the story of this crisis is well known. In 2002 UMP and its wholly owned subsidiary, Australian Medical Insurance Ltd, went into provisional liquidation. This was the largest medical insurer in Australia. It provided coverage to approximately 60 per cent of medical practitioners nationally and 90 per cent in New South Wales. Its capital reserves had foun-dered in the face of unprecedented large insurance payouts, a $30 million loss arising from the collapse of HIH, which was one of UMP’s reinsurers, a claims spike ahead of the introduction of the new Health Care Liability Act and higher capital requirements imposed by APRA. The failure of its management to properly price products must also be acknowledged.

Faced with the imminent collapse of an indemnity giant, the Howard government was finally forced to act. Back in 1991, the then Labor government established the Tito review of compensation and professional indemnity arrangements for healthcare professionals, headed by senior bureaucrat Fiona Tito. The report was handed to the then minister for health, Dr Carmen Lawrence, in January 1996—barely a fortnight before Paul Keating called an election.

The Tito report provided a careful analysis of the arrangements in existence to provide for patients injured through negligence or misadventure. The report identified an array of major problems including, among others, that public data was not available on adverse events and negligence actions, many treatments had an inadequate evidence base and were not sufficiently outcome focused, neither health professionals nor healthcare consumers had access to adequate information on the risks and benefits of treatment options, patients did not have adequate access to their own healthcare records, and the system was plagued by poor communication, particularly if an adverse event had occurred.

The medical indemnity crisis has been a long time coming, and developed in the context of a broader crisis in public liability and other forms of professional indemnity insurance. However, beyond the issues facing the insurance and reinsurance markets of the last decade or so, there are a number of health sector specific issues which are often far from this debate. As the Tito report found, there was—and still is, given the lack of action—a positive relationship between how we run our healthcare system, the quality of care delivered and the systems used to deliver the quality care.
It all sounds so obvious, but you would not know it having followed the misadventures of the Howard government in this particular area. It is now 10 years since the preliminary findings of the Quality in Australian Health Care Study were presented to the federal government and published in the *Medical Journal of Australia*. That study estimated that 18,000 patients die each year in Australia from medical mistakes and another 50,000 suffer permanent disability. Each year in Australia there are about 6½ million hospital admissions and at least 10 per cent of these involve an adverse event. Half of the adverse events are connected with an operation, 13 per cent with diagnostic errors, 11 per cent with pharmaceuticals and two per cent with anaesthesia. Although most mistakes are not serious, one in 20 is fatal. About half the mistakes are preventable.

We do know that problems due to medications cause some 70,000 hospital admissions a year and were estimated to cost $350 million in 1999. Analysis of data from the Quality in Australian Health Care Study estimated that 43 per cent of adverse drug events associated with hospital admissions could be prevented. The data suggests that the cost of all medical errors is over $1 billion annually and could be as high as $2 billion. We know that more money is spent in Australia fixing injuries caused by medical mistakes than on treating the victims of road accidents. An analysis of adverse events published in 1999 in the *Medical Journal of Australia* showed that human error is the cause of more than 70 per cent of these events. The key categories of human error are failure in technical performance, failure to make decisions and/or act on available information, failure to investigate or consult, and lack of care or failure to attend.

Delays in diagnosis and treatment contributed to 20 per cent of adverse events. Increasingly, mistakes are occurring not in routine procedures but in complex diagnostic or technical tasks in which the term ‘error’ may be a misleading over-simplification. Human error is inevitable, even for the best trained healthcare provider. However, all that can be done must be done to reduce the level of human error in the healthcare sector.

The general approach needs there to be less focus on individuals—the majority of errors do not result from individual recklessness—and more attention on basic flaws in the way the healthcare system is organised. Systems must be developed to better protect patients from the inevitability of human error and to protect healthcare workers from unnecessary risks.

To do this, it is necessary to look at the factors in the healthcare system that may interfere with cognitive or technical performance, such as poor communication, insufficient use of information technology, sleep deprivation, lack of appropriate supervision, and even the nature of a culture that portrays mistakes as failures. There is certainly a place for high-tech reporting systems, but many solutions can be quite simple, even obvious—such as frequent hand washing by doctors and nurses and better staff allocation.

We must work towards a national standards framework of self-reporting and open disclosure that encourages medical practitioners to systematically monitor and improve their own professional behaviour and the behaviour of those they supervise. Reviews of mortality and adverse events should be open and frank, with no place for a head-in-the-sand approach and blame shifting.

Addressing quality and safety should involve not just hospital staff but also healthcare professionals in the community, patients and their families and carers. It must also include policy makers and administrators at the federal, state and local levels. The best reason for addressing
issues related to safety and quality is that, when something goes dreadfully wrong, many people suffer and there are long-term consequences for all. Therefore, as well as adopting a proactive approach to reducing errors and claims, it is this impact on patients, their families and communities which dictates the need to address these issues of quality and safety.

In conclusion, the medical indemnity legislative package designed to address the crisis contains eight acts which have been before the House, as I said, 16 times. The Howard government has budgeted $363 million in assistance through 23 separate budget measures to address the crisis. I would not exactly call this an efficient approach to policy development.

Labor calls for clarity as to how this mishmash of schemes and levies is being managed and clarity as to who is leading this approach. Is it the Treasury or the department of health, the minister for health or Treasury ministers? We demand better representation of all aspects of the sector involved, beyond the medico-centric approach which the government’s path has taken us down. We demand a guarantee from the Howard government that, by taking this bandaid ‘fixes-benefits’ approach, we have not created a precedent which other medical and health professionals will also seek to exploit.

This bungled approach reflects a decade of neglect in addressing the emerging policy issues in medical indemnity. Nevertheless, given the Howard government’s disinterest in broader healthcare reform, perhaps we should not be so surprised at seeing another mediocre policy outcome from the Howard government.

Mrs HULL (Riverina) (10.23 am)—It is my pleasure to add further support for the amendments contained in the Medical Indemnity Legislation Amendment Bill 2006, which seek to amend the Medical Indemnity Act 2002 and the Medical Indemnity (Prudential Supervision and Product Standards) Act 2003. I will refer to a bit of history. This is something that, as the previous speaker said, has been going on for some time. However, contrary to the previous speaker’s assertions, I am very thankful that this government was able to listen and was in a fiscal position to be able to act. That is the difference between the coalition and the opposition—we have fiscal responsibility and a financial capacity so that, when an emergency issue breaks out, we have the resources and the will to be able to resolve such issues as they arise.

On several occasions I have spoken in the House on the issue of medical indemnity. It has always been of considerable importance in my electorate. I am a very fortunate member in that I have a very active medical workforce in my electorate, and I certainly give thanks to that workforce. But we did have a major issue when we saw the collapse of UMP, which threatened our vital health services right across the Riverina, as our specialist professionals were faced with enormously swelling insurance premiums and the possibility of practising without legal protection—an area that I am sure none of us as members want to see our professionals engaged in.

In response, the government ensured swift action to enable and assist our healthcare professionals to be comforted that they would have access to a medical indemnity cover that was provided by regulated insurance and, more importantly, was underpinned and underwritten by this government. Some 18 months before United Medical Protection did collapse, I recognised, through the very good work of an obstetrics practitioner in my electorate, Dr John Curry, that there would be a problem. There were continuing calls on the profession to provide further premiums and further underwriting of UMP. He visited me and advised me that
he felt that there was an impending disaster with UMP. He advised me that he felt that there would be a collapse of this company. Their calls were getting greater and the professionals were not able to match the requirements from the company.

He raised my awareness of this matter. We travelled over to Canberra on numerous occasions. We addressed our backbenchers and, in our committee activities, I held many meetings in this House for backbenchers where Dr Curry was able to sit down and highlight the issues that were facing particularly obstetrics cover and to suggest that, unless somebody actually stepped in and did work on our tort law reform—and that was a state issue—to particularly raise the issue of the 21-year statute of limitations and the way in which the rulings of the court were giving extreme payments in compensation to affected people, there would be a serious problem. Of course, we do not deny people compensation, but the obstetrician certainly does have a difficult road to walk in that the statute of limitations does exist for 21 years and when you are looking at studying obstetrics you have to decide whether that is a road that you want to travel or whether you will just go into gynaecology.

Then another crisis emerged in the state hospital system whereby there was no indemnity and no cover for our practitioners, professionals and GPs alike to be able to practise in the state hospital system. I was very involved in the process of trying to resolve this issue with the then New South Wales state minister, Craig Knowles. The state government was a long time coming to the party—I think our practitioners ceased their cover on New Year’s Eve—and it was almost at the death knell on New Year’s Eve that Minister Knowles came in with an agreement to cover any practitioner who was going to provide services in a public hospital. It was an anguished time for all, not just for the professionals but moreover for the constituents right across the Riverina who were in a state of flux and uncertainty as to how their services were going to be delivered and how their operations were going to take place, particularly if they did not have private health coverage. We were able to resolve that, and it certainly was appreciated by my medical specialists because it enabled them to be able to offer the service for which they had trained for all those years and that they had undertaken an oath to provide.

The UMP crisis very quickly saw the exodus of specialists who had decided to retire or who were thinking of retiring in that three- to five-year bracket after the UMP downfall. They were insecure about what was going to happen in their family lives and to the assets they had built up over long periods of work, commitment and dedication to regional and rural electorates. So an enormous effort had to be put in by successive health ministers. The problem really did escalate and affected obstetrics. Obstetricians have one private outlet in the Riverina—Calvary Private Hospital—and they decided that because of the additional premium they had to pay to practise private obstetrics they would remove their services from Calvary maternity services.

We had about 600 to 700 deliveries per annum in the Calvary maternity hospital and about 700 to 800 in the Wagga Wagga Base Hospital, which is a regional base hospital. It was very obvious that the base hospital was not set up to deliver all the babies right across the Riverina, so the state system did not want the Calvary services withdrawn, because they were not able to adequately cope. We were faced with an emerging issue that may have seen normal, healthy pregnant mothers being airlifted to a Sydney or other city or metropolitan hospitals to give birth in a normal, very healthy way, and that generated a major march. About 2,000 members of the community—mums and dads with babies in prams and strollers, and grandparents—
marched up the streets of Wagga Wagga to demonstrate that they needed the facility at Calvary maternity hospital to continue. The call was that we in the government should resolve the issue—and we did. The Minister for Health and Ageing, Tony Abbott, came in, as he always does—he is certainly the best friend the Riverina residents have ever had in health—and resolved the issue. It was a significant and great benefit to the people of the Riverina.

We then introduced a levy system, but some anomalies started to develop within that system. I pay tribute to the former health minister, Kay Patterson, and, more particularly, to Tony Abbott, who, as I said, is the best friend the Riverina people have ever had in health. He started to undertake the discussions that needed to take place in order to resolve a very complicated and longstanding system that was left to languish for many years before this government came into power in 1996. It certainly did not happen overnight. It was a problem that had languished for many, many years.

I turn now to one of the issues we saw emerging with new entrants coming into the system. For example, one of my professionals, a surgeon, David Littlejohn, was a new entrant to the system, and it seemed as though he was going to have to pick up the tail and pay for all the previous issues of the people who came before him. I was very keen to resolve that. Young surgeons were coming in to practise in the Riverina, and they had committed to stay in the Riverina and raise their children there, yet it looked as though they were going to have to pay for all the past issues of other surgeons. That meant that practising in the regions was not a viable option, and it forced them to move to a city area where the critical mass and turnover are greater and the ability to earn revenue is increased and you can pay for the call upon you. Of course, Tony Abbott came in and resolved that issue for us.

It has been a moving feast for ministers, because every day there has been a new and extremely significant flaw or issue they have had to deal with and try to resolve. Quite rightly, the Australian public were beside themselves, because they thought there was every chance that they would lose their services, and that had a major impact financially, socially and emotionally. We saw that people moved out of obstetrics and into the field of gynaecology in order to reduce their premiums. Because there was no certainty in obstetrics, young clinicians who were looking to practise in that field started to reassess whether they would do that or go on to another craft or another field.

What we have done is really underpin a health service that, in essence, with this government’s support and assistance—particularly with the minister’s assistance—has become better and better at delivering services that the Australian people need. We have had issues with orthopaedics and anaesthetists. We certainly had issues with anaesthetists, which the minister had to step in and resolve. This minister has had more call upon him to be able to utilise common sense and reason to get to the bottom of long and ongoing issues in medical services. He has finally been able to resolve many of those issues so that he can assist us to deliver the expectations of our regions. I am particularly interested in the regions.

The government’s original package of medical indemnity legislation in 2002 addressed the affordability of medical indemnity for doctors and the industry’s long-term viability in a period of upheaval. Thanks to these changes, our medical practitioners in private practice have been able to obtain affordable medical indemnity insurance cover and insurers have been protected against more extreme claims. However, those who have left the medical workforce, including our retirees and those on maternity leave, who are often faced with significant on-
going costs for run-off cover for incidents which occurred during their careers but had not been reported at the time, have now been able to be protected and have their issue revolved.

The ROC scheme began on 1 July 2004. It is a logical extension of the medical indemnity package designed to provide secure insurance for doctors who have left their private practice. The intention was that medical indemnity insurers would provide cover on the same basis as doctors who were still in the workforce. But, in the former case, the government would reimburse the cost of claims to insurers. Coming back to the fiscal responsibility and financial management of this government, that can only happen when you have across-the-board, good financial management and there is money in the bank. Many times this government has been criticised for the surplus that its good fiscal policy and financial management engenders. But that is why you need surpluses: when emergencies come into the system, they have to be resolved and there is money there to resolve them rather than running into deficit like the New South Wales Labor government is at the moment, where our health services are absolutely atrocious and appalling. If they had managed their financials much better then they would be providing better services to the people of the Riverina, which is honestly getting a service that is secondary to the city people with respect to public health services that are run by the New South Wales state Labor government.

What we have now is this ROCS cover, which will simplify the administration of the scheme. Many insurers and medical practitioners raised concerns. Some of the provisions of the bill extend beyond ROCS. Apart from those clarifying abbreviations, these include a relaxation of penalty provisions in relation to compulsory offers of retroactive cover and the fact that doctors who accept such an offer no longer have to respond in writing but those who refuse will. This will ensure that no doctor misses out on retroactive cover by accident. We are very aware of exactly what the predicaments are and the concerns and conditions are for these practitioners.

This bill demonstrates the ongoing commitment of the government to the medical indemnity industry, doctors and their patients and to ensuring that medical indemnity insurance continues to operate viably, fairly and efficiently for the benefit of the industry, the doctors, the patients and, No. 1, the taxpayers.

I would like to pay particular tribute to those doctors and professionals in my electorate, particularly doctors such as Gerard Carroll, John Currie, Henry Hicks, David Stewart and David Littlejohn, Richard Harrison and others, who have come to me with the concerns of the local professionals. They have been willing to sit around the table, not just to bring the problems to the member but to try to bring some sensible suggestions as to how the government might resolve these issues. Their assistance in being able to deliver some sensible outline has been very much appreciated.

I would like to take the opportunity to pay tribute to the fabulous medical workforce and those professionals in my electorate of Riverina. Their commitment to the people across the Riverina is absolutely unconditional. How fortunate we are to have these young professional men and women who have undertaken to deliver our health services and to set up practice in a regional area to provide rural people with the same level of health services as one might get in the city. In fact, I would go so far as to say that we are probably providing better health services through those very dedicated professionals.
I would like to close by thanking the Minister for Health and Ageing, the Hon. Tony Abbott, for whom I have the absolutely highest regard, particularly in this area. This was a difficult area to resolve. It was an emotionally charged area, with more good ideas coming forward than ever before—but they were short in practical application. The minister was able to surf his way through all of the issues, sideline the things that were just emotive hype, cut to the chase to get to the real crux of the problem and then provide the assistance that was required in order to resolve it. So I think that the minister should be supported in this bill.

Mr Farmer (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (10.42 am)—In summing up the second reading debate on the Medical Indemnity Legislation Amendment Bill 2005 I first of all thank the member for Riverina for her very good contribution to the speeches made about this bill here today. She pointed out a very important point, and that is that we can only amend things for the future and make a good system even better through good fiscal policy—and that has been achieved by the Howard government placing itself in a position where it can support the doctors and support changes to this bill as far as indemnity is concerned.

I would also like to thank the members opposite for speaking on this bill. I note that there is no opposition to this bill and that there has been total support. It is sensible that this is so because it is a bill that will make a difference to a lot of people’s lives—in particular the patients and the doctors who are involved.

The bill is intended to increase the level of certainty around the provision of run-off cover for doctors who have left the medical workforce, and to simplify the administration of the scheme, following concerns raised by the medical indemnity insurers and medical practitioners. The principal change concerns doctors who, for various reasons, may have left gaps in their medical indemnity cover during their careers.

The legislation before us here today will make the system simpler to administer for the medical indemnity insurers and eliminate any uncertainty for doctors about their eligibility for ROCS—the Run-off Cover Scheme—which may arise out of the limitations of historical records of indemnity cover. This shows that the government is continually monitoring and updating the medical system to improve outcomes for all Australians. This legislation further refines the government’s medical indemnity package, which demonstrates the government’s continued commitment to the viability of the medical indemnity insurance for doctors and patients. The government has continued to work closely with doctors and insurers to insure the ongoing effectiveness of medical indemnity schemes.

These changes enable the Run-off Cover Scheme to provide cover for doctors equivalent to that provided under the last policy a doctor had before becoming eligible. This provides more certainty for doctors than the previous requirement that they have cover at the time of the incident, and simplifies the administration of the scheme by aligning it with the current industry practice.

These refinements will help insurers to work more effectively with the government in implementing the medical indemnity reforms. This is good news for doctors and certainly good news for their patients, and it is a great example of how the Howard government’s commitment is making a good medical system even better.

Question agreed to.
Bill read a second time.
Message from the Governor-General recommending appropriation announced.
Ordered that this bill be reported to the House without amendment.

AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT)
BILL 2006

Cognate bill:
AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT)
(CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS)
BILL 2006

Second Reading
Debate resumed from 14 September, on motion by Mr Billson:
That this bill be now read a second time.

Mr Griffin (Bruce) (10.47 am)—I rise today to speak in the debate on the Australian Participants in British Nuclear Tests (Treatment) Bill 2006. Before I outline Labor’s response to the bill and raise a few concerns that I have, I would like to engage in a brief outline of the British atomic tests in Australia.

At 8 am on 2 October 1952, Britain exploded its first atomic bomb in Australian territory under the codename Operation Hurricane. The bomb was exploded aboard the HMS Plym approximately 120 kilometres off Australia’s north-west coast at the Montebello Islands. Nick Richardson, in an article in the Herald Sun commemorating the 50th anniversary of this test, gave an account of the test. He wrote:

The scientists gave the deserted warship a final once over before heading down below.
The men set the bomb’s arming switch by connecting the firing circuits to an electricity supply, and quickly left the ship.

Once they were safely away from ground zero, the order to detonate was given.

Within seconds, a blinding blue flash streaked across the water. The frigate HMS Plym was vaporised, gouging a saucer shaped crater 6m deep and 300m wide in the seabed.

A vast cloud of mud, spray and steam was released followed by a huge mushroom cloud of smoke which billowed 4500m into the air.

Local fallout began about one minute after firing. Much of it dropped as contaminated rain, as well as solid particles from the crater and parts of the Plym.

Later contamination in rainwater was detected as far away as Rockhampton and Brisbane.

A young sailor on board the nearby Royal Navy vessel, HMS Tracker, later recalled being ordered up on deck and told to turn his back and place the backs of his hands over his shut eyes.

He was dressed only in shorts, sandals and a sun hat.

“We knew it was going to be an explosion. We never told it was going to be an atom bomb, though it had come through the grapevine,” the seaman said.

“They started the countdown and there was this flash and I could see right through my hands, even though my eyes were shut”.

MAIN COMMITTEE
“Then there was like a roar, rumble then a bang. And then we turned around and opened our eyes and just after there was this hot wind and you could feel it like grit hitting your body”.

“The ship rocked slightly and that was it”.

With this explosion Britain became the world’s third nuclear power behind the United States and the Soviet Union. This test was at a time of heightened insecurity during the formative stages of the Cold War. Both the United States and the Soviet Union had already developed the atomic bomb and were at the start of what would be a decades-long arms race. The Korean War was in its third year and the world was coming to grips with the perceived threats from communist regimes.

Despite its alliances, the United States secretly guarded its new-found technology and was unwilling to share it with Britain. Having discovered the atom bomb, the United States wanted to go it alone, and the British involvement in the development of a nuclear capability with the Americans ended with the collapse of the Anglo-American atomic partnership in 1946. The British, however, remained desperate to obtain this technology in order to secure their power and role in the post-World War II international system. Once Britain was locked out of the United States atomic program, it began its own. The British Foreign Secretary, Ernest Bevin, expressed his determination in 1946 when he said, ‘We have got to have this thing over here, whatever it costs. We have got to have a bloody Union Jack on top of it.’

The British—short on space to test—quickly turned to their dominions for assistance, and none was quicker to offer testing space than the Australian government led by Sir Robert Menzies. The Montebello test was the beginning of a program that would see the Australian government collaborating with the British in their pursuit of a nuclear capability. Tests involving Australians were conducted on the mainland from October 1952 to October 1957. These tests were conducted at the Montebello Islands off the coast of Western Australia and at Emu Field and Maralinga in South Australia. There were also British tests out to 1963, involving hydrogen bombs, at Christmas Island in the Indian Ocean and Malden Island in the Pacific Ocean. In what is an often unknown and little understood event in our history, the Menzies government had given permission for a foreign government to develop and test nuclear weapons on our soil. Australia did not gain access to any of the technology that was being tested. The Menzies government was happy to accept no price, and demand no access to the technology, for the conduct of these tests.

One of the more remarkable aspects of the Australian government’s involvement was the lack of transparency and accountability by the Prime Minister, Sir Robert Menzies. A high level of secrecy clouded the first test in Australia and was covered by a strict need-to-know agreement between Menzies and his British counterpart, Clement Attlee. In September 1950, Menzies had been asked by the British High Commission in Canberra whether Montebello could be surveyed as a possible test site. Menzies agreed. The survey concluded that Montebello was a suitable site for tests but that the atmospheric conditions of the island meant that the test would have to be held in October.

With progress occurring, Menzies had to begin to brief senior public servants on preparatory work for the tests to occur. The level of secrecy that Menzies was maintaining was so strict that it meant that the head of the Department of Supply was briefed on aspects of the tests, but not the Minister for Supply, Howard Beale. Because of this, Beale unknowingly
misled parliament in October 1951 when he said that rumours of atomic tests were ‘a product of the fevered imagination of some London journalist’.

Even after his own minister had misled parliament, Menzies refused to inform him or the public about the proposed tests. Amazingly, it was not until the story appeared in American newspapers in mid-February 1952 that a joint statement was issued announcing that Britain would detonate its own bomb on Australian soil some time that year. Australians were not informed at this time that secret work had been conducted since 1950 towards this aim. In commenting on these events, the 1985 report of the Royal Commission into British Nuclear Tests in Australia, established by the then Hawke Labor government, concluded:

... it would be unthinkable for any foreign government to tell an Australian Prime Minister which of his Ministers and officials might be given certain information.

Yet this was exactly what they found had occurred. Menzies had agreed to allow a foreign government to explode nuclear weapons on our soil, and he did it under a cloak of secrecy where decisions were hidden not only from the public but also from his own ministers. However, when his ministers were finally informed they quickly fell into line. For example, supply minister Beale, who had earlier unknowingly misled parliament, declared in a press statement in 1955:

... England has the bomb and the know-how. We have the open spaces, much technical skill and great willingness to help the motherland.

Geopolitical considerations and a misinformed strategic outlook had led the Menzies government to believe that it was acting in Australia’s national interests, but in reality Australia was to gain little or no strategic benefit from the tests. Instead, the Menzies government allowed Australian servicemen, civilians and Indigenous Australians to be treated as guinea pigs and allowed the destruction of large tracts of our natural environment, all in the name of a foreign government’s ambitions to obtain nuclear weapons.

A secret memo revealed by Dr Roger Cross in his book *Fallout* exposes further the disregard that the Menzies government had for the safety and wellbeing of its own citizens. The document shows that the Minister for Supply, Howard Beale, instructed the Atomic Weapons Test Safety Committee that, whatever the level of fallout, in relation to tests at Maralinga the public was to be told that there was no risk. This meant that the safety committee that was set up to warn the public of any problems was unable to fulfil its role, due to the government’s direction. A staggering indifference was also shown to the Indigenous Australians who inhabited the test area. Dr Roger Cross in his book *Fallout* reveals:

... before the tests took place an Australian scientist asked the British about the safety of Aborigines. The reply was that a dying race couldn’t influence the defence of Western civilisation.

The point here is that another country’s strategic ambitions were given priority over the safety and wellbeing of people that the Australian government should have been protecting. The Menzies government’s deceptive and secretive actions can be described as nothing more than shameful.

It was only in 1957, when the Australian scientist Mr Hedley Marston raised enough public pressure due to his fears of the effects of fallout on participants in the test and surrounding communities, that the tests were moved off the Australian mainland and Australian participation was reduced. In the decades that followed, subsequent Australian governments of what-
ever political flavour adopted the attitude that the file was best left closed on the whole issue of the tests at Maralinga, Emu Field and the Montebello Islands, and pretended that no-one had been harmed and that the sites had been cleaned up to everyone’s satisfaction.

The McClelland royal commission completely demolished these excuses. I applaud those who fought for the royal commission and congratulate the Hawke Labor government for making it happen. The royal commission, however, did not satisfactorily resolve all of the issues surrounding the British atomic tests. Since then we have had a number of other reviews. The two most important have been the Clarke review and the health study done under the current government. I will be commenting on them shortly.

I would like to address some of the provisions that are contained within the bills. The two bills we are debating today will give effect to the government’s long overdue decision to provide non-liability treatment of, and testing for, cancer for eligible Australian participants in the British atomic tests in Australia. Labor is supporting both of these bills.

Through the bills, Australian participants in the British nuclear tests will be able to receive treatment and testing for cancer through the Department of Veterans’ Affairs. This is to be welcomed. The decision of the government to extend this scheme to all participants in the British nuclear tests is a sensible decision. It means that civilians will also be able to access the non-liability treatment offered by the Department of Veterans’ Affairs. I think it is the least we can do for these people to repay them for their service.

One aspect of the bills that is pleasing to me is the provision of travelling expenses for participants who will need to travel to access treatment. This has been a very important issue for the veterans community, as the availability of specialists to treat them has been steadily falling. Recently the Department of Veterans’ Affairs conceded that 388 specialists had written to them to say that they would no longer treat veterans under the gold card scheme. This has meant that veterans from around the country have been exposed to often long and arduous trips to receive their treatment. I have welcomed the government’s recent announcement that it will allocate more funding to address this problem, and I will be following this up with the department to make sure the extra money is actually addressing these issues.

Those people that are eligible for the treatment under this scheme are getting older. Therefore I call upon the minister to ensure that the scheme is implemented as quickly as possible and with as little hassle for the participants as possible. The government’s development of a nominal roll should provide the department with all of the information they need to enact this scheme. I will be monitoring the scheme to ensure that all participants are afforded quick access to a scheme they richly deserve. However, the government needs to make sure that anybody who was not placed on the nominal roll, for whatever reason, is not unnecessarily excluded or burdened by excessive administrative requirements.

I would now like to comment on the health studies into Australian participants in British nuclear tests, which have provided the government with its rationale for this scheme. The health studies found that there were no conclusive links between participation in the tests and the onset of cancers. Therefore the government has refused to accept liability for these cancers. However, the study did find that among those surveyed the rate of some cancers was indeed higher than in the general population. The reasons for this were unable to be determined by the study.
I have a great deal of respect for the Department of Veterans’ Affairs and those that conduct these health studies, in what are often extremely complex areas. Given the importance of these health studies to the government’s decision not to accept liability, I would like today to point out that a number of errors have been uncovered in the published government health studies on the Australian participants in the British nuclear tests in Australia.

Paul Malone, writing in the *Canberra Times* on 14 September 2006, made a startling revelation. He wrote:

A number of errors, including a table that does not add up, have been uncovered in the published government study on the deaths and cancers suffered by Australian participants in the nuclear tests in Australia.

British Medical Education researcher Sue Roff discovered the discrepancies in the Australian report when comparing death rates for British and Australian nuclear test veterans.

The government has been quietly changing the numbers on the website without making any public announcement of the corrections.

He went on in his article to identify the errors:

In the original published report a table showed the number of observed cancer deaths at 525, a completely erroneous figure. But the same table on the website now states the correct number of deaths at 1465. Of the specific types of cancer, nine now have different numbers of observed deaths than was originally reported.

The changes are not due to the updating as a result of recent deaths. The study cut-off date was 4½ years ago, in December 2001. The study was completed in May this year, allowing ample time for the data to be finalised. Ms Roff said she found it perturbing that the researchers had not indicated that they had revised the report in the web version, much less issued a statement to alert people working from the printed versions.

Further on he writes:

Government statements, even on the precise number of participants in the tests are not consistent.

In his press statement on the publication of the study in June this year, the Minister for Veterans Affairs Bruce Billson said “more than 11,000” participants were involved in the health study. The report itself says the study population comprised 10,983 subjects.

The point here is not that mistakes were made. I can accept that mistakes can occur in studies as complex as these—indeed, it is arguable that these mistakes were quite minor in their nature and had no effect on the study’s conclusions with regard to liability. What I find more disturbing is that the minister was found secretly correcting these mistakes and has failed to allow for any transparency in their correction by not making any public announcement or explanation of these corrections.

This displays an amazing degree of insensitivity to the participants of the atomic tests and their families. To them these tests and their findings were extraordinarily important. These studies represent a chance for participants in the tests to understand the implications of their own or their relatives’ service during the British atomic tests. They represent a culmination of a lifetime of anxiety and stress related to uncertainty about their own or their families’ health. Therefore, you can only imagine how they feel when they learn that the results that were published and provided to them in the government’s study are now secretly being changed. This is of major concern to me, and I am amazed that the minister failed to implement any sort of transparency once these errors where identified.
I have also had other people contact my office to raise further concerns about the results of the health studies. Alan Batchelor, both a nuclear veteran and a military engineer, contacted me to say that he has written to the government numerous times to highlight what he perceives as anomalies, poor assumptions and discrepancies in the tests, especially relating to assumptions that were made with regard to the dose rates. Mr Batchelor has offered to supply the minister with documentation that supports his claims. To his frustration he has told me that the minister has never addressed his concerns. Similarly, Dr Jack Lonergan, a qualified nuclear physicist who is helping the nuclear veterans in their campaign, has been outspoken in his complaints that the radiation doses the studies used were very much underestimates. He too has been frustrated with the lack of response from the minister’s office on this issue.

I am no scientist and I cannot comment on the veracity and accuracy of Mr Batchelor’s or Dr Lonergan’s criticisms. What concerns me is the government’s constant refusal to address concerns about the health study and their failure to respond to their repeated correspondence. That is what a health study is meant to achieve. If the government want to restore faith in their own study they should address all concerns about the study, especially now that the minister has been caught out secretly correcting errors that were contained in the study.

Therefore, I call on the minister to be more open in his communication with the veterans community over these issues. He should engage with people like Mr Batchelor and Dr Lonergan, who are qualified in this field and are raising concerns about the study. I respectfully suggest that he address these concerns so that fears of inaccuracies in this important study can be removed. The minister should also publicly explain why, and apologise to the veterans community for trying to secretly correct errors that were contained in the health studies.

The bills under debate today address the issue of non-liability treatment for all participants in the British nuclear tests, both military and civilian. As the Labor shadow minister for veterans’ affairs, I want to focus the remainder of my comments today on the treatment of Australian servicemen who participated in the British atomic tests. While Labor supports these bills, it should be noted that they do little to address the longstanding issues of recognition and compensation for the ill-effects that have been claimed to have been suffered by the nuclear test participants.

The issues of recognition and compensation are especially pertinent to the Australian servicemen who participated in the tests. These servicemen have argued for a long time that their service should be classified as ‘non-warlike hazardous’ under the Veterans’ Entitlements Act. They argue that a declaration of non-warlike hazardous service is justified because the testing of atomic test weapons was hazardous and exposed individuals to ionising radiation and toxic chemicals and other risks beyond normal peacetime duties, causing high levels of disease and death amongst participants; the tests were conducted in undue haste with immature technology, inadequate understanding of the science and poor planning and management; the tests were conducted with inadequate safety provisions in place and insufficient knowledge of the risks involved; health physics teams were inexpert, and the various test management and safety committees, including the Australian safety committee, were ill-informed and negligent; Australian members of the armed services were used as guinea pigs in the tests—that is, they were deliberately exposed to radiation, or at the very least those in charge had little regard for their safety, especially if test outcomes were likely to be jeopardised; participants have suffered chromosomal damage as a result of their exposure to ionising radiation and
there have been second and third generation effects; the nature of the tests, the extent of radiation exposures and the shortcomings in safety management of the tests have been deliberately hidden from the Australian public; the whole Australian population was at risk of some level of exposure through fallout; and the service was in the context of the Cold War.

The decision to grant hazardous non-warlike service for any conflict or group can often be very controversial. Therefore, it is no surprise that the government asked the Clarke review to examine the standing of the Australian servicemen in respect of the VEA. The 2003 Clarke review examined this issue. Their conclusions were:

The Committee believes that the British atomic test series was a unique, extraordinary event in Australia’s history. Atomic devices were exploded in Australia, with Australian forces potentially exposed to levels of radiation beyond what would today be considered safe levels. By common sense and by any reasonable measure, service in the test operations must be regarded as involving hazards beyond those of normal peacetime duties.

There is evidence that members of Australia’s armed services were placed in danger from ionising radiation and other toxic materials used in the test program, and natural justice for these members is long overdue. The Commonwealth Government should provide these members of Australia’s armed services with compensation coverage under the VEA.

The Committee considers that service with the British atomic tests should be assessed as non-warlike hazardous service for the purposes of the VEA. A declaration of non-warlike hazardous service would provide the ADF personnel who participated in the testing program with, at least, immediate and free health care for all cancers and for posttraumatic stress disorder whilst claims for compensation are made and determined under the VEA.

The Committee notes the development of a nominal roll of Australian atomic test participants. While it appears that many of the people whose names are on the preliminary roll may have left test sites prior to any tests being undertaken, the Committee also notes advice from DVA that the Department is aware of concerns about the accuracy of the roll and that work is continuing to refine it further. The Committee also notes that a proposal for reconstruction of dosage estimates is being considered. These matters need to proceed quickly and Government should assist with additional resources if necessary. The Government should also consider thoroughly addressing the concerns of the atomic test participants about access to records.

The committee recommended that:

- Participation by Australian Defence Force personnel in the British atomic tests be declared non-warlike hazardous and the legislation be amended to ensure that this declaration can have effect in extending VEA coverage; and
- The Government move quickly to finalise the cancer and mortality study.

With the passage of these bills today the government appears to have ignored these recommendations—recommendations of its own taxpayer-funded independent review. Given this, I would like to say a few words on independent reviews.

Decision making in veterans’ affairs should be as free of politics as you can make it. That will not always be possible but it ought to be an objective we strive for. But independent reviews are rarely an answer in themselves. You have to be prepared to accept their recommendations or have good and clear reasons not to. If you find yourself regularly rejecting the results of independent reviews you have to examine whether or not you have set them up properly in the first place. At times governments have used independent reviews as a mechanism to divert criticism and to try to put a hold on things while they cool off politically. We have
seen that occur with depressing regularity in veterans’ affairs—Clarke is clearly the biggest example and the most relevant to personnel involved in the atomic tests.

Let me be clear: there will be times independent reviews do not get it right, and there will almost always be legitimate differences of opinion about what should be the way forward to resolve outstanding matters. That is just the way it is. But if you are prepared to handpass an issue because it is politically too hot, because it really should not be decided by politicians or because the expertise you can bring to bear from an independent authority is a better way to go, you really have to go with it or have a good reason not to. That is about governments understanding the implications of the decisions they take and being prepared to wear the consequences—not just picking and choosing recommendations when they suit.

It has been a longstanding position of the Labor Party that in government we will reconsider the government’s refusal to recognise the service of the atomic test veterans as non-warlike hazardous. The Howard government and this minister have only offered excuses as to why they are refusing to implement this recommendation. I must admit I find the minister’s refusal to implement this recommendation a little surprising. The Clarke review received a number of submissions on this issue. I would now like to quote from one. It says:

Of all the individual cases and VEA ‘disappointments’ I have canvassed ... two distinct classes of claims seem unfairly treated.

I write in support of operational service such as mine clearing and nuclear veterans’ service being declared hazardous service under the Veterans Entitlements Act 1986.

Nuclear veterans’ service should be declared as hazardous service by the Review of Veterans’ Entitlements (Clarke Review), as Australian Defence Force (ADF) personnel involved in the British atomic tests in Australia were placed in a life threatening environment. Only now are they and the community experiencing the true consequences of their service, in particular the devastating impact of exposure on the health and wellbeing of our veterans.

A high proportion of our veterans involved in the atomic tests have experienced conditions attributed to their exposure to radiation, with many losing their lives.

The author concludes:

Veterans involved in British atomic tests and mine clearance exercises deserve to be recognised as having carried out hazardous service. Although the battlefield may be less conventional, the threat to life and the danger to which our veterans were exposed amount to an active deployment into harm’s way.

The author of this submission to the Clarke review that argued for the atomic test veterans to be granted non-warlike hazardous service was none other than the current Minister for Veterans’ Affairs, the Hon. Bruce Billson MP. This raises the question of why the minister has dropped his support for the atomic test veterans. Why, when the minister finally had the chance to fix what he has called ‘unfair treatment’ and a ‘disappointment’, did he not take it?

Finally, I want to pose the question: is this just another example of the Howard government being strong on rhetoric when it comes to its treatment of the veteran community yet weak on action? This is a government that constantly wraps itself in the flag when it comes to the servicemen and servicewomen of this nation. It is a government that never refuses a photo with these great men and women. It is also a government that will quickly backflip on its earlier offers of support for veterans. Servicemen and servicewomen deserve to be treated as more than photo props. They deserve to be treated with dignity and respect for their service.
Now, I hope I am wrong and the minister has not dropped his earlier convictions, in what would be a startling backflip. I call on the minister today to publicly clarify his position with respect to the Clarke review recommendations on the atomic test veterans. They are recommendations which he clearly endorsed in his submission to Clarke. I might add that in his submission there was no mention about waiting for any result from the health study, which he would have known, at that stage, was underway. He had the information at the time; he still came forward with a view to Clarke that action should be taken on the question of the classification of the service of these veterans. He has, since becoming minister, not acted upon the recommendation. Having said that, I commend the bills to the House and urge their speedy passage.

Mr GARRETT (Kingsford Smith) (11.13 am)—I rise to address the Main Committee in the second reading debate on the Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and cognate bill. I second the comments of the member for Bruce, the shadow minister for veterans' affairs, concerning the history behind this legislation, which we support. I also second his comments about some of the clear omissions which Labor has identified and which are of some concern to the veteran community in Australia.

The date of 27 September marked the 50th anniversary of the British atomic nuclear tests at Maralinga, the Maralinga tests. There has been a 50-year history that those service personnel, British service personnel, the Indigenous people of that area and other Australians have had to suffer consequently. Maralinga has been a saga of epic proportions. I am very confident that, with the benefit of hindsight, when we start to consider the full history—which we are still in the midst of—by discussing this bill in this House, we will recognise that it marked a period of time when Australia had to wrestle itself from its colonial mentality, from its bureaucratic mentalities and from its lack of understanding of the actual emotional, physical and social conditions that service personnel, whether they are in wartime or involved in matters such as the tests, actually face.

Aboriginal people and Australian veterans together mark this 50th anniversary, because that is when their sorrows began. There are many legacies of the tests, but I think they mean that we have to think very carefully about expanding the nuclear industry in this country. We have to think very carefully about the way in which we involve the public in a consultation and participation process, which is the requirement of an open democracy, where we look at the storage of things like radioactive waste and the location where radioactive waste would be. It is true that the Maralinga site to some extent has been remediated, but that has been at great expense, and it has followed a number of efforts to remediate the site. The fact is that the impact of the tests is still being felt by the communities on whose lands these tests took place without their prior knowledge, without consultation and without any form of permission or acknowledgement, and the impact is being felt by them daily.

It is a fact that the Australian government under Prime Minister Menzies permitted the British government to develop a nuclear weapons program in Australia, because the British government felt that it was being denied the opportunity to compete in the development of nuclear weapons whilst the Americans and the Russians were proceeding forthwith, and that between 1952 and 1957 there were 12 major tests, including at Montebello and at Maralinga: the crashing of planes, and nuclear bomb detonations. There are the famous images of Australian servicemen and personnel turning their backs to the detonation and then, only moments...
later, walking onto the site. It is also a fact that the Australian government had paid little at-
tention up until that time to the impact on the health of servicemen and on the Pitjantjatjara
people of that region, who had started to show signs of exposure to the tests, with blindness,
sores and cancers.

It is on the historical record that the Atomic Veterans Association and the Pitjantjatjara
Council were the two organisations which campaigned actively and raised high levels of pub-
lic support both in South Australia and through the rest of the country in order for a royal
commission to be established to put pressure on the British government to meet the cost of the
clean-up. In fact, that royal commission made its rulings under Jim McClelland in 1985. The
commission found, amongst other things, that there were high levels of radioactivity and that,
despite earlier assurances, the site had been contaminated and the clean-up that had been un-
dertaken at the behest of the Australian government with the British government had not been
adequate or satisfactory. One of those recommendations which I want to note briefly con-
cerned the compensation for Aboriginal people who had been affected and exposed. The
Maralinga Tjarutja people won a compensation award of some $13 million at that time.

For veterans it has been an equally difficult period. The McClelland royal commission did
not have the opportunity to make a ruling on the impact and effect of exposure on the health
of servicemen, despite the fact that I think there was clearly acknowledgement both during the
commission and subsequently that Australian service personnel were, in effect, guinea pigs.
And it is true that, subsequently, testing continues to identify and uncover the likelihood of
cancers which these service personnel and others actually suffered.

The subsequent rehabilitation of the site has left about 120 square kilometres not consid-
ered safe for permanent occupancy but considered safe for access. The remainder of the site
has been rehabilitated. Notwithstanding that, there were serious questions raised about
whether the methods used to dispose of the waste were safe and adequate. Different technolo-
gies were used and shallow grave disposal was used in parts. Concerns have been raised sub-
sequently as to whether this was the best disposal method for the waste there, but the fact re-
mains that the site is in a remediated state.

It is important to now look at the pattern of involvement between governments, including
the British and Australian governments, and the department and the veterans’ community who
have brought this bill into the House. There is no doubt that the British used Australian troops
as guinea pigs in the Maralinga tests and there is no doubt that there has been a long, complex
and extremely frustrating process of studies, health surveys and consideration of the issues for
the veterans concerned. The amount of cancer that people received, the kind of testing that is
necessary and the identification of those materials, particularly ionising radiation, on those
who were exposed—a whole range of complex radiological and radioactive issues—have
been considered. There are contested and contentious views about the efficacy of the tests and
studies that have been undertaken, and I will come to some of them in a minute.

The primary point that needs to be made is that at least 15,000 Australians and some
20,000 British personnel were exposed. Governments have a duty of care when personnel are
exposed in a test of this kind. Given the higher incidence of cancers that have been observed
amongst the service personnel and others who were at the site at the time, the probability of
their cancers being in some way connected to that exposure is high.
The veterans have fought long and hard to get justice and they are still fighting today. I support that fight. This bill goes only some way to addressing their issues. Labor does believe that it is important to support the provision of non-liability treatment and certainly cancer testing for those eligible participants of the tests. The title of this bill is ‘Australian participants in British nuclear tests’; it should be ‘Australian veterans in British nuclear tests’. Veterans have had to withstand over the entire history of the Maralinga saga continual frustration of the processes to expedite their concerns about their health.

After enormous pressure on the government, particularly in this parliament and by the veterans, the nuclear veterans cancer and mortality study was set up in 1999. The study took some seven years. In the study and in the debate that led to the mortality study being introduced in 1999, we discovered both through the parliament and through the efforts of the press that Australians had been misled about the involvement of Australia in these tests. Prime Minister Menzies unilaterally decided that the tests could go ahead and the minister at the time, even in answering questions in this House, had not been informed.

There have been years of wrangling and argument over the design of the studies. A number of problematic issues were raised with the studies, including the identification of risk, incomplete records and the alteration of records on the site, which the member for Bruce made reference to in his remarks. But the fact is that the eventual result was to deliver the Clarke review. That review came to a number of conclusions and recommended what governments should identify and respond to in relation to the Maralinga tests.

The review’s conclusions were that the committee believed that the British atomic test series was a unique and extraordinary event in Australia’s history—that was clear enough—and that atomic devices were exploded in Australia with Australian forces potentially exposed to levels of radiation beyond what would be today considered as safe levels. I think the Clarke review says, very sensibly, that, by any reasonable measure, service in the test operations must be regarded as involving hazards beyond those of normal peacetime duties. That is the nub of the legislation that is in front of us, which we do support but which we think is deficient in that regard.

The review went on to find that there was evidence that members of the armed forces were placed in danger from ionising radiation and other toxic materials that had been used in the program and that the Commonwealth government should provide these members of Australia’s armed forces with compensation coverage under the VE Act. That is something that the government has not done as it brings this legislation into the House. I think it is true that servicemen remain anxious about the government’s approach to this particular issue, particularly when it takes such extensive periods of time for people to be able to resolve the issues that they have concerning development of cancers or sicknesses and whether or not that is linked to their earlier participation in these programs.

I do note that by relying initially on British assurances, as we did when the tests began in the fifties, we had very little knowledge about nuclear matters then. The veterans then had to rely on the assurances of Australian politicians, when they really did not know what was happening with the tests. The veterans then had to rely on the assurance of these various committees that were set up. Most importantly, the committee they were themselves involved in at the conclusion of the process that I have just addressed was a consultative committee—and yet,
again, they have not been heard. I think it makes it much more understandable why they have high levels of anxiety.

The Herald Sun investigation in 2002 raised the issue of the way in which the materials were tested in the United Kingdom between 1957 and 1969. Human bone samples had been sent to the United States and United Kingdom to be tested for strontium-90, but the tests were not from communities that had originally been exposed to what were called the ‘rainouts’ that took place as a result of the tests. That is one example of the concerns people have—even though, as the Herald Sun report noted, there was a marked increase in infant mortality in some of those rural areas, including places like Mildura, I think, and Warrnambool, from which samples for the bone studies had not been taken. The seven-year study did show there was no conclusive link, but it also said that those who participated needed to get healthcare cover for cancer, and that is what happens under this bill.

But I must say the consultative forum that was a part of those final studies processes, and the members of that consultative forum—which included service representatives, test veterans, DVA staff, and Allan Batchelor and Jack Lonergan, as the member for Bruce mentioned—have raised a number of important concerns, which I urge the minister to take on board, about the irregular meetings that took place and about some of the crucial matters that were missing in deliberations, particularly of the dosimetric committee, and the issue of the use of highly enriched uranium not being given full consideration. I think it is a matter of some regret that Dr Johnson and Major Batchelor were constantly ignored, as reported in the Canberra Times of 16 December this year, in relation to the matters they raised. These were the communities and, in the case of Major Batchelor, the people who had actually been involved in the tests. Yet the views that they brought, and the questions and concerns that they had, were sidelined by the department, and the last scientific advisory committee actually went ahead without a member of the consultative committee being able to have those issues that they raised fully explored and considered.

By not providing treatment under the Veterans’ Entitlements Act and by not having veterans considered with the respect that they ought to be, there is a continuation of the imbalance of power between governments and retired service personnel and veterans. For a veteran to show that in some way they have been affected by a test of this kind—other than the fact that there have been a number of programs of a limited nature that have permitted that—they effectively have to go into court against the Commonwealth. And they have the burden of proof and have to show that in fact the cancer, the sickness or the suffering that they have was a consequence of the tests.

It is a welcome step in the right direction that we have a bill which provides for non-liability treatment for cancer for the participants in the test, but the key aspect of the Clarke review, which followed on from all of these tests that I have referred to, was simply that non-warlike hazardous service should be granted to the nuclear veterans. The granting of non-warlike hazardous service would permit them to receive disability pensions more easily, and there would be widows pensions and so on that would flow through. It seems hardly unreasonable—given what these people have been through and given that many of them have passed away without their issues being satisfactorily resolved—that the government would be able to do that. I note correspondence by Minister Billson dated 23 August 2002 supporting operational service associated with Maralinga being declared hazardous service. If it is some-
thing which is on the record from the minister, something that we have in front of us, why is it
not reflected in this legislation?

Maralinga will continue to shadow people. It will continue to provide anxiety for those
who suffer bad health and poor health, particularly those who recognise—the great numbers
of them that were in the desert regions when the British let off nuclear tests in the 1950s with-
out their knowledge and without the knowledge of the Australian community—that the sick-
nesses that they still suffer may be a consequence of those tests. The very last thing that we
want to do is not show the level of support that I think everybody in this House agrees these
veteran communities are entitled to.

It is a fact that the efforts of veteran communities are being frustrated. This bill does not go
to the concerns that veterans have raised—and continue to raise—and that have been identi-
fied in the press, including in the Canberra Times article, the Herald Sun article and others
that I have mentioned. If it is a fact that the Clarke review recommendations deserve further
consideration, then that is something which I think we would argue very strongly needs to
happen. I hope the minister will take some notice of that. As the member for Bruce said, it is
essential to find strong support from both sides of the House for the great contribution that
these service men and women made, including at Maralinga, and, more importantly, to recog-
nise what they went through and to correct the deficiencies in this legislation. That is needed
now.

Mr MARTIN FERGUSON (Batman) (11.33 am)—I welcome the opportunity to partici-
pate in this debate on the Australian Participants in British Nuclear Tests (Treatment) Bill
2006 and the 1998 Budget Measures Legislation Amendment (Social Security and V eterans'
Entertitles) Bill 1998. I say that because sometimes one of the most challenging decisions
one has to make as a human being is actually to admit when you are wrong. Just as we owe
the Indigenous people of Australia an apology for wrongs that we as a community did in the
past, so too do we owe our veterans an apology for, and also action to remedy, some of the
mistakes we as a community have made over the last 50 years.

I say that because I very firmly believe that Australia will be a better country when we as a
community are able to confront our past and account for mistakes made. Today’s debate is a
step down that path. As we all appreciate, the British nuclear weapons testing carried out in
Australia between the 1950s and the 1960s belongs to that category of mistakes that need to
be recognised so they can be appropriately resolved. For too long this nation has failed to
properly recognise how the issue of injustice for personnel, citizens and members of local
Indigenous communities, principally the Indigenous community of the Pitjantjatjara, has
dragged on.

The first British nuclear weapons test was conducted in 1952 and the last in 1963, the proc-
ess spanning just over a decade. As speakers in this debate have indicated, there has been a
royal commission that brought down its findings in 1985, the establishment of a nominal roll
in 1999, the independent Clarke review of entitlements released in 2003 and a study into can-
cer and mortality rates with the results released in June this year. It would be interesting, but
time does not permit me, to list the series of veterans’ affairs ministers who have held the
portfolio in this period during which, perhaps, more decisive action should have been taken.

It is now almost 54 years since the first test, detonating 25 kilotons of atomic material, was
carried out on the Montebello Islands, just off the Western Australian coast, as part of Opera-
tion Hurricane. This is also an interesting area with the exploration and developments occurring at the moment in the oil and gas industry, which are creating further new opportunities for Australia. That aside, it is 54 years since the first of the 18,000 Australians to be involved in the nuclear tests, often young men in their 20s, wearing just shorts, sandals and sunhats, stood on the deck of a nearby Royal Navy vessel and were told to turn their backs and place the backs of their hands over their faces so as to shield their eyes.

The first bomb was just one of 12 atomic detonations to be carried out in Australia in the Western Australian islands and in Emu Field and Maralinga in South Australia. There were a further 600 minor trials conducted between 1953 and 1963, including the testing of bomb components. This involved tests designed to help determine the extent of impacts to a nuclear weapon in the event of a transport or storage accident such as fire. They were significant tests that carried significant risks. To give you some idea of just how substantial these tests were, it has been reported in recent days that Russian defence sources estimate that the power of the North Korean test carried out on Tuesday was between five and 15 kilotons.

It has been too long already for the participants of the test to be appropriately recognised by the federal government for the harms they encountered as part of this sorry episode in our nation’s history. For this reason, I join my colleagues in lending support to the Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and the Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) Bill 2006. These bills collectively will provide long overdue non-liability treatment of and testing for cancer for eligible participants in Australian and British nuclear tests.

The findings of the Australian participants in British nuclear tests in Australia study released in June 2006 compared the number of deaths in test participants with that of the general population as well as the number of cases of cancer, whether fatal or not, and the radiation exposure of participants with and without leukaemia—an interesting analysis. It showed that, while the overall death rate in test participants was only slightly higher than that of the general population, there was a significantly higher rate of death from cancer, 18 per cent, in test participants than would be expected in the general population. Science speaks for itself.

The cancer incidence study showed similar figures, with an overall increase in the numbers of cancers in test participants. Cancer was 23 per cent more prevalent amongst participants. The incidence of certain types of cancer was particularly prevalent, including melanoma and leukaemias of all types. In reading the report, the need to provide free treatment and testing for cancer participants becomes abundantly clear, and it is the central reason that the opposition supports the bill. However, we also raise serious issues about whether or not the bill goes far enough.

When released in June, the report concluded that it did not find the increases in cancer rates to be caused by an exposure to radiation, with no relationship found between overall cancer incidence or mortality and exposure to radiation. None of the cancers such as melanoma and leukaemias occurring in excess showed any association with radiation exposure in the study. The report findings obviously saddened the hearts of many of the shrinking number of test participants who are still alive today—and their families—because these people provided anecdotal evidence that personnel involved were used as guinea pigs in the tests to determine the level of human tolerance to nuclear weapons. This is in addition to a flagrant disregard at
the time for the safety of personnel who were almost never provided with protective clothing but were asked to perform acts that put their safety at great risk.

There are, for instance, reports that personnel at Maralinga in South Australia were sent into the bunkers buried only 1,000 metres from ground zero after the detonating of four atomic bombs in that area. Their instructions were to retrieve the data required as soon as possible after detonation and they sometimes went in only one hour after the weapon went off. To retrieve the data instruments they lifted sandbags by hand and removed equipment without wearing protective clothing and breathing apparatus. The tests were carried out, obviously, by the British government in an era where attitudes were driven by fears proliferated by the Cold War. More remarkably however, the tests were carried out with the full agreement, cooperation and support of the Australian government, then headed by Prime Minister Sir Robert Menzies.

The tests are widely perceived today, for whatever reason, as a bid by the British government to catch up militarily with the United States after World War II and with the Soviet Union after the USSR exploded its first nuclear weapon in August 1949. They were designed to enable the United Kingdom to develop nuclear fission bombs and later nuclear fusion or hydrogen bombs. In 1953, and the record shows this, the then Prime Minister, Sir Robert Menzies, responded to a parliamentary question on the testing by declaring that the tests would produce ‘no conceivable injury to life, limb or property’ and that they were essential to ‘the defence of the free world’. Obviously, the world has changed. People are concerned about the impact of those tests.

It is in this climate of national duty to the motherhood of England and with a disregard for appropriate safety precautions, which we can appreciate today, that many participants, fellow Australians, felt that the classification of nuclear test services should be deemed hazardous service. And why shouldn’t it be? The classification of hazardous service under the Veterans Entitlements Act 1986, as a minimum, provides for access to the disability pension for illness or injuries arising out of service. It also allows for access to the war widows pension for surviving partners if their partner’s death is caused by or attributed to the hazardous service. From a government point of view, I suppose, life is about choosing how you actually spend the surplus created by the resource boom in Australia. Some of us consider that these veterans and their widows are entitled to a carve-up of the cake and that is what this debate is about.

That takes me to the 2002 independent government funded Clarke review into the matter, which recommended granting nuclear participants non-warlike hazardous service, which would have brought them under the Veterans Entitlements Act. The review stated that the British atomic test was a unique and extraordinary event in Australian history, with Australian forces potentially exposed to levels of radiation beyond that which would be considered safe, and that is the crux of the debate. It found that it exposed our fellow Australians to levels of radiation beyond that which would today be considered safe, and we cannot run away from that finding and our responsibility as a nation. We thought this was appropriate in the Cold War in the best interests of Australia and Great Britain. Therefore it is appropriate that we, having inherited that responsibility, actually do something about assisting these people in great need. The report went on to state:

The Commonwealth Government should provide these members of Australia’s armed services with compensation coverage under the VEA.
And this was an independent review.

That takes me to a letter from the member for Dunkley, Bruce Billson, to the then Minister for Veterans’ Affairs, Danna Vale, dated 23 August 2002. The member for Dunkley wrote a letter of support for the operation service of nuclear test participants being declared ‘hazardous service’ under the Veterans’ Entitlements Act. How the wheel turns. I find it remarkable that the member for Dunkley, who is now the minister, has done a backflip with respect to the issue he was pursuing as a backbencher. It is a remarkable backflip by the now Minister for Veterans’ Affairs, who then wrote that the Australian personnel involved in the testing were:

... placed in a life threatening environment. Only now are they and the community experiencing the true consequences of their service, in particular, the devastating impact of exposure on the health and well-being of our veterans.

But he went further. He actually likes to write rather flourishing letters, the member for Dunkley and Minister For Veterans’ Affairs. He is not content with penning a few remarks; he actually went further. If he has lost sight of that letter I am more than willing to table a copy for his consideration in response today because it is a very good letter, I might say. It is one that I might have written myself on 23 August 2002 because I also care about these people and a number of them actually reside in my electorate of Batman. That is why I want to remind the minister of what he said on 23 August 2002. Sometimes when people escape the back bench for ministerial office in the oval office section of Parliament House they forget where they come from, and it is our responsibility as the opposition to remind the executive of government of their responsibilities. I am referring to the minister’s letter of 23 August 2002, going to the very issues before the House this morning. He went on to conclude the letter—and I also agree with the well-crafted letter—by stating:

Although the battlefield may be less conventional the threat to life and the danger to which our veterans were exposed amount to an active deployment into harms ways.

It is a remarkable statement for two reasons. Firstly, the government to date not only have refused to implement this recommendation but also have failed to adequately explain why they had not implemented the recommendations of their own independent review of this matter in accordance with the wishes of the minister in his letter to the then Minister for Veterans’ Affairs, Danna Vale, of 23 August 2002. The reclassification would have given test participants and their families greater peace of mind that they would be supported throughout any treatment of illness associated with the tests.

Secondly, it is a remarkable statement because it refers to the participants in the tests as ‘veterans’. We stand here debating the Australian Participants in British Nuclear Tests (Treatment) Bill 2006, not the Australian Veterans in British Nuclear Tests (Treatment) Bill—a huge difference. The government has been careful throughout this debate to refer to these people as ‘participants’ and not ‘veterans’. I have little doubt that this is being done deliberately so that the issue is not confused as being a veterans issue and therefore providing a compelling rationale for the participants to receive entitlements under the Veterans’ Entitlements Act, because under the Veterans’ Entitlements Act the term ‘veteran’ refers to a service person with qualifying war service, which is exceptionally important.

The Clarke review did not recommend that the test participants’ service qualify as war service but it did recommend that the service be deemed ‘hazardous’. However, the failure of the government and the minister to implement this recommendation as a bare minimum is a total
failure of government to properly provide for these Australians who were put at direct risk as a result of the British testing. The disgrace of past shameful deeds is compounded even further when justice is denied to the victims, and this is what is happening through the government’s refusal to properly compensate the nuclear test participants.

It is a disgrace further enunciated by the fact that the United Kingdom War Pensions Agency is now awarding war pensions to nuclear test veterans, and I note here the use of the word ‘veterans’, not ‘participants’. The pension has been extended to those who were at Montebello and Maralinga for cancers of a range of parts of the body, including the colon and prostate, and melanoma and generalised anxiety conditions. Similarly, across the Tasman the New Zealand government has now included the crewmen of the HMNZS Otago in Canterbury who were sent by the New Zealand government to protest the French nuclear tests at Mururoa Atoll in 1973 by providing them with full war pension access. The issue, therefore, for the minister to actually respond to today is: when will the Australian government adopt either the United Kingdom or the New Zealand approach to war pensions for Australian nuclear test veterans and provide those who have suffered with the care and respect they deserve? For so many of the British test participants it is already too late.

This is about making amends, and both major political parties have failed on this front since 1953. We failed to do the right thing in the past. These bills are a step forward, but the job is not yet completed. Therefore, in commending the bills to the House, I simply remind the minister that the job is only partly done. I think, therefore, it is appropriate to enable him to fully and comprehensively respond to the issues that have been raised in this debate. I seek leave to table the member for Dunkley’s letter of 23 August 2002 concerning the need for the then minister to do the right thing on veterans’ entitlements for the people that are very much the subject of this debate, the people that actually carried the burden of that radiation testing over that decade from 1953. I seek leave to table this well-written letter, which in a very succinct way defines what is outstanding from the government’s point of view with respect to these veterans.

Leave granted.

Ms HALL (Shortland) (11.52 am)—I would like to commence my contribution to this debate where the member for Batman concluded his, and that is in reference to the fact that the Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and the related bill refer to those people that served within our defence forces being now regarded as participants and not veterans. I think it is a travesty of justice that these veterans, as I would like to call them—I acknowledge that they are veterans—are being treated as second-class veterans or second-class members of our defence forces. I would also call upon the government to adopt either the UK or the New Zealand model of dealing with veterans who have been involved in or stationed in areas where there has been nuclear testing.

I first became really aware of the issues surrounding our service men and women—but mainly men—being exposed to nuclear testing when I became a member of this federal parliament. I had heard about it before, but I did not understand the extent to which our service men and their lives had been impacted upon by this testing. I will start by sharing with the House a story of a dinner I went to. This dinner had veterans from the defence forces who had been at Montebello and Maralinga. They came together each year as a group to celebrate the fact that they, unlike many of the people that they served with, were still alive.
One of the features of that evening was the passing around of a photo of young men, which I found really chilling, to be quite honest. There were different groups, depending on what regiments they were involved in. When they showed me, they said, ‘Out of this group of men, only three or four of us are still alive.’ Then they went on to tell me about the illnesses and diseases these men had suffered—and, I might add, those illnesses were overwhelmingly skewed towards cancers.

I note that in the minister’s media release earlier this year and in the legislation here today he refers to the fact that Australians who took part in the nuclear testing program from 1952 to 1963 can now access health care through the Department of Veterans’ Affairs. He states that that is in recognition of the special needs of nuclear test participants—not veterans, participants.

I would now like to share with the House the story of a constituent of mine. It is a story I have raised on a couple of occasions within the parliament. The gentleman concerned is Mr Albert Martin, who was stationed at Maralinga at the time of the atomic testing by the UK government in the 1950s and the 1960s. He had worked in the RAAF transport division as a mechanical transport driver. He drove jeeps, trains, cranes, and all forms of earthmoving machinery. They had no air conditioning so their cabins were open and the dust was flying around. He was there at the time of the Vixen B tests in 1957. He developed acute myeloid leukaemia, and a person working alongside him doing exactly the same job as his also developed acute myeloid leukaemia—that is, two people with the same illness in the same area at the same time. Unfortunately, the person who worked alongside him died, which was very sad.

Over a number of years, Mr Martin was involved in a compensation battle. One of the real problems he came up against was that he was not entitled to compensation, because the records at the time had been destroyed. These were the types of issues that surrounded men who served in this area. Instead of the government embracing people who served in our defence forces—people to whom we should be grateful, since we owe them a bit more than we do other people because they have been prepared to serve in really adverse circumstances—the government tried to abrogate its responsibility and not give him the assistance you would expect a government to give to its veterans. He has now been very ill for a long period of time, and the stress this has created for him has made things a lot worse. We had to get in there and fight very hard. In the end he settled for what was a less than adequate form of compensation. I am very pleased that under the new legislation Mr Martin will be able to access health care. I am concerned, though, that the new legislation does not provide travel for the veterans who were at Maralinga.

I am even more concerned when I talk about this particular gentleman, because the Department of Veterans’ Affairs sent him for a medical review by Professor Martin Tattersall. The professor shook hands with Mr Martin as he left his office and assured him that his report would see that he would be receiving good and adequate compensation. The sad part of this story is that the Department of Veterans’ Affairs refused to provide the information that was included in Professor Tattersall’s report to Mr Martin at the time. That information was put aside and would not be released. You might ask: why? The answer to that question—and I do not think that I am a conspiracy theorist in any way—is that the department was not prepared to release information that actually supported that my constituent had developed cancer, acute
myeloid leukaemia, as a result of being stationed at Maralinga at the time of the Vixen B tests in 1957. I see that as a corrupt act by government, an act that is designed to attack those people who served our country. I know that Senator Brown even put a question on the Notice Paper in relation to this. That got no further than the request from my constituent, the letters from me or any other action that we might take.

I still feel, when I read the findings of this report, that the government has not fully come to terms with, and does not wish to come to terms with and acknowledge, the fact that those men who were at Maralinga were exposed to radiation and that radiation has had an enormous impact on their lives. As well as the cancers that are highlighted here, I have had other constituents come and talk to me about the fact that they have had ongoing problems with rashes since the time that they were stationed there. The report found that there was not a significant difference in the death rate between those at Maralinga and those in the general population compared with a similar cohort. But it is interesting: when you dig a little deeper you find that there is an 18 per cent greater incidence of cancer than in the general population.

I would now like to refer to a report that deals with the issue of nuclear testing and with some of the aspects of other reports. A number of studies of the mortality of atomic bomb explosions have been undertaken world wide. Firstly, I would like to refer to the DL Preston paper entitled ‘Studies of the Mortality of A Bomb Survivors No. 8 Cancer Survivors 1950-1982’. This was published in *Radiation Research* volume 111, pages 151 to 178 in 1987. The authors are from the Radiation Effects Research Foundation in Hiroshima and Fred Hutchison Cancer Research Centre in Seattle in the US. The study is that of residents of Hiroshima and Nagasaki who were within 2,500 metres of Hiroshima’s hypercentre or within 10,000 metres of Nagasaki’s hypercentre, as well as a sample of Hiroshima survivors who were 2,500 to 2,000 metres from the hypercentres and persons from each city who were not in the city at the time of the bombing or who were at least 10,000 metres from the hypercentre at the time.

Of just over 120,000 members of the cohort as described above, some 39,890 deaths occurred during the period 1950 to 1982. These included 8,112 deaths due to malignant neoplastic diseases and included 222 deaths due to leukaemia. That study has shown that leukaemia, as with all those other types of cancers, relates to the detonating of nuclear devices.

There is also the Darby paper, a summary of mortality and incidence of cancer in men from the United Kingdom who participated in the United Kingdom atmospheric nuclear weapons test and experimental programs. The senior author is Sir Richard Doll, who was a Director of the Imperial Cancer Research Fund, epidemiological and clinical trials unit of the University of Oxford, as well as the National Radiological Protection Board in the UK. This study notes that some 22,347 men who participated in the United Kingdom nuclear tests and experimental programs in Australia and the Pacific between 1952 and 1967 were identified from the archives in the Ministry of Defence and followed up.

Their mortality and incidence of cancer was compared to those of 22,316 matching controls selected from the same archives. The risk of mortality of the participants related to the controls was 1.01 for all classes and 0.96 for all neoplasms. Thirty-eight causes of death were examined separately. Significant differences in mortality were found for leukaemia, multiple myeloma and other injuries. The bottom line is that all studies have shown that being exposed to radiation increases the risk of cancer for those people—and I could go on. I have more re-
search papers here that highlight time and time again that exposure to radiation actually increases the risk of cancer.

What do we have before us today? Today we have before us legislation to deal with participants—participants!—in British nuclear tests. I actually think that we should hang our heads in shame, because we are not talking about participants here; we are talking about veterans. We are talking about people that were prepared, asked absolutely no questions, to go in there and perform their duty—a duty in which they unknowingly placed themselves in a position where they were exposed to harmful radiation.

Governments of all persuasions have tended to bury their heads in the sand and not accept this fact. Those people are getting second-class treatment; they are not being treated in the same way as other veterans. They were at the forefront of the defence forces here in Australia, yet what we are saying is that they were participants. I do not think they were participants. I think that the government and the minister should do better. What we need to do is embrace them, bite the bullet and say, ‘These men are sicker and so many of them have died because of their involvement at the testing at Maralinga, and their wives and families have suffered as a result of the fact that they have been sicker or that they have lost their lives.’ They should be treated in the same way as those veterans who are classified as being involved in warlike service.

I will conclude my remarks by strongly encouraging the minister to go back and read those submissions that were made. Go through and read them all and look at the human suffering that is involved in those submissions. Listen very carefully and maybe go and talk to some of those veterans. Go to one of those dinners that I went to, where you sit down around the table with those veterans who were involved in the nuclear testing and listen to what they say and embrace their concerns.

Mr Billson—Of course, you would have been the only person who had done that! Sanctimonious Shortland strikes again.

Ms HALL—I understand, Minister, that you are feeling a little defensive about this, because you have not truly embraced the concerns of those people who were stationed at Maralinga at the time.

Mr CREAN (Hotham) (12.11 pm)—I rise to support the Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and the Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) Bill 2006. The Australian Participants in British Nuclear Tests (Treatment) Bill 2006 is an important step forward because it does represent justice to people who have served this nation—there is a social justice dimension to recognition of that service that this bill goes part of the way in addressing. Our problem with the bill is that it does not go far enough. We support it to the extent it goes, but our concern is that it refuses to implement the recommendation of the Clarke review to grant nuclear veterans’ non-warlike hazardous service, which would have brought them under the Veterans’ Entitlement Act.

I heard the interjection between the minister and the member for Shortland, who spoke previously. I point out that when he was a member and not a minister back in August 2002 he supported the very thing I think he was accusing her of being sanctimonious about.

Mr Billson interjecting—
Mr CREAN—you will have your opportunity to talk. I refer you to the fact that in 2002 you wrote a letter to the then Minister for Veterans’ Affairs, saying:

I write in support of operational service such as mine clearing and nuclear veterans’ services being declared Hazardous Service under the Veterans’ Entitlement Act 1986. Nuclear veterans’ service should be declared as hazardous service by the review of veterans’ entitlements—the Clarke review.

That is the very thing that the member for Shortland has been arguing and has been castigated for by way of interjection from the minister. Do not talk about sanctimony or hypocrisy unless you are prepared to apply the standards to yourself. We on this side of the House, whilst we support what is being done, do not believe it goes far enough. It should go further in accordance with what has been recommended by the very extensive review—the Clarke review—into entitlements. It was something that the government hung onto for months. They certainly delayed the release of the report in the lead-up to the last election.

My concern on this issue goes back to the period when I first became actively involved in the issue of people suffering from the fallout of nuclear tests and the consequences of nuclear tests, particularly the tests conducted by the British with Australian government sanction and support. My period of experience goes back to 1991 when, as Minister for Primary Industries and Energy, I, together with the Minister for Foreign Affairs, Gareth Evans, had carriage of the task of seeking from the British government a contribution towards compensation for the victims of British nuclear tests. At the time we successfully got the British government to make a contribution of some £20 million—an outcome that was designed to, in its own words, support future claims for compensation for participants.

In that agreement, which took us two years, I might say—between 1991 and 1993—it was recognised that there could be future claims. At the time a fair bit of that money was to be used for the clean-up at Maralinga. We had many discussions with the Tjarutja people, who lived on the Maralinga lands and whose lands had been used during the tests. These people had suffered consequences as result of the tests and there was also a need for a major clean-up of the lands in question. At a subsequent stage I was involved with the hand-back of the Montebello Islands to the Western Australian government. In recognition of the tasks those islands had fulfilled in the national interest by allowing the British tests, the lands were returned to the state to which they originally belonged, as part of the Commonwealth territory.

I come to this debate from the point of view of understanding that this is a longstanding issue that needs to be addressed. The Labor Party has not only had a recent commitment to do something about it but also it has had a longstanding commitment to do something in support of justice for the victims of the nuclear tests that were conducted by the British government using Australians and with the full support of the Australians.

It is interesting to go into the history of this to understand what we are dealing with. There were some 12 direct tests, major tests, undertaken between 1952 and 1957. There were atomic detonations at Montebello Islands, Emu Field and Maralinga. These tests were conducted by the British in the development of nuclear bombs and they were done, as I say, with the cooperation of the Australian government. The Australian government had given full authority for this to happen. It has to accept clear responsibility for the consequences, just as we believe the British government had to make a contribution to the solution. The British government have made that contribution, but the Australian government has been dragging its feet in terms of its solution.
It is not just the 12 tests in question that I refer to, because they were the major ones, but there were some 600 minor trials, some causing extensive site contamination, according to the reports in question. The exposure issue—the victim exposure consequences—also includes people on contaminated sites after the tests. In total, 17,000 Australians participated, compared with approximately 20,000 British. So a significant number of Australians participated in this.

It is interesting to look at the way different governments treated this exercise. There have been several inquiries and case studies into the implications of these tests. When the coalition government was in office in 1980, the Australian Ionising Radiation Advisory Council was asked by the then science and environment minister Senator Webster to investigate the claims. Essentially, the report concluded that the tests were conducted within the limits existing at the time and that no persons were exposed to any excessive radiation. Subsequent to that—after Labor came to office, in 1983—we saw the Donovan report, the Kerr committee report in May 1984 and then the McClelland royal commission, which was established in 1984 and which presented its report in 1985. On the basis of the McClelland report, approaches were initiated to seek compensation from the British government.

So there was denial up till 1980—essentially it was said that there was no connection—and then a realisation during the 1980s that there was a serious connection. It is important to make the point that the medical evidence shows that there is no proven causal link between the nuclear tests and the increased incidence of cancer suffered by people who were present at the tests. But as the member for Shortland has indicated, there is a wealth of information showing a strong correlation between a rate of cancer higher than the rest of the population and having been exposed to the tests. That is something no responsible government can ignore. There is no point waiting for the medical evidence to prove watertight and conclusive. These people are suffering. They need attention. Their loved ones need to know they are going to be properly cared for. This bill goes part of that way, but only part. I would urge the minister to reconsider his position and to adopt the position he was advocating only a few years ago.

The compensation from the British government was a recognition of their involvement in this. It was all done at their instigation, with our approval. The British government were very reluctant to do it. They knew that any commitment to compensation was an admission, not only of their involvement, but also of their obligation to make restitution. Whilst 17,000 Australians were affected by this, 20,000 British were also involved. So any recognition by the British government of an obligation to award compensation or offer assistance to the victims in Australia, by consequence, had to have implications for the British. That is the reason they commissioned a number of reports themselves, which postdated the McClelland royal commission and which have been relied upon by those of us who take an interest in this matter on this side of the House. I have no doubt that there is interest in this matter by those on the other side of the House as well; I am not trying to pretend we are the only ones; I am merely trying to demonstrate that we have been prepared to make a commitment to sensible restitution. That is why we are arguing that this government needs to carry on the good work. They will not have any truck with us in dealing with this matter. This is a matter that can get bipartisan support. We can demonstrate in our concern for the victims and their loved ones that there is a circumstance in which the parliament as a whole has a view that not only do they need to be
looked after but also they need to be looked after in accordance with recommendations that came from a very extensive view.

The fact is that this bill provides an ability to treat these people but it does not go to the question of compensation—and that is the glaring deficiency in terms of this legislation. Compensation, as we all know, has been very difficult for these victims to obtain. The digest that the Parliamentary Library put together—I do not have time to go through it, but anyone who is interested should look at it—demonstrates how difficult it is for victims to obtain proper compensation. It is very costly. There are delays with the court system, particularly at a time when they are stressed and very ill and this adds to that stress. And there is worry for their family. Why should we put them through this? And, if we are prepared to recognise that we need to treat them because we have an obligation, why shouldn’t we go the next step and deal with the compensation? That is the question I pose to the minister. The Clarke review looked at that question and recommended that we urge the government to embrace that issue. We urge the minister to look again and to go back in his files to the position that he advocated on behalf of victims in his constituency. Just as the member for Shortland has victims in her electorate, we all have them. As there are 17,000 people at various stages, these concerns would be raised with all of us as members of parliament.

This is a question of justice. Part of that justice is being served by recognising that the government should pick up the tab for the treatment of these people for their cancers. However, we say: go the next step and adopt the recommendation of the Clarke review. In the meantime we are prepared to support this legislation, but I seriously urge the minister to reconsider and to join with us in a bipartisan way in recognising that we have an obligation to these people who served their country as they were asked to do. They did not know of the risks inherent in that service—none of us did. I think it is very interesting that in the current context, when we are all outraged about what is happening in North Korea with its detonation of further tests, we know now much more about the consequences that these things can wreak on nations, on stability—and on individuals. We have to be honest with ourselves in recognising the impact on these victims and in understanding that they performed this service not because they chose to but because they were required to. The government authorised them to perform this service and, having done that and their having suffered the consequences, we should be prepared to look after them better than this legislation does.

Mr BILLSON (Dunkley—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence) (12.28 pm)—The Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and associated bill will give effect to the government’s decision to provide non-liability treatment of and testing for cancer for eligible Australian participants in the British nuclear tests. The government has recognised the special health needs of some nuclear test participants, which have been identified through the morality and cancer incidence study conducted on behalf of the Repatriation Commission. Although the study found that the rate of some cancers among nuclear test participants was higher than in the general Australian population, it did not find any link between the increase in cancer rates and exposure to radiation. Despite this lack of association between cancer rates and radiation exposure, the government has decided that it is appropriate to provide treatment for nuclear participants who have any form of cancer. Persons who may be eligible under the Australian Participants in British Nuclear Tests (Treatment) Bill are Australian defence personnel—
Mr Crean interjecting—

Mr BILLSON—and I encourage Labor members to actually read the bill. They are Australian defence personnel, Australian Public Service employees and third party civilian contractors. I was, frankly, flabbergasted to hear Labor speakers condemn the use of the word ‘participants’, saying this should only be about veterans. We are not only about veterans; we are all about veterans and we are all about the civilians, the public servants and the contractors. I would be interested to see the extent to which the member for Shortland would reflect on her remarks and those of some of the speakers before her, including the member for Batman, calling for this measure to be focused solely on veterans. It would be a great injustice and an enormous disservice to ignore the reality that it was not only serving members of the Australian Defence Force involved in these tests and not incorporate in this process—

Ms Hall interjecting—

The DEPUTY SPEAKER (Mr Hatton)—Member for Shortland, you have had your go.

Mr BILLSON—No amount of interjections, and no matter how sanctimonious the member for Shortland can be, can change the simple fact that there are more people of concern, of interest and able to benefit from this measure than the Labor Party seems to appreciate. Labor wants it only for veterans. Shame on Labor.

The government has put forward a proposal that takes account of all the participants in the tests, not solely those members of the Australian Defence Force. Labor should hang their heads in shame for placing those civilian, public servant and contractor participants out on a limb by announcing that they do not deserve to be part of this package. It is an abomination. I was completely appalled to hear the Labor members who have spoken on this bill call for this proposal to be only about veterans. What a mistake. What a shame. Labor have hung them out to dry.

The bill does have a broader reach and that is why we are using the term ‘participants’. Treatment will be provided through the Department of Veterans’ Affairs to eligible persons under the Australian Participants in British Nuclear Tests (Treatment) Bill 2006. They will have access to extensive healthcare services, including GP services, hospital care and pharmaceutical benefits—not just the ADF personnel; the civilians, the contractors and the public servants who Labor has hung out to dry in its contribution here today.

Persons eligible under the Australian Participants in British Nuclear Tests (Treatment) Bill 2006 will also be entitled to claim travelling expenses for costs incurred in receiving treatment for cancer—again, a point that the member for Shortland got woefully wrong. It does cover travel. Had she been sufficiently interested, she would have heard the member for Bruce laud that measure in his contribution. But then the member for Shortland condemned the bill for not actually covering something it does cover and which has been recognised by one of her colleagues.

Furthermore, the Australian nuclear test participants will have continued access to existing statutory workers compensation schemes such as the Safety, Rehabilitation and Compensation Act 1988 and the administrative scheme administered by the Department of Employment and Workplace Relations. So the machinery for compensation is already in place. I encourage any of the participants—not just the veterans but those we are also concerned about who were party to these processes those many years ago—who feel they have health conditions that are
linked to their participation and service at these tests to lodge claims. There are mechanisms already available for compensation—again, something that seems to be conveniently overlooked by Labor members or something that seems to be part of the appalling politicisation of this issue, and I will come to that point shortly.

These bills will assist in addressing the health needs of the military and civilian personnel who participated in the British nuclear tests. These bills demonstrate this government’s sincere commitment to this group of Australians. As part of the government’s response to the Clarke report, the government made a commitment to respond positively to the needs of those affected by the British nuclear tests in Australia after the report was finalised. That commitment is being met, honoured and fulfilled. Although the study did not show an association between the elevated cancer rate and radiation exposure, the government has decided to provide non-liability healthcare treatment.

Ms Hall—Mr Deputy Speaker, I have a question for the minister.

The DEPUTY SPEAKER (Hon. IR Causley)—Will the minister accept a question?

Mr BILLSON—I am always happy to accept a question.

Ms Hall—A moment ago the minister was talking at length about the Labor Party or the opposition—

The DEPUTY SPEAKER—Questions need to be precise.

Ms Hall—this is a question—wanting to limit this legislation to veterans. I would like the minister to say where he gets that information from, as opposed to the fact that we are calling for a better deal for veterans.

Mr BILLSON—I am happy to respond. Out of your mouth, Member for Shortland. I encourage you to read the Hansard, consider your language and you will find that is exactly what you were saying. If you are not happy with that, read the member for Batman’s contribution where the point was also made. I thank you for your question.

Mr Crean—Mr Deputy Speaker, I seek to intervene as I have a question for the minister.

The DEPUTY SPEAKER—Will the minister accept a question?

Mr BILLSON—I am happy to.

Mr Crean—How can the minister make that assertion when we are supporting his bill? If you are arguing that we are narrowing the definition then you must be narrowing the definition yourself.

Mr BILLSON—That is an interesting debating point but, again, the member for Hotham might care to actually look at the remarks of his colleagues and he will see that what is in there is very self-evident. The government’s primary concern is the health and wellbeing of those involved. Treatment will be provided to nuclear test participants for all forms of cancer, including throat cancer, prostate cancer and skin cancer. I again emphasise that it will not be constrained to the veterans, as was being called for by the Labor Party, but will be for the civilians, the contractors and the public servants who were also involved. This treatment is available to all the military personnel, public servants and third party civilian contractors who were present at the site.

All Australian participants in the nuclear tests who have an address recorded with my department have been sent a letter inviting them to register for health testing and possible treat-
ment for any cancer. In addition, there have been advertisements placed in national newspapers, and that will alert people to the availability of this government funded cancer treatment for the nuclear test participants. Once the individual has been confirmed as a nuclear test participant, he or she, whether civilian, ADF personnel, contractor or APS member, will receive a white card for testing for and treatment of cancer.

In 1999 the Australian government commissioned a study into whether there was an increased rate of death and cancer amongst nuclear test participants compared to the general Australian population. This study has been completed and it has been referred to in some of the remarks following my release of it on 28 June 2006. There are two volumes to that study. Volume No. 1 is on radiation exposure. That is a topic that was canvassed, touched upon and skated over by some of those who spoke. Volume No. 2 was on the mortality and the cancer incidence.

In respect of that first issue of radiation exposure, the dosimetry work is world-class work. Some people often dismiss workers, saying, ‘Well, it’s not rocket science.’ This is rocket science. It has been critically assessed, peer reviewed and validated as being world-class research to establish the doses of radiation that would have been present and to which participants would have been exposed. That has been cross-calibrated against other records and peer reviewed internationally to be a world-class body of work.

From that world-class body of work, the second volume draws its insights around the mortality and the cancer incidence. The final report on the overall death rate for the nuclear test participants shows that it is similar to that of the general Australian population. However, there is an increase in the rate of cancer and cancer related deaths compared to the general population. In layman’s terms, this increase equates to five more cancer deaths per year amongst nuclear test participants compared to what would be expected for the general population. But, as I mentioned earlier, the study did not find any link between the increases in cancer rates and the exposure to radiation.

For those members with a genuine interest, we know that radiation has a scientific and medical impact on cells, on our health. It is not something that is just plucked out of the air. It does not represent a trigger or an impact factor on all kinds of cancer. The science, the medicine and the insights that guide those links are well established, and I would encourage those members opposite with a genuine and sincere interest in this topic to pay attention to that work. As the member for Batman said, science speaks for itself. He was absolutely correct, and I implore those members opposite to give effect to that and, as the member for Hotham said, to be honest with ourselves when we are talking about the scientific-medical causal link with health outcomes that can be related to and associated with people’s participation in these tests. I would encourage people to have a look at those things.

The majority of the nuclear test participants were exposed to additional radiation, the equivalent of one CAT scan per year. To put that in some context, the average Australian is usually exposed to an equivalent of one to two CAT scans per year. This is the science that has been robustly analysed, tested and validated through peer review. As I mentioned earlier, the nuclear test participants have for some time been able to claim compensation and treatment under the Safety, Rehabilitation and Compensation Act, under which equivalent benefits have also been made available to third party civilian contractors, pastoralists and Indigenous Australians as well as under a special administrative scheme.
So the machinery that the Labor Party is calling for is actually in place. It is actually in place, and claims under those mechanisms have been received, have been processed and have been accepted, and compensation and health care in relation to people’s involvement with activities at these tests have already been completed and continue to be accommodated by these processes that are in place. So the study is important. It is world-class. It differs from some of the earlier studies that were referred to by the previous speakers. Quite sadly, those studies were referred to by previous speakers as if to create some kind of criticism of previous Liberal governments and to somehow pump up and praise Labor in its own efforts.

Ms Hall interjecting—

Mr BILLSON—And the interjections go to that point right now. These events happened a long time ago. People have been living with the concern that these events had an impact on their health. The government has conducted probably the most significant internationally credible research on the subject that has drawn these insights forward. It has shown what the outcomes are by looking at mortality and cancer incident data. It has done the science to establish the dosimetry—the amount of radiation to which people were exposed. It then undertook and gave its assurance that it would respond positively. That is exactly what it has done through these mechanisms.

Let me come to some of the other issues that were raised. The member for Batman and the member for Bruce were gleeful in sharing with this parliament a letter I wrote on 23 August 2002. Doesn’t that show you that there has been a credible and sincere engagement on this subject for a long time? As many colleagues in this place have, I have spoken to a constituent in my electorate. The member for Shortland does us all a disservice by inferring that no-one in this place other than her may have spoken with someone who was a participant. I was concerned for this constituent’s health. He was not a well man. I was concerned that he had cancers. I was concerned that the cancers he had, according to the best scientific evidence, were not able to be accommodated through the need to establish a causal link between those cancers and some of the rehabilitation and compensation mechanisms I have already spoken about.

I was keen to help. I put forward an idea. I provided input to the Clarke review. The Clarke review received other input. The review reflected on the much earlier studies that came to a different conclusion and suggested that some of the earlier British studies did not even identify some of the insights we have gained about cancer. The Clarke report came down with its view. The government responded. The government said it recognised that what I was keen to pursue as an avenue to deliver health care and support to the constituent who had raised his concerns with me had never been granted in the manner in which I was arguing.

The idea of non-warlike hazardous service had never been granted for service within Australia. That still is the case today. It is in fact the precursor to the non-warlike service classification that is exercised today. But did I give up on that point? No. We continued further to make sure that the outcome that my constituents were looking for was delivered—and that was access to health care. That is what my constituent was after—access to health care. Through this package before the parliament today, that is exactly what is being delivered—mechanisms for claims to be lodged, processed and accepted, with compensation and health care available in relation to injuries and illness seen to be and proven to be linked to people’s participation in these tests.
The member for Batman talked about the science speaking for itself, and I have touched briefly on those issues. I have also touched on the issue of Labor’s condemnation of this package because it covers participants, not just veterans. We need to realise that it was not only serving members of the ADF involved in these tests. Civilians, third party contractors and members of the Australian Public Service were involved, and they deserve our support. That is why the call from the Labor Party to contain this to veterans is just an abomination. The member for Shortland said that we should be hanging our heads in shame. They were her words—that this should be about veterans. I have touched on that and shown what an absolute nonsense her words are, given the important coverage and support that civilians, public servants and third party contractors rightly deserve.

The member for Shortland said the government did not want to address the issue. We could not be more transparent about this. The reports are available. There have been scientific advisory committees and consultative committees. The data is out there. If the member for Shortland has any examples regarding the proactive and positive obligation on the Department of Veterans’ Affairs to support and compile information that enables claims made by veterans to be determined in a fair, considered and equitable way, I am more than happy to pursue those individual cases.

I have touched on the cost of travel. That is not a correct statement by the member for Shortland either. The member for Bruce suggested that Major Alan Batchelor had raised points with me that had not been responded to. Again, that is a completely false statement from the member for Bruce. I have written back to Major Batchelor and thanked him for his participation in this process. I acknowledged that he had experience and some insights to share. I also acknowledged that he had some differences of opinion with the scientific experts on the scientific advisory committee and that not all of his arguments could be incorporated because they were not considered to be able to be supported by the scientific advisory committee. To say his concerns have not been addressed is a blatantly incorrect statement by the member for Bruce. I have two letters here that go back to the very issues that Major Batchelor raised and how they had been accommodated in the study process.

Another person, by the name of Jack Lonergan, was mentioned by the member for Bruce. Again, the member for Bruce was asserting that he had not been responded to. That is not correct either: Mr Lonergan has been responded to. We have recognised his great interest in this work as well as pointing out to him the government’s response, the circumstances that gave rise to it and the availability of the detailed report.

Finally, another issue that the member for Bruce mischievously tried to elevate was that there had been some degree of secrecy around all of this. He sought to suggest that a newspaper article by Paul Malone published in the Canberra Times on 14 September 2006 was proof positive that there had been some secret adulteration of the report. How odd that he did not go on to read the rest of the article, where it actually acknowledges that my department’s research partners identified some tables that had been incorrectly tabulated in the report, how that had been identified on the website and how an addendum was available in the published copies of the report to point to the changes in that material. A senior researcher at the University of Adelaide was involved in a study and advised our department on 28 August 2006—which was some days before the publication of this article, I might add—that the publication error had occurred in relation to one table. So, despite the claims of the Canberra Times, re-
peated in here by the member for Bruce, this was the only error of which I and my department were aware and it was identified by those involved with the study.

The publication error has no effect on the study’s overall findings, an issue that is understood and acknowledged by all those concerned, and the remedy has been provided by a change to the material available on the website, including a note pointing to those changes. You could hardly say that was secret. It has been mentioned in the newspaper from which the member for Bruce sought to quote to prove his point and it has also been publicised on the website and in the printed copies. This is a positive response to the circumstances associated with all those participants involved with the British nuclear testing. That was the government’s undertaking, that was our goal, that has been my ambition as a member of parliament for many years and that is what is delivered through this package. I commend these bills to the House.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Ordered that the bill be reported to the House without amendment.

**AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT) (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2006**

Second Reading

Debate resumed from 14 September, on motion by **Mr Billson**:

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.

Ordered that the bill be reported to the House without amendment.

**DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 2006**

Second Reading

Debate resumed from 7 September, on motion by **Mr Billson**:

That this bill be now read a second time.

**Mr HATTON** (Blaxland) (12.49 pm)—I am in continuation in this debate on the Defence Force (Home Loans Assistance) Amendment Bill 2006. I will have a crack at finishing, but I think I might come up short again. It has been a while since I have spoken on this bill. When I spoke previously for about seven minutes, I made the core point about this particular bill in relation to defence matters. I quote from the library’s *Bills Digest*:

A review of the DHOS—
the Defence Home Owner Scheme—
was announced by the ADF on 10 May 2006. The broad objectives of the review—
which are allowed for in the next year by the extension of the existing scheme for a year un-
der this bill—

---

**MAIN COMMITTEE**
are to develop a revised scheme that:
• supports recruitment, retention and resettlement;
• is cost effective for defence; and
• recognises the benefits home ownership provides to both members and defence.

A criticism I made previously—the criticism made by the shadow minister for defence, the member for Barton—in part went to the whole question of timeliness. Instead of an extension for a year, the review should have already been conducted. We should have been at the point now where new legislation could have been introduced to introduce a new scheme which would go to all those points.

We are by necessity happy to support this extension so that a proper review can be undertaken of a defence home ownership scheme that necessarily needs to take place over an extended period of time this year to make sure that you get the right outcome, because circumstances have dramatically changed since 1991, when the former Labor government introduced the Defence Home Owner Scheme. When it was introduced, the original subsidy, given that it was 1991, was $40,000 per member of the Defence Force. That was later increased to $80,000 per member of the Defence Force. Where there is a married couple, currently it is $160,000 for that couple. But if you were to look, as the shadow minister for defence did, at the specific operation of the bill, you would know that $80,000 is not going to get you very far and you would know that $160,000 is also not going to get you very far either and that in that circumstance you will not go very far at all in terms of paying for the full cost of a loan.

As I pointed out last time, we are dealing with a cocktail loan situation. During the member for Bennelong’s period as federal Treasurer, the way in which people got loans for housing was by virtue of a cocktail loan. You could get a relatively small amount of money from a banking institution, but then to get the rest you had to go to a much higher rate of interest from non-bank institutions. The fundamental change made by Treasurer Keating in the last Labor government was to give banks primacy of place within the lending system and to allow—in 1991 under the Defence Home Owner Scheme, through an agreement with the National Australia Bank—a scheme whereby defence personnel were subsidised, with particular reference to their very unusual circumstances, as a way in which to try to keep people in and offer them the benefits of home ownership when they are in fact peripatetic by nature. They wander from one end of the country to the other or they are posted overseas. They know that they may be in one place for a year’s or a two-year or a three-year posting. They may, if they are lucky, get an extended period of posting, but they can travel from one end of Australia to the other and therefore it is no surprise to anyone that a lot of people prefer to rent rather than to buy.

I want to quote directly from the shadow minister in regard to this because he gives a pretty good example of just how the scheme operates:

As an example, a loan of $80,000 at, say, 7.7 per cent would require a payment of $569 per month. The subsidy on that would be $120.93, leaving a reduced payment of $448 a month. That is a significant saving but the drawback is that, if you are in advance of repayments, you cannot redraw—that is, you cannot re-borrow the amount of your entitlement. You can, however, transfer the loan to a new property once the existing property is sold. In essence, that is a summary of how the scheme works.

In essence, that is a summary of how the scheme works. However, although it is portable, there is a fundamental problem here. It is portable only after you have sold the existing prop-
erty and then gone on—you can then go and buy a new property. However, everyone in Australia knows, including people in the defence forces, that selling a property you have not owned for very long in fact puts you further back. Although there is an advantage because of this subsidised home loan scheme, the cost of taking out the mortgage in the first place—and, in particular, in the first five years the relative amount of interest you are paying on that loan—is significant. There are also costs associated with selling. It is also the case that where you are geographically and whether you are in a rising or declining interest rate environment will have an impact on you.

The shadow minister pointed out that currently there are 6,500 ADF personnel using the scheme. But if you compare that to about 70 per cent home ownership in Australia as a whole, it is no wonder you would say there is a fundamental disjunction here between the percentage of home ownership in Australia and the percentage of home ownership in the defence forces. A core part of this is because Defence Force people move around a lot, but also there is the issue of the relative benefits to people in taking the home ownership subsidy versus taking what are comparatively generous rental subsidies.

As I pointed out last time, if you talk to the young people who are at HMAS Cairns or who are at other posts around Australia, mostly they are in rental accommodation. For those people who are young, not yet married, just starting out in the services, you can understand the fact that they would not pin themselves down. I spoke to a number of people at HMAS Cairns, including one senior officer who had spent a whole life of service within the defence forces before she undertook to buy her own home—in this case in the Cairns area. She had lost the benefit of that defence home ownership scheme over all of those periods of her service. She had gained some benefit from the rental subsidies, but she could have done much better. She could have had the whole life of her Defence Force career to pay off that loan rather than be in a foreshortened position at the end. That is one of the factors that we need to look at in the review.

I also want to look at the context of why it is important to have a review now and why that is so significantly different to what the situation was before. Mr Deputy Speaker, I draw your attention to the first part of the second reading contribution by the member for Fisher, where he was arguing that the member for Barton had misunderstood what the Prime Minister had said. He said that the problem was not interest rates, which was what the member for Barton was saying; it was the lack of availability of land. I do not think there is much lack of availability of land up in Cairns. I do not think you would find much lack of availability of land throughout most of the defence postings in Australia. I do not think you would find that across a number of areas where people might buy and locate themselves. But he went on to say this—and this is indicative of part of the problem, at least with the member for Fisher:

I think the member for Barton unintentionally placed interest rates as being the reason for people being unable to purchase homes, which is a fairly unusual statement bearing in mind that interest rates, relatively speaking, are still low compared with what they have been historically.

I am sorry, Mr Deputy Speaker, but that is just plain economically illiterate to simply argue that the notional level of interest is now low, that there was a higher level previously. I would have to grant that the level now is much less notionally than the level of interest was when the member for Bennelong was Treasurer. When the member for Bennelong was Treasurer, we had double-digit interest rates. We also had a double-digit inflation rate and a double-digit
unemployment rate. It may be correct to say that, on a notional basis, if you do a straight comparison between the interest rates and say that 7.7 per cent is less than 10.9 per cent, which is what the interest rate was in January 1983 when the member for Bennelong was Treasurer, then one is lower than the other. But what you have to take into account is the effective rate of interest. What is the effective rate of interest? You work out the effective rate of interest by taking away the inflation rate from the interest rate.

The people in the Reserve Bank know and understand this, and I would hazard a guess that the people in the National Australia Bank who are actually running this scheme know and understand it as well. It is not just the headline rate; it is the effective rate of interest. That is why, if you look at the rate of inflation over the period of the Labor government—over the 13 years—you will see that we had a five per cent rate of inflation over that period. What you had under the Fraser period was a 10 per cent rate of inflation. We had high unemployment during that period. There was equally high unemployment during the Fraser period because of the recession of 1982-83.

The impact on interest rates and how that directly impacts on people in the defence forces is told in this way—not in terms of the headline rate but in terms of the difference between the inflation rate and that rate. If you look at affordability, if you look at the question of just the comparison between how much people owe and how much those interest rates are, the indexes simply prove this. I think the index was 39.6 in terms of affordability in the Keating period. That is versus the housing affordability rate of 39.4 during the Howard period. The higher numbers indicate a greater degree of affordability in that situation, and this is what Labor has been arguing now for some time. The lower interest rate is based on the fact that inflation was smashed as a result of policies to deal with the recession. It should have been smashed for all time, but it has been increasing.

Let us look at the impact in terms of what this government had as its foundation in 1996. There was an inflation rate of 2.9 per cent. That inflation rate and the fact that inflation was smashed and contained have allowed a lower rate of interest in the subsequent period. We face the situation where, because of low inflation and relatively low perceived mortgages, and because of people taking up housing, we have had an explosion in the cost of that housing. It is the key reason why we need to look at affordability for defence personnel. That is the key reason why we need to have a review of this program.

The dramatic increase in cost is not just a result, as the Prime Minister would put it, of the fact that people are wealthier. There is a question of whether or not people can actually afford this. Given the historically low level of home ownership within the defence forces compared to the population at large, we desperately and urgently need this review. It should have happened already. It should happen in the next 12 months. *(Time expired)*

Debate (on motion by Mr Wakelin) adjourned.

**Main Committee adjourned at 1.03 pm**
QUESTIONS IN WRITING

Australian Taxation Office
(Question No. 3118)

Mr Fitzgibbon asked the Minister for Revenue and Assistant Treasurer, in writing, on 27 February 2006:

(1) What proportion of small business compliance activity does the Australian Taxation Office (ATO) do over the phone.

(2) Are telephone calls the most common way of dealing with small business compliance; if so, are the phone calls made from call centres.

(3) Is each small business always contacted by the same tax officer; if not, how are the particular circumstances of each business known to the officer making the call.

(4) How is information recorded if an oral ruling is given and how can a record of an oral ruling be given to a small business.

(5) How many times in (a) 2004 and (b) 2005 has the ATO has taken legal action against a small business on the basis of ATO errors and, in each instance, how far did proceedings progress before the error was discovered.

(6) On what criteria does the ATO decide whether to take legal action against a taxpayer.

(7) What proportion of cases where the ATO took legal action in (a) 2004 and (b) 2005 involved debts of less than $25,000 and what is the average length of time the court action took.

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

(1) For 2005-06, phone cases made up 39% of small business (up to $10m turnover) compliance activity in the ATO.

(2) As indicated above, phone cases made up 39% of small business compliance activity. However, office and field based audits, reviews and letter products are also used. Telephone calls are made from the call centres for some issues, and by compliance case officers (not based in a call centre) for other issues.

(3) No, a small business can be contacted by different tax officers, depending on the nature of the enquiry. Each officer will establish the client profile by accessing business systems for information prior to contacting the business.

(4) The ATO does not provide binding oral rulings to small business clients on business tax issues.

(5) (a) and (b) The ATO does not currently collect specific data in this regard.

(6) The ATO wants to see viable businesses continue to trade. Businesses are encouraged to approach the ATO where they face difficulties in making payments. Correspondence and phone contact are made before firmer action strategies are applied. Legal action is generally only taken after appropriate warnings are given and, where necessary, the ATO will take action leading to bankruptcy or company wind-up where debts are not addressed.

(7) In answering this question ‘took legal action in a reporting period’ has been interpreted to mean resolved through court proceedings (whether by obtaining judgment on a summons or the making of a winding-up or bankruptcy order) in that period (regardless of the commencement date). The dollar value of the debt is based on the amount initially claimed, which may be different from the amount referred to in final orders.

(a) In 2004, 62.8% of court debt recovery cases involved debts of less than $25,000. The average time between issuing a summons and obtaining judgment was 177 days. The average time be-
between lodging a winding-up or bankruptcy application and the making of final orders was 114 days.

(b) In 2005, 65.4% of court debt recovery cases involved debts of less than $25,000. The average time between issuing a summons and obtaining judgment was 124 days. The average time between lodging a winding-up or bankruptcy application and the making of final orders was 128 days.

Cameron-Milne Inquiry
(Question No. 3427)
Mr Martin Ferguson asked the Treasurer, in writing, on 9 May 2006:
(2) Will he clarify whether the Government intends to implement the recommendation which seeks an extension of court discretion to use alternative dispute resolution schemes operating in the financial services sector to give relief from avoidance of the contract by the insurer where non-disclosure had occurred or where some misrepresentation had been made in the completed insurance proposal.

Mr Costello—The answer to the honourable member’s question is as follows:
(1) A public consultation package is being prepared that will include the details of draft legislative proposals based on recommendations of the Cameron-Milne Inquiry. The Government will decide whether to proceed with the proposals following the receipt of comments on the draft proposals.
(2) See the response to Question (1) above.

Defence (Special Undertakings) Act: Prosecutions
(Question No. 3627)
Mr Melham asked the Attorney-General, in writing, on 13 June 2006:
(1) On what occasions has he, or a person acting under his direction, given consent to the prosecution of a person for an offence under the Defence (Special Undertakings) Act 1952.
(2) In respect of persons prosecuted for an offence under the Defence (Special Undertakings) Act 1952, what are their names and the charges made against them.
(3) Is he, or his Department, aware of any previous prosecutions made under the Defence (Special Undertakings) Act 1952; if so, what are the details.

Mr Ruddock—The answer to the honourable member’s question is as follows:
(1) On one occasion, in April 2006, consent was given to the prosecution of four people under the Defence (Special Undertakings) Act 1952.
(2) These four persons are: Bryan Law, Donna Mulhearn, Adele Goldie, James Dowling.
All of these persons have been charged under section 9(1) of the Defence (Special Undertakings) Act 1952, and three of these persons have also been charged under section 17(1) of that Act.
(3) After a search of the Departmental filing system, I am unaware, and my Department is also unaware, of any previous prosecutions made under the Defence (Special Undertakings) Act 1952.

Medical Treatment Visas
(Question No. 3777)
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 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:

Data on the average period of time Medical Treatment Visa holders actually spend in Australia are not available. However the table at Appendix A shows the average length of Medical Treatment Visas.

APPENDIX A

Average length of Medical Treatment Visas for the years 1996-2006 (inclusive).

Total Number of Visa Grants & The Average Allowable Stay Days* For Visa Subclass 675 and 685

Period: 1 July 2003 to 30 June 2006

Source: Data Warehouse - Visa_ods as at 24 July 2006

Reference No.: T8789

*Stay days based on ‘Visa Stay Days’ in the visa grant record. This is a record of grant information only; it does not guarantee that the client eventually arrived onshore and does not take into account any visa extensions or other activity onshore.

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Visa Subclass</th>
<th>Stay Period</th>
<th>Total Grants</th>
<th>Average Allowable Stay Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>675</td>
<td>0 and &lt;= 1 Week</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>2003</td>
<td>675</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>2003</td>
<td>675</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>191</td>
<td>29</td>
</tr>
<tr>
<td>2003</td>
<td>675</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>120</td>
<td>56</td>
</tr>
<tr>
<td>2003</td>
<td>675</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>1485</td>
<td>90</td>
</tr>
<tr>
<td>2003 - 675 Total</td>
<td></td>
<td></td>
<td>1829</td>
<td>80</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>0 and &lt;= 1 Week</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>9</td>
<td>26</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>21</td>
<td>43</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>87</td>
<td>85</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>&gt; 3 Months and &lt;= 6 Months</td>
<td>166</td>
<td>154</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>&gt; 6 Months and &lt;= 1 Year</td>
<td>99</td>
<td>303</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>&gt; 1 Year and &lt;= 2 Years</td>
<td>4</td>
<td>461</td>
</tr>
<tr>
<td>2003</td>
<td>685</td>
<td>Greater Than 2 Years</td>
<td>6</td>
<td>1442</td>
</tr>
<tr>
<td>2003 - 685 Total</td>
<td></td>
<td></td>
<td>402</td>
<td>186</td>
</tr>
<tr>
<td>2004</td>
<td>675</td>
<td>0 and &lt;= 1 Week</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>2004</td>
<td>675</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>28</td>
<td>14</td>
</tr>
<tr>
<td>2004</td>
<td>675</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>296</td>
<td>29</td>
</tr>
<tr>
<td>2004</td>
<td>675</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>351</td>
<td>57</td>
</tr>
<tr>
<td>2004</td>
<td>675</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>3238</td>
<td>90</td>
</tr>
<tr>
<td>2004 - 675 Total</td>
<td></td>
<td></td>
<td>3922</td>
<td>82</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>0 and &lt;= 1 Week</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>23</td>
<td>25</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>71</td>
<td>48</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>147</td>
<td>84</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>&gt; 3 Months and &lt;= 6 Months</td>
<td>269</td>
<td>151</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>&gt; 6 Months and &lt;= 1 Year</td>
<td>222</td>
<td>322</td>
</tr>
<tr>
<td>Calendar Year</td>
<td>Visa Subclass</td>
<td>Stay Period</td>
<td>Total Grants</td>
<td>Average Allowable Stay Days</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>-------------</td>
<td>--------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>&gt; 1 Year and &lt;= 2 Years</td>
<td>12</td>
<td>498</td>
</tr>
<tr>
<td>2004</td>
<td>685</td>
<td>Greater Than 2 Years</td>
<td>1</td>
<td>1827</td>
</tr>
<tr>
<td>2004 - 685 Total</td>
<td></td>
<td></td>
<td>761</td>
<td>179</td>
</tr>
<tr>
<td>2005</td>
<td>675</td>
<td>0 and &lt;= 1 Week</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>2005</td>
<td>675</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>18</td>
<td>14</td>
</tr>
<tr>
<td>2005</td>
<td>675</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>357</td>
<td>29</td>
</tr>
<tr>
<td>2005</td>
<td>675</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>179</td>
<td>52</td>
</tr>
<tr>
<td>2005</td>
<td>675</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>3073</td>
<td>90</td>
</tr>
<tr>
<td>2005 - 675 Total</td>
<td></td>
<td></td>
<td>3641</td>
<td>81</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>0 and &lt;= 1 Week</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>49</td>
<td>22</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>51</td>
<td>47</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>119</td>
<td>83</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>&gt; 3 Months and &lt;= 6 Months</td>
<td>274</td>
<td>151</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>&gt; 6 Months and &lt;= 1 Year</td>
<td>227</td>
<td>309</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>&gt; 1 Year and &lt;= 2 Years</td>
<td>14</td>
<td>573</td>
</tr>
<tr>
<td>2005</td>
<td>685</td>
<td>Greater Than 2 Years</td>
<td>15</td>
<td>1795</td>
</tr>
<tr>
<td>2005 - 675 Total</td>
<td></td>
<td></td>
<td>756</td>
<td>211</td>
</tr>
<tr>
<td>2006</td>
<td>675</td>
<td>0 and &lt;= 1 Week</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>2006</td>
<td>675</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>2006</td>
<td>675</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>148</td>
<td>29</td>
</tr>
<tr>
<td>2006</td>
<td>675</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>70</td>
<td>53</td>
</tr>
<tr>
<td>2006</td>
<td>675</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>1599</td>
<td>90</td>
</tr>
<tr>
<td>2006 - 675 Total</td>
<td></td>
<td></td>
<td>1850</td>
<td>82</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>0 and &lt;= 1 Week</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>&gt; 1 Week and &lt;= 2 Weeks</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>&gt; 2 Weeks and &lt;= 1 Month</td>
<td>13</td>
<td>26</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>&gt; 1 Month and &lt;= 2 Months</td>
<td>15</td>
<td>44</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>&gt; 2 Months and &lt;= 3 Months</td>
<td>65</td>
<td>85</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>&gt; 3 Months and &lt;= 6 Months</td>
<td>101</td>
<td>158</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>&gt; 6 Months and &lt;= 1 Year</td>
<td>86</td>
<td>295</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>&gt; 1 Year and &lt;= 2 Years</td>
<td>12</td>
<td>663</td>
</tr>
<tr>
<td>2006</td>
<td>685</td>
<td>Greater Than 2 Years</td>
<td>30</td>
<td>1691</td>
</tr>
<tr>
<td>2006 - 685 Total</td>
<td></td>
<td></td>
<td>336</td>
<td>318</td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
<td>13497</td>
<td></td>
</tr>
</tbody>
</table>

**Australia Post Letterboxes**

*(Question No. 3845)*

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 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 street posting boxes.
(3) What plans does Australia Post have to install or remove street 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:

(1) Australia Post has provided the following table which shows the number of street posting boxes that have been removed, relocated or installed in the eleven postcode areas in question during the last five years:

<table>
<thead>
<tr>
<th>Postcode area</th>
<th>Removed</th>
<th>Relocated</th>
<th>Installed</th>
</tr>
</thead>
<tbody>
<tr>
<td>3024</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3026</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3028</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3029</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3030</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>3211</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3335</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3337</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3338</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3340</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3427</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>-</strong></td>
<td><strong>1</strong></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>

(2) Australia Post has advised that its Street Posting Box policy of 2004 sets out the criteria used to determine the siting, relocation and removal of street posting boxes and is published in full on its website www.auspost.com.au.

(a) In so far as siting is concerned, Australia Post has advised that the policy states:

“In metropolitan areas of capital cities and provincial cities, a street posting box will be provided at or near all postal outlets (a possible exception being outlets inside shopping centres that are not accessible after hours). In addition, street posting boxes will be provided to ensure that residents have access to a lodgement point within 2 kilometres.

In providing street posting boxes, Australia Post will give preference to locating them at:

- Regional and strip shopping centres,
- Commercial estates,
- Well used railway stations and transport interchange points,
- Universities; and
- Areas such as CBDs where heavy postings can be anticipated.

In rural towns and communities, a street posting box will be provided at or near postal outlets.

Additional factors to be considered in site selection include:

- Safe access, including good street lighting for customers and Post, employees/contractors clearing street posting boxes,
- Traffic restrictions and local/State laws and/or regulations,
- Customer access to nearby posting facilities; and
- Community views/needs.

Consideration will be given to the provision of street posting boxes in special cases to cater for the needs of concentrations of the aged and disabled people, including hospitals.”

QUESTIONS IN WRITING
(b) In so far as relocation and removal are concerned, Australia Post has advised that the policy states:

“From time to time consideration may need to be given to the relocation or removal of individual street posting boxes where, for example:

- Safety factors for either customers or staff have changed and the continued provision of the street posting box is considered dangerous (eg changed traffic conditions or changed traffic flows),
- The location of the street posting box is or has become contrary to Australian Road Rules,
- The average amount of mail posted per day is less than 25 items and an alternative street posting box is available,
- A postal outlet is relocated; or
- Ongoing vandalism is a problem.

Where a street posting box is considered for possible relocation or removal, a comprehensive consultation process will be undertaken to ensure community views or special needs are taken into account. Specifically,

- The local Federal Member and businesses likely to use the street posting box will be advised of the proposal and the rationale,
- Other users of the street posting box will be informed via:
  - a sign on the street posting box for a minimum of 30 days, and
  - a paid advertisement in the local newspaper.
- Any concerns will be discussed with respondents and the local Federal Member; and
- Once a decision has been made, the local Federal Member, businesses and respondents will be advised accordingly, including the reasons for the decision. Other users will be informed of the outcome by means of a paid advertisement in the local newspaper.

No relocation/removal action will commence until the consultative process is completed and the decision endorsed by senior management.

In exceptional circumstances, it may be necessary to expedite the relocation of a street posting box for emergency or safety reasons (eg changed traffic conditions). In such cases, local residents and businesses would be appropriately informed. A general notice would also be placed in the local newspaper.”

(3) Australia Post has advised that it currently has plans to install one additional street posting box in postcode area 3029.

Telstra: Payphones
(Question No. 3851)

Mr Georganas asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 9 August 2006:

How many payphones (a) provided by Telstra and (b) in total were, or will be, available in Australia at 30 June (i) 2004, (ii) 2005, (iii) 2006 and (iv) 2007.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(a) Telstra has advised that the number of Telstra operated payphones available in Australia at 30 June for each of the following years was/will be:
(i) 2004 – 32,606;
(ii) 2005 – 31,320;
(iii) 2006 – 30,091; and
(iv) 2007 – this figure cannot be anticipated.

(b) According to the Australian Communications and Media Authority’s Telecommunications Performance Report 2004-05, the total number of payphones available in Australia at 30 June for each of the following years was/will be:

(i) 2004 – 64,803;
(ii) 2005 – 61,735;
(iii) 2006 – this figure has not yet been published; and
(iv) 2007 – this figure cannot be anticipated.

Small Business National Roundtable
(Question No. 3901)

Mr Fitzgibbon asked the Minister for Small Business and Tourism, in writing, on 10 August 2006:

(1) Will the Minister provide details of the number of attendees who have participated in each Small Business National Roundtable to date.

(2) How does her department protect the confidentiality of information provided by small business owners, including business names and addresses, to prevent the use of this information by the Liberal Party.

(3) If the information referred to in part (2) is not protected; why not?

Fran Bailey—The answer to the honourable member’s question is as follows:

(1) Approximately 700 people signed the registration list for the Small Business Roundtables. Another several hundred people participated in the roundtables but did not formally register. This figure does not include officials.

Australian Greenhouse Office: Rainwater Tank Investigation
(Question No. 3905)

Mr McMullan asked the Minister representing the Minister for the Environment and Heritage, in writing, on 14 August 2006:

In respect of the Australian Greenhouse Office rainwater tank investigation:

(1) has the Department of Environment and Heritage (DEH) received the report from Comcare on investigation; if so, (a) when was it received and (b) when will it be released publicly; if not, when it expected to be received.

(2) why has the report taken so long, given that Comcare was notified of the issue by DEH 17 December 2005, and given the legitimate health concerns of many people who have worked building.

(3) has the Community and Public Sector Union been involved in the investigation on behalf members.

(4) have staff files been annotated as requested by the union with details of the possible exposure.

(5) have any employees or former employees of the Australian Greenhouse Office reported problems that could be related to the water contamination.

(6) given that pregnant women are the group most at risk from contamination, (a) have all pregnant women who have worked in the office been contacted, counselled and tested, (b) have their children been tested and (c) if so, have any reported above normal levels of lead, zinc and copper.
(7) what treatment has been given to any persons identified in part (6).

**Mr Truss**—The Minister for the Environment and Heritage has provided the following answer to the honourable member’s question:

(1) Yes.

(a) 10 August 2006.

(b) The Comcare Report has not been released publicly but was provided to the Department of the Environment and Heritage (DEH) staff on 14 August 2006. The Report has also been made available to interested parties.

(2) This question should be addressed to Comcare.

(3) Yes, the Community and Public Sector Union (CPSU) has been able to make representations to DEH and Comcare.

(4) Staff files have been annotated on the recommendation of the Consultant Occupational Physician engaged by the Department. Results of blood tests carried out under Departmental arrangements or forwarded by employees who chose to be tested privately have been placed on individual staff files.

(5) DEH does not have this type of medical information. This would be a matter between the Occupational Physician and individual staff member. However, the investigation into health aspects of the water contamination conducted by the Occupational Physician, concluded that, no employees had blood lead levels which exceeded the National Health and Medical Research Council recommended level or reached levels hazardous to health: no cases of lead poisoning were identified: there was no evidence of biochemical changes and no increase in symptoms suggestive of lead poisoning and based on current medical knowledge, no long term adverse health effects are anticipated in employees who consumed contaminated water during this period.

(6) (a) Yes, all DEH staff known to be pregnant have been contacted and offered counselling and testing.

(b) The Occupational Physician advised that there was no health requirement to have these children tested.

(c) No, the Occupational Physician concluded that no employee who had been pregnant or breastfeeding at any time during the period October 2003 until December 2005 was noted, or estimated, to have had a blood lead level that exceeded the current threshold known to place their foetus or baby at risk.

(7) DEH does not have this medical information. Any treatment would be a matter between the Occupational Physician and the individual staff member.

**Consultancy Services**

(Question Nos 3908 and 3910)

**Mr Bowen** asked the Minister for Foreign Affairs and the Minister for Trade, in writing, on 14 August 2006:

Has the Minister’s office, or any department or agency in the Minister’s portfolio, engaged any consultant or other form of external assistance in the preparation of any speech to be made by the Minister in the financial year 2005-06.

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

Yes.
Consultancy Services
(Question No. 3909)

Mr Bowen asked the Treasurer, in writing, on 14 August 2006:
Has the Minister’s office, or any department or agency in the Minister’s portfolio, engaged any consultant or other form of external assistance in the preparation of any speech to be made by the Minister in the financial year 2005-06.

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

Australian Bureau of Statistics
Yes. JRPR was engaged without reference to the Treasurer or his office to assist with a speech made by the Treasurer on the occasion of the ABS’ centenary celebrations on 8 December 2005. The cost was $700 excluding GST.

Australian Competition & Consumer Commission
The Australian Competition & Consumer Commission has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Australian Office of Financial Management
The Australian Office of Financial Management has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006

Australian Prudential Regulation Authority
The Australian Prudential Regulation Authority has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Australian Securities and Investments Commission
The Australian Securities and Investments Commission has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Australian Taxation Office
The Australian Taxation Office has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Corporations & Markets Advisory Committee
The Corporations & Markets Advisory Committee has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Inspector-General of Taxation
The Inspector-General of Taxation has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

National Competition Council
The National Competition Council has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Productivity Commission
The Productivity Commission has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.
Royal Australian Mint
The Royal Australian Mint has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Treasury
The Treasury has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Minister
The Treasurer has not engaged any consultant or other form of external assistance in the preparation of any speech made by the Treasurer in the financial year 2005-2006.

Consultancy Services
(Question No. 3919)

Mr Bowen asked the Minister for Employment and Workplace Relations, in writing, on 14 August 2006:

(1) Has the Minister’s office, or any department or agency in the Minister’s portfolio, engaged any consultant or other form of external assistance in the preparation of any speech to be made by the Minister in the financial year 2005-06?

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

(1) No.

Australian Federal Police: Regional Rapid Deployment Teams
(Question No. 3929)

Mr Bevis asked the Minister representing the Minister for Justice and Customs, in writing, on 14 August 2006:

In respect of Australian Federal Police (AFP) Regional Rapid Deployment Teams: (a) how many teams currently patrol Australia’s regional airports; (b) what is the average annual cost per team; (c) how are the teams constituted; (d) how many sniffer-dogs are allocated concurrently to each team; (e) how many AFP personnel are allocated to each team; (f) what is the average duration of training for the sniffer-dogs; and (g) what is the average cost of sniffer-dog training.

Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

(a) The AFP has four Regional Rapid Deployment Teams (RRDT) deploy to airports around Australia. These teams are based at Brisbane, Melbourne, Perth and Sydney airports, with each team having a geographic area of responsibility within Australia.

(b) The AFP received $20.7m over a five year period to fund the RRDT. The annual budget figure for the four RRDT is $4.1m per year. This gives an average cost per team of $1.025m per year.

(c) Each RRDT is made up of eight AFP Protective Service Officers. A team consists of a Team Leader (Senior Protective Security Officer), Deputy Team Leader (Protective Security Officer Grade 2), five Protective Security Officers and one Firearms Explosive Detection Canine and Handler. One team member will also perform the role of Bomb Appraisal Officer, which is a separate role to the canine handler.

(d) Each RRDT has one Firearm and Explosive Detection (FED) canine team, comprised of one canine and one handler, allocated to it for operational duties.

(e) Each RRDT is made up of eight AFP members.
(f) The average duration of training to develop a canine and their handler is 15 weeks which can be broken down into the following components:
- Pre-selection of canines, duration one week;
- Pre-course development of canines, duration two weeks; and
- Course canine and handlers, duration 12 weeks.

There is an ongoing requirement for revalidation training, which occurs after 12 months of operational deployment and runs for 4 weeks. Proficiency maintenance training requires one day per week and quality assurance requires two days every six months.

(g) The cost to train one FED canine team is $90,000. The ongoing revalidation training is $15,000 per annum per team.

**Aged Care**

(Question No. 3930)

Ms Hall asked the Minister representing the Minister for Ageing, in writing, on 15 August 2006:

For the areas of (a) the Central Coast and (b) Lake Macquarie, in the federal electorate of Shortland, how many people are waiting for (i) low care beds, (ii) high care beds, (iii) dementia-specific beds and (iv) aged care packages.

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

The Department of Health and Ageing does not have data on the number of people who may be waiting for an aged care place or package.

The Department does record the number of people approved to receive aged care but who have not yet entered care. However, not all people with an approval are actively seeking to enter aged care, so we do not know how many can reasonably be said to be waiting for care.

**Civil Marriage Celebrants**

(Question No. 3931)

Ms Hall asked the Attorney-General, in writing, on 15 August 2006:

(1) Why are authorised civil marriage celebrants (a) denied automatic access to legal advice from his department; (b) given no legal status within his department; and (c) represented only by a non-elected national advisory council, which has no power to implement policy or press for reform within the program.

(2) Can he provide (a) the average number of weddings performed annually in Australia by authorised civil marriage celebrants and (b) a breakdown of the distribution of weddings performed by authorised civil marriage celebrants across the civil celebrant program.

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

(1) (a) It is not the role of my Department to provide legal advice to private individuals. Commonwealth registered marriage celebrants are provided with extensive information to assist them in fulfilling their obligations under the *Marriage Act 1961* and the *Marriage Regulations 1963*. This includes information which is legal in nature. All Commonwealth marriage celebrants are provided with a document entitled “Explanatory Material for Marriage Celebrants”. All marriage celebrants appointed since the Marriage Celebrants Program began on 1 September 2003 have been given this document as part of their appointment package. My Department writes to all Commonwealth registered marriage celebrants at least once every year. Additional legal information is provided to all marriage celebrants at this time if it is appropriate to do so. All Commonwealth marriage celebrants are required to undertake five hours of ongoing profes-
sional development each year. The topic and content of at least one hour of ongoing professional development is set and prepared by officers of my Department. This session deals with legal issues and provides detailed information to assist marriage celebrants fulfil their legal obligations under the Marriage Act. My Department also provides legal information to individual marriage celebrants who seek it in order to fulfil their obligations with regard to specific marriages they have performed or will be performing in the future. This information is provided in response to phone calls, e-mails and other requests in writing for information.

(b) Marriage celebrants appointed under the Marriage Celebrants Program are not officers of the Commonwealth, nor are they employed by the Commonwealth. They are authorised by the Commonwealth to perform marriages in accordance with the law and fulfil responsibilities provided for in the Marriage Act.

(c) I am not certain what body the honourable member is referring to as a ‘non-elected national advisory council’. There is an organisation called the National Council of Authorised Celebrants Australia which consists of representatives from some of the marriage celebrant representative associations. In addition, there are 17 marriage celebrant associations across Australia which marriage celebrants may join. These associations are outside Government and it is not appropriate or possible for them to implement policy. They are at liberty to liaise with my Department and with me on behalf of their members and press for reform. Officers of my Department attend meetings of associations regularly. I have told marriage celebrant associations that I am available to meet with them at any mutually convenient time. I have met with a number of associations.

(2) (a) and (b) The Australian Bureau of Statistics in the latest edition of its publication *Marriages in Australia* reports that, for the calendar year 2004, 110,958 marriages were solemnised in Australia. Of these, 65,100 or 58.7% were performed by civil marriage celebrants. Civil marriages are performed by civil marriage celebrants authorised by the Commonwealth and by State and Territory officers authorised to perform marriages in the offices of the Registrars of Births Deaths and Marriages in each State and Territory and in some courts around Australia. My Department does not have information about the breakdown of the numbers of civil marriages performed by civil marriage celebrants, and State and Territory officers. It is therefore not possible to calculate the average number of marriages performed by civil marriage celebrants. However, based on information sent to my Department by civil marriage celebrants, for 2004-05 the following information is available: 434 performed no weddings, 1448 performed 1-50 weddings, 237 performed 51-100 weddings, 50 performed 101-150 weddings, 14 performed 151-200 weddings and 9 performed more than 200 weddings.

My Department keeps records of the principal place of residence of Commonwealth registered marriage celebrants but does not keep records of the location of the weddings performed by individual marriage celebrants. Marriage celebrants are authorised to perform marriages at any place in Australia.

**East Timor**

(Question No. 3932)

Mr Bevis asked the Minister representing the Minister for Justice and Customs, in writing, on 15 August 2006:

(1) What is the total number of Australian police officers currently serving in East Timor.

(2) Of the police officers identified in part (1), how many are (a) Federal police, (b) Protective Services officers or (c) State or Territory police.

(3) Of the police officers identified in part (2) (c), what number have come from each State or Territory.
Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

On 15 August 2006 there were a total of 197 personnel deployed in Timor Leste by the Australian Federal Police (AFP). This included a policing/protective services element of 181 personnel, comprised as follows:

1. 197 personnel deployed by the AFP to Timor Leste broken down as follows:
   - 155 sworn Australian Police Officers;
   - 26 AFP Protective Service Officers; and
   - 16 unsworn AFP administrative personnel.

2. (a) 82 Federal police;
   (b) 26 Protective Service officers; and
   (c) 73 State and Territory police.

3. 12 Queensland police;
   10 South Australia police;
   12 Tasmania police;
   27 Victoria police;
   10 Western Australia police; and
   2 Northern Territory police.

Media Ownership
(Question No. 3941)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 15 August 2006:

Further to the Minister’s reply to question No. 3558 (Hansard, 10 August 2006, page 131), why does the Minister not rule out the Government allowing further concentration of media ownership in Australia.

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.

Tourism Australia
(Question No. 3949)

Mr Martin Ferguson asked the Minister for Small Business and Tourism, in writing, on 16 August 2006:

1. Since the appointment of Tim Fischer as Chairperson of Tourism Australia,
   (a) how many meetings of Tourism Australia have been held,
   (b) where have the meetings been held and
   (c) did she attend any of the meetings.

2. Did any of these meetings discuss problems relating to the work performance of Chief Executive Officer, Scott Morrison, and/or did any member of the Board discuss Mr Morrison’s performance with her at any time other than at the meetings referred to in part (1).
Fran Bailey—The answer to the honourable member’s question is as follows:

(1) (a) Nineteen meetings of the Tourism Australia Board have been held.
(b) The meetings have been held according to the following schedule:

<table>
<thead>
<tr>
<th>No.</th>
<th>Venue</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>002</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>003</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>004</td>
<td>Sydney, NSW</td>
</tr>
<tr>
<td>005</td>
<td>Alice Springs, NT</td>
</tr>
<tr>
<td>006</td>
<td>Hobart TAS</td>
</tr>
<tr>
<td>007</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>008</td>
<td>Teleconference</td>
</tr>
<tr>
<td>009</td>
<td>The Indian Pacific</td>
</tr>
<tr>
<td>010</td>
<td>Sunshine Coast QLD</td>
</tr>
<tr>
<td>011</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>012</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>013</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>014</td>
<td>Gold Coast QLD</td>
</tr>
<tr>
<td>015</td>
<td>Elmore, VIC</td>
</tr>
<tr>
<td>016</td>
<td>Canberra ACT</td>
</tr>
<tr>
<td>017</td>
<td>Sydney NSW</td>
</tr>
<tr>
<td>018</td>
<td>By teleconference</td>
</tr>
<tr>
<td>019</td>
<td>Port Douglas QLD</td>
</tr>
</tbody>
</table>

(c) Yes, Board Meeting 011. The former Minister for Small Business and Tourism, the Hon Joe Hockey MP attended Board meeting 001.

(2) Board meetings regularly discuss issues relating to performance of Tourism Australia and its staff. The Minister for Small Business and Tourism, the Chairman of Tourism Australia and Board Directors routinely discuss matters relevant to the performance of the organisation, which can include the performance of senior managers.

Office Consumables Tender
(Question No. 3953)

Mr Martin Ferguson asked the Special Minister of State, in writing, on 16 August 2006:

(1) In respect of the tender to supply all current and retired MPs with office consumables: (a) when were tenders called and what is the expected contract period; (b) which company has held the last three contracts and what was the (i) tender period and (ii) value of each contract; (c) how many pages does the tender contract have, and (d) what checks are undertaken to ascertain whether the companies tendering are Australian-owned.

(2) Is there a mandated requirement for clients to use the service provider to process the services; if not, is there a list of accredited service suppliers and appropriate purchasing guidelines for clients.

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

(1) (a) The Request for Tender was advertised on the AusTender website on 30 June 2006. The expected contract period is an initial term of three (3) years with two (2), separate one (1) year options that the Commonwealth may exercise at its discretion.

(b) Office consumables to Senators and Members’ electorate offices are currently supplied by Corporate Express Australia Ltd (Corporate Express). The former Department of Administrative Services entered into a contract with Corporate Express in February 1997 which provided,
under a common use arrangement, for the supply of offices. This arrangement remained in effect after the creation of the Department of Finance and Administration. Following the contract’s expiry in 2002, arrangements with Corporate Express were extended on a month to month basis.

(i) Corporate Express has held the contract since 1997.

(ii) The contract is a common use arrangement and the value of the contract varies from year to year depending on the level of ordering activity. During the last three (3) financial years the expenditure on delivery of office consumables to Senators and Members’ electorate offices has been:

- Financial Year 2003-04 $3,151,992.63
- Financial Year 2004-05 $4,540,095.92
- Financial Year 2005-06 $3,831,644.07

(c) The Request for Tender (RFT) contains 192 pages, of which the draft contract represents eighty-eight (88) pages.

(d) The Australian Government procurement policy framework is non-discriminatory including in relation to the nationality of the companies that bid against the RFT. All potential suppliers should have the same opportunities to compete for Government business and must, subject to the Commonwealth Procurement Guidelines, be treated equitably based on their legal, commercial, technical, and financial abilities, and not on their degree of foreign affiliation or ownership, location or size.

(2) The contract, once let, will engage a service provider on a non-exclusive basis. This would allow Senators and Members to order outside the contract, for example with a local business or businesses. There is no list of accredited service suppliers. The Commonwealth Procurement Guidelines provide appropriate guidance to the low value purchasing process likely to arise in circumstances when Senators and Members purchase outside the contract. The intention of the contract is to allow Senators and Members access to the benefits that flow from the bulk buying power of a national service provider. Senators and Members will be advised by circular once the contract is let.

Please note: The delivery of office consumables is limited to all current Senators and Members’ electorate offices and to the Commonwealth-funded offices of former Prime Ministers. The current contract and the proposed new contract will not deliver consumables to other retired Members of Parliament.

Industry, Tourism and Resources: Programs and Grants

(Question No. 3956)

Mr Tanner asked the Minister for Industry, Tourism and Resources, in writing, on 16 August 2006:

What is the projected expenditure for 2007-08 to 2009-10 for

(a) Biofuels Capital Grants,
(b) the Fishing Hall of Fame,
(c) Hismelt and
(d) the Pharmaceuticals Partnership Programme.

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

(a) The projected expenditure for the Biofuels Capital Grants Program
2007-08 - $4388,000 (program ceases 2008 -09)
(b) The projected expenditure for the Fishing Hall Of Fame  
2007-08 and 2008-09 is Nil.
(c) The projected expenditure for Hismelt  
2007-08 and 2008-9 is Nil.
(d) The projected expenditure for the Pharmaceuticals Partnership Programme  
2007-08 - $48,028,000  
2008-09 - $41,037,000 (program ceases in 2008-09)

Environment  
(Question No. 3961)

Mr Albanese asked the Minister representing the Minister for the Environment and Heritage, in writing, on 16 August 2006:

(1) When will the 2006 State of the Environment (SoE) report be made public.
(2) Have the data in the 2001 National Land and Water Audit been updated for inclusion in the 2006 SoE report; 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) The 2006 State of the Environment report will be made public on the day that I table it in Parliament.  
I am expecting the independent 2006 State of the Environment Committee to present me with the completed report in late September 2006.  
Under section 516B (3) of the the Environment Protection and Biodiversity Conservation Act 1999, “The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.”
(2) The 2006 State of the Environment report is expected to draw on all relevant nationally consistent datasets to assess the condition of Australia’s environment, the pressures acting on it and the effectiveness of the responses to these pressures.

Media Ownership  
(Question No. 3965)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 17 August 2006:

(1) Did the Discussion Paper on Media Reform Options provide individuals and stakeholders with a precise definition of the four and five voices test including (a) the definition of a ‘voice’, (b) the definition of a ‘market’ and (c) whether internet websites will be included as ‘voices’ for the purposes of the legislation; if so, where; if not, why not.
(2) Further to the Minister’s reply to part (2) of question No. 3159 (Hansard, 8 August 2006, page 105), why does the Minister consider five weeks to be an appropriate period of time for individuals and stakeholders to express their views on the content of the Discussion Paper on Media Reform Options, when there have been numerous media reports seeking the Minister’s clarification of the four and five voices test.
(3) Will the Minister (a) provide further clarification of the four and five voices test, including clarification of those details referred to in part (1) and (b) allow a further opportunity for individuals and stakeholders to express their views on the four and five voices test following clarification by the Minister; if so, when; if not, why not.
Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Yes. Pages 41 and 42 of the discussion paper discuss the diversity test.
   (a) A commercial media group or ‘voice’ would be comprised of one or more of a commercial television licensee, commercial radio licensee or associated newspaper (that is, those entities currently subject to the cross-media rules) where these are taken to be under common control, as defined in the Broadcasting Services Act 1992.
   (b) A market would be based on the relevant licence area as defined in the Broadcasting Services Act 1992 in the same manner as the existing cross media restrictions.
   (c) No.

(2) The Government’s media reform package has been developed after an extensive and open consultation process. Throughout the process the Government has sought to balance the views and needs of industry, consumers and other stakeholders to develop a comprehensive plan that sets the foundations for a strong media industry, ready to tackle the challenges posed by innovation and technological change in the sector.

The Government received a strong response to the discussion paper with more than 200 submissions received from members of the public, media sector commentators and nearly all large, and a number of smaller, radio, television and newspaper owners and their industry associations.

Given the excellent stakeholder response to the discussion paper I consider that five weeks was an appropriate period of time for stakeholders to express their views on the content of the discussion paper.

(3) No. The Broadcasting Services Amendment (Media Ownership) Bill 2006 implements the Government’s decision in relation to media ownership reform.

Media Ownership
(Question No. 3966)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 17 August 2006:

(1) In respect of the Minister’s plan to amend Australia’s media ownership laws, has the Minister read the article titled “Joyce may cross floor on media package”, which appeared in the Canberra Times on 17 July 2006.

(2) In respect of the Government’s four and five voices test, what is the Minister’s response to that part of the report that refers to Senator Barnaby Joyce as advising the Canberra Times that: “he had concerns about the definition of a voice”.

(3) What is the definition of a ‘voice’ for the purposes of the Government’s four and five voices test.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Yes

(2) The honourable member’s attention is directed to the Minister’s answer to Question 3596.

(3) The honourable member’s attention is directed to the Minister’s answer to Question 3965.

Media Ownership
(Question No. 3968)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 17 August 2006:
Further to the Minister’s replies to questions No. 3596, 3600, 3601, 3602, 3642, 3720, 3721 and 3723, (a) why does the Government’s New Media Framework for Australia paper of 13 July 2006 not spell out that Australia’s two biggest media companies will be allowed both to retain all of their existing media assets and to purchase more traditional media and new media assets, and (b) how is this in the public interest and good for Australia’s democracy.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

I have nothing further to add to my previous answers on this issue from the honourable member.

Defence: Legal Costs
(Question No. 3969)

Mr Tanner asked the Minister Assisting the Minister for Defence, in writing, on 17 August 2006:

Further to his reply to question No. 3640, does the estimate of Defence legal costs in the matter of Mary-Anne Martinek include costs associated with the matter V349 of 2000.

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

Yes.

Since answering question No. 3640, Defence has processed further invoices in relation to Mary-An Martinek, neither of which relates to matter V349 of 2000.

As at 31 August 2006, Defence has spent a total of $381,439 (inclusive of GST) on legal costs, including litigation and advice costs, in relation to Mary-An Martinek.

Western Sahara Imports
(Question No. 3989)

Ms Vanvakinou asked the Minister for Trade, in writing, on 4 September 2006:

(1) Further to his reply to question No. 2684 (Hansard, 9 February 2006), why does his department not have records of the importation, confirmed by CSBP (Wesfarmers) and Incitec Pivot Limited, of phosphate rock from Western Sahara.

(2) Is he aware of the opinion given on 29 January 2002 by the United Nations Under-Secretary for Legal Affairs, Mr Hans Corell, who stated that: “…if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories.”; if so, will he provide assurance that Australian companies will abide by the United Nations Opinion.

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

(1) As noted in my reply to Senate Foreign Affairs, Defence and Trade Legislation Committee Question on Notice 39 dated 20 February 2006, the Department of Foreign Affairs and Trade is aware that certain Australian companies are importing phosphate possibly sourced from Western Sahara. The Australian Bureau of Statistics does not have on record any imports from Western Sahara for the period of January 1988 – June 2006 (ABS, 5369: International Trade in Goods and Services, Australia, Table 14b). I understand that the port of Laayoune is designated under the United Nations Code for Trade and Transport Locations (UN/Locode) as a Moroccan port. The UN/Locode manual includes a disclaimer that designation of ports does not imply “the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries”. Goods recorded as being shipped to Australia from Laayoune, and separately declared as originating from Morocco, are recorded as imports from Morocco.
(2) As I stated in my reply to Senate Foreign Affairs, Defence and Trade Legislation Committee Question on Notice 39 dated 20 February 2006, I am aware of the opinion of Mr Hans Corell, former United Nations Under-Secretary General of Legal Affairs, of 29 January 2002. Mr Corell’s opinion is not legally binding and does not set out measures to be taken by states to prohibit imports from Western Sahara. There are no United Nations Security Council sanctions or Australian bilateral sanctions prohibiting imports from Western Sahara or Morocco. Nevertheless, my department draws the opinion of Mr Corell to the attention of all companies which make inquiries in relation to commercial activities in Western Sahara. Further, my department has placed a notice on the DFAT website, noting that “there are international law considerations with importing natural resources sourced from the Western Sahara”. It is recommended that companies seek independent legal advice before importing such material.

**Defence Sniffer-dogs**

(Question No. 3999)

Mr Bevis asked the Minister for Defence, in writing, on 4 September 2006:

(1) What is the total number of sniffer-dogs owned by the Department of Defence that are trained to detect (a) drugs and (b) explosives.

(2) In respect of training Defence sniffer-dogs to detect explosives, (a) how many dogs are currently undergoing such training, (b) how long does it take, (c) what is the total cost for each dog and (d) how is that cost disbursed.

(3) What is the average working life of a trained explosives sniffer-dog.

(4) How many types or categories of explosives are trained Defence sniffer-dogs able to detect.

(5) In any 24-hour period, how many hours can a trained sniffer-dog be tasked to actively and effectively detect explosives.

Dr Nelson—The answer to the honourable member’s question is as follows:

(1) (a) Nil.

(b) 24.

(2) (a) Two.

(b) Up to 19 weeks.

(c) Approximately $70,000 to provide and train each dog.

(d) Cost includes, cost of purchase, training time, staff wages, feeding, and vet bills.

(3) Up to eight years.

(4) Each explosive detection dog is trained on civilian, military and homemade types of explosives. This allows them to respond to up to 25,000 base explosive compositions.

(5) Up to eight hours.

**Asset Freezing**

(Question No. 4000)

Mr Bevis asked the Minister for Foreign Affairs, in writing, on 4 September 2006:

Will he explain the safeguards that have been put in place to prevent the reoccurrence of incidences such as the erroneous freezing of the assets of the ‘Shining Path’ record store in Melbourne in December 2001, which appears to have occurred because the shop shares its name with a Peruvian terrorist group.
Mr Downer—The answer to the honourable member’s question is as follows:
The financial institution took appropriate steps in this case. The financial institution identified a possible suspicious client account holding and informed the Australian Federal Police (AFP), as per established protocols. The AFP confirmed that the financial institution’s client was not the same entity as the listed terrorist organisation and advised the financial institution accordingly. The financial institution then ‘unfroze’ the assets. This precautionary approach is required to give effect to Australia’s international obligations to prevent the transfer of financial resources to terrorist entities.

Ethanol
(Question No. 4005)

Mr Martin Ferguson asked the Minister for Industry, Tourism and Resources, in writing, on 4 September 2006:
In respect of the 2006 Ethanol Production Grants Program, for the financial year ending 30 June 2006, (a) which companies applied for grants, (b) which companies received grants and (c) what sum was granted to each successful applicant.

Mr Ian Macfarlane—The answer to the honourable member’s question is as follows:
With respect to the financial year 1 July 2005 to 30 June 2006
(a) The companies that applied for grants under the Ethanol Production Grant Program were: Manildra Group, CSR Distilleries Operations Pty Ltd, Rocky Point Sugar Mill and Distillery (Schumer Pty Ltd) and Tarac Technologies Pty Ltd.
(b) The companies that received grants under the Ethanol Production Grant Program were Manildra Group, CSR Distilleries Operations Pty Ltd and Rocky Point Sugar Mill and Distillery (Schumer Pty Ltd).
(c) The sum paid to each of the successful applicants was:

<table>
<thead>
<tr>
<th>Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manildra Group</td>
<td>$11,387,565</td>
</tr>
<tr>
<td>CSR Distilleries Operations Pty Ltd</td>
<td>$3,922,281</td>
</tr>
<tr>
<td>Rocky Point Sugar Mill and Distillery</td>
<td>$71,163</td>
</tr>
</tbody>
</table>

Work for the Dole
(Question No. 4010)

Mr Fitzgibbon asked the Minister for Workforce Participation, in writing, on 4 September 2006:
How many people in the federal electorate of (a) Hunter, (b) Paterson, (c) Newcastle, (d) Charlton and (e) Shortland participated in the Work for the Dole program in (i) 2003-04, (ii) 2004-05 and (iii) 2005-06.

Dr Stone—The answer to the honourable member’s question is as follows:
The following table provides information on the number of approved Work for the Dole activities and places for the indicated electorates for the 2003-04, 2004-05 and 2005-06 financial years:

<table>
<thead>
<tr>
<th>Electorate</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of approved Activities</td>
<td>Number of approved Places</td>
<td>Number of approved Activities</td>
</tr>
<tr>
<td>Hunter</td>
<td>56</td>
<td>619</td>
<td>54</td>
</tr>
<tr>
<td>Paterson</td>
<td>46</td>
<td>382</td>
<td>57</td>
</tr>
</tbody>
</table>
The following statements should be read in conjunction with the figures in the table:

1. The number of approved places has been provided because the number of recipients by electorate is not available.
2. Activities have been linked to electorate by the geographic location or locations where the activity occurs (as advised by the activity sponsor at the time of approval). Where, as a result of this process, the locations associated with an activity fall into more than one electorate, the places associated with the activity have been divided equally among the electorates involved.

Weakleys Drive Interchange Project
(Question No. 4012)

Mr Fitzgibbon asked the Minister for Local Government, Territories and Roads, in writing, on 4 September 2006:

In respect of the Weakleys Drive Interchange project, will he provide (a) a progress update on construction, (b) an estimated date for the request for tenders, (c) an estimated commencement date for construction, (d) an estimated completion date for construction and (e) the most recent project cost estimate.

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

(a) All preliminary work has been completed, including planning, environmental assessments, preconstruction activity and utility adjustments.
(b) Tenders were called for the project on 26 June 2006 by the New South Wales Roads and Traffic Authority (RTA). Tenders closed 30 August 2006 and the contract is expected to be awarded in late October 2006.
(c) The estimated commencement date for construction is January 2007.
(d) The estimated completion date for construction is January 2009.
(e) The most recent project cost estimate provided by the RTA (2 March 2006) is $41 million.

School Funding
(Question No. 4015)

Mr Kelvin Thomson asked the Minister for Education, Science and Training, in writing, on 4 September 2006:

(1) Are the terms of reference for the Government’s review of private school funding publicly available; if not, why not.
(2) Can members of the public make submissions to the inquiry; if not, why not.

Ms Julie Bishop—The answer to the honourable member’s question is as follows:

(1) I have announced that there will be an internal review of the socio-economic status (SES) funding arrangements for non-government school funding.

The objectives of the Australian Government’s funding arrangements for non-government schools are that they be based on a sound empirical framework underpinned by transparency, fairness and
equity. I have asked my Department to assess the robustness of the SES funding arrangements and how well the arrangements meet the Government’s objectives for the funding of non-government schools.

The review committee will consult with targeted key stakeholder groups as necessary. This will include taking into account the outcomes of the National Catholic Education Commission’s (NCEC) working party to review the effectiveness and benefits of the SES funding arrangements and any related work undertaken by other non-government school authorities.

(2) Any person or group is welcome to provide written comments to my Department’s review committee. Submissions will be accepted until 30 September 2006.

Iraq: Alkaloids of Australia

(Question No. 4046)

Mr Kelvin Thomson asked the Minister for Foreign Affairs, in writing, on 4 September 2006:

(1) Is he aware of media reports that Alkaloids of Australia is being investigated over allegations that, in 2001, it paid kickbacks to secure a deal to supply Iraq with a tonne of the chemical hyoscine.

(2) Is he aware of e-mail exchanges between the Department of Foreign Affairs and Trade and Alkaloids of Australia, which state that Australia’s Mission to the United Nations in New York: “assesses that the UN approval is valid”, and that: “once you are ready to ship the goods to Iraq, please contact me about an Australian export permit”.

(3) What action did the Department of Foreign Affairs and Trade take when it examined the contract to ensure that (a) no kickbacks were being paid and (b) Australia did not contravene any sanctions against Iraq.

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

(1) Yes.

(2) and (3) The Government acted promptly to establish an open and transparent inquiry into Australian companies named in the United Nations Independent Inquiry Committee final report. The Government has cooperated fully with the Inquiry. It would not be appropriate to answer questions relating to the Inquiry into certain Australian companies in relation to the UN Oil-for-Food Programme while the Inquiry is underway.

Departmental Secretaries: Remuneration

(Question No. 4067)

Mr Kelvin Thomson asked the Prime Minister, in writing, on 4 September 2005:

(1) Will the Determination he issued in August, which increases the total annual remuneration of departmental secretaries by 4.4 percent, lift the notional ‘base salary’ component of departmental secretaries’ remuneration by 14.4 percent; if so, will the 14.4 percent increase deliver (a) an increase in superannuation payments for departmental secretaries and (b) larger termination payments for departmental secretaries who lose their positions.

(2) Does the Determination improve the formula for calculating the ‘loss of office’ benefit by including a minimum termination payout of three months base salary.

(3) What is the reason for the increases delivered by the Determination.

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

(1) Yes to all parts.

(2) Yes.
(3) Base salary is used primarily for the purpose of calculating a secretary’s salary for superannuation purposes. As such, it should reflect the value of the cash component of a secretary’s remuneration package, as is the case for other public servants. The determination made on 4 August 2006 increased base salary from 73% of total remuneration to 80% of base salary as it was considered to be a more accurate reflection of the value of the cash salary available to secretaries. While this change will increase secretaries’ superannuation benefits on retirement, it will also increase their notional superannuation contributions by around $4,000 a year, resulting in an immediate reduction of the same amount in their take home pay.

As required by subsection 61(2) of the Public Service Act 1999, I consulted the Remuneration Tribunal before making the determination in question. The Tribunal supported the proposed amendment.

The Tribunal also agreed that it would be appropriate to change the arrangements applying to secretaries who are terminated before their appointments expire so that they would be entitled to a minimum termination payment of three months’ base salary. The Tribunal noted that the holders of public offices in its jurisdiction are entitled to a minimum of four months’ base salary in similar circumstances.

Villawood Immigration Detention Centre
(Question No. 4071)

Mr Kelvin Thomson asked the Minister representing the Minister for Finance and Administration, in writing, on 4 September 2006:

(1) Did the Department of Finance declare land at the Villawood Immigration Detention Centre to be free of contamination in July 2002, prior to its transfer to the Department of Immigration to provide for an expanded detention facility; if so, upon what basis was the land deemed to be free of contamination.

(2) In respect of any testing undertaken to produce the contamination-free finding at the Villawood site in 2002, (a) what was its nature, (b) by whom was it executed and (c) at what cost was it carried out.

(3) Did 51 of 842 soil samples taken from the Villawood site for testing purposes in April 2006 indicate the presence of asbestos contamination.

(4) What action, if any, has the Government taken to contact all detainees and staff who have lived or worked at the centre since 2002 to advise them of the asbestos contamination?

Mr Costello—The Minister for Finance and Administration has supplied the following answer to the honourable member’s question:

(1) The Department of Finance and Administration (Finance) did not declare the land at Villawood Immigration Detention Centre to be free of contamination in July 2002, prior to its transfer to the Department of Immigration and Multicultural Affairs (DIMA).

(2) Investigation and testing works did not produce a contamination-free finding. The investigation and testing involved the excavation of test pits, visual assessment, and soil sampling. The investigation and testing was carried out by Noel Arnold and Associates Pty Ltd at a cost of approximately $13,000.

(3) Finance has been advised by DIMA that asbestos was found in 51 of the 842 samples taken in April 2006. Its sampling indicated that the concentration of asbestos in the soil was such that it would not produce unacceptable levels of fibre into the air based on enHealth Council guidelines Management of Asbestos in the Non-occupational Environment (2005) published by the Commonwealth Department of Health and Ageing.
Finance has been advised by DIMA that staff and detainees have not been contacted as they have not been able to access any of the areas where asbestos from remnant footings was discovered in May 2002. These areas were fenced off and warning signs installed at that time. In April 2006, following the discovery of surface material potentially containing asbestos in the fenced off area, a mitigation strategy was implemented by DIMA based on independent professional advice, and a number of individuals and organisations were contacted including:

- The Department of Immigration and Multicultural Affairs staff at Villawood and Canberra;
- The Department of Health and Ageing;
- The Department of Finance and Administration;
- Comcare;
- The Commonwealth Ombudsman;
- The NSW Police;
- GSL (Australia) Pty Ltd; and
- Villawood Immigration Detention Centre detainees.

Air quality monitoring was in place during the mitigation work and over the Easter period and continues in some areas of the site. To date, all results have been within acceptable levels.

**Compressed Natural Gas**

(Question No. 4076)

Mr Kelvin Thomson asked the Prime Minister, in writing, on 05 September 2006:

What is the Government doing to assist motorists by fostering the development of Compressed Natural Gas as a fuel for Australian vehicles.

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

The Government has introduced a number of initiatives to promote Compressed Natural Gas (CNG) as an alternative fuel.

The Australian Government’s Energy White Paper outlines a generous framework for the alternative fuels sector to develop and promote their products in the marketplace. CNG is excise free until 2011. There will be a transitional introduction of effective excise rates from 2011 to 2015. However, the final excise rate for CNG in 2015 will still be 50% lower than other transport fuels of similar energy content reflecting a range of industry, regional and other factors.

Natural gas fuels require specialised tanks and specialised refuelling equipment. As a result, CNG in Australia to date has primarily been used in heavy vehicles such as buses, trucks and in garbage collection, which have the advantage of centralised refuelling depots and sufficient storage space in the vehicle to facilitate the additional fuel tank. CNG is used in around 1,100 public transport buses in Australia, mainly Sydney, Perth, Brisbane and Adelaide. Of these, 718 have been funded under the Australian Government’s $33.6 million Alternative Fuels Conversion Programme (AFCP).

The AFCP was launched in January 2000 and provides grants for the purchase of CNG, LNG and LPG powered heavy vehicles, and the conversion of diesel-powered heavy vehicles to these fuels.

Through the AFCP, I am advised that Government officials have worked in partnership with transport operators and gas industry stakeholders on seven demonstration projects in an attempt to identify the conditions under which natural gas heavy vehicles could be developed to deliver greenhouse benefits to the community and economic benefits to vehicle operators. The results of these projects will be made available to all interested parties following completion of the trials.
### Child Care

(Question No. 4086)

Mr Fitzgibbon asked the Treasurer, in writing, on 5 September 2006:

1. Other than the Department of Defence, which Commonwealth departments have sought the right to salary sacrifice on a Fringe Benefit Tax (FBT)-exempt basis for their employees’ childcare costs.
2. How many Commonwealth departments have sought and gained the right to salary sacrifice on a FBT-exempt basis for their employees’ childcare costs.
3. Are there any Commonwealth Departments that have not sought and gained the right to salary sacrifice on a FBT-exempt basis for their employees’ childcare costs.
4. Is the Government considering ways of making salary sacrificing of childcare costs on a FBT-exempt basis available in a simple form to small business people.

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

1. Under the tax system, a taxpayer may self-assess a transaction to be FBT exempt in accordance with the law. There is no requirement for the taxpayer to disclose this fact in their tax return. It is therefore not possible to identify which Commonwealth departments and/or agencies have or have not taken advantage of the FBT exemption which is available under FBT law.
2. The Commissioner of Taxation advises that three Commonwealth government departments and/or agencies have applied for private rulings in relation to salary packaging arrangements and child care benefits.
3. See response to question 1.
4. The FBT exemption for child care facilities is available for all employers. The Government provides assistance to families with the cost of childcare through the Child Care Benefit and the 30% Child care Tax Rebate.

### Energy Initiatives

(Question No. 4087)

Mr Fitzgibbon asked the Minister for Industry, Tourism and Resources, in writing, on 5 September 2006:

1. In respect of advertising of the Government’s LPG Conversion Initiative,
   (a) what sum has been spent to date and
   (b) what is the total allocated budget.
2. In respect of the Government’s LPG Conversion Initiative,
   (a) how many people have taken up the offer to date
      (i) nationally and
      (ii) in each State/Territory, and
   (b) why was the offer not extended to sole traders and small business operators with an ABN number.
3. What was/is the average price for the conversion to LPG of a typical large family sedan
   (a) before the announcement of the LPG conversion program and
   (b) at the present date.

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

1. (a) As at 19 September, $2,603,389 has been spent on advertising the LPG Vehicle Scheme (the Scheme).
(b) The advertising budget is $3,000,000.

(2) (a) The Government is unable, at this time, to provide figures on the uptake of grants under the Scheme, as these figures will only be available once grant payments are made to recipients. Grant payments are scheduled to commence from 1 October 2006.

(b) LPG powered vehicles offer many benefits for business, particularly small business, and the Government has already recognised this through its accelerated depreciation rules under the Simplified Tax System.

(3) At the time of the announcement, I understand that LPG conversion kits ranged in price from around $1,500 to $3,400 installed, depending on the type of vehicle, type of system and options. I have no further information on the cost of LPG conversions.

**East Timor**

(Question No. 4091)

**Mr Bevis** asked the Minister for Defence, in writing, on 6 September 2006:

In respect of contracts to provide garrison support for Australian troops in East Timor: (a) which companies were awarded a contract; (b) how many tenders were received for each contract; and (c) for each contract awarded, was the lowest bid successful; if not, why not.

**Dr Nelson**—The answer to the honourable member’s question is as follows:

(a) Patrick Defence Logistics was awarded the Interim Logistic Support Contract and the Comprehensive Logistic Support Contract.

(b) Two, for each contract.

(c) The Interim Support Contract – No, however, the contract was awarded based on value for money for the Commonwealth, technical merit and overall risk assessment. The Comprehensive Logistic Support Contract - Yes.

**Uranium Exports**

(Question No. 4097)

**Mr Martin Ferguson** asked the Minister for Foreign Affairs, in writing, on 6 September 2006:

Have any discussions been had at a ministerial or departmental level concerning the possible sale of uranium to Indonesia and the associated negotiation of a bilateral agreement for the peaceful use of Australia’s uranium; if so, what is the state of these discussions.

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

No ministerial or departmental level discussions have taken place with Indonesia on the sale of Australian uranium to Indonesia or on a bilateral safeguards agreement.

**Tumut Plant: Grants**

(Question No. 4103)

**Mr Martin Ferguson** asked the Minister for Industry, Tourism and Resources, in writing, on 6 September 2006:

In respect of the Tumut Plant operated by Visy, (a) what grants were made by the Commonwealth for its development and operation and (b) were any conditions attached to these grants.

**Mr Ian Macfarlane**—The answer to the honourable member’s question is as follows:

(a) Visy received $36.05 million through the Strategic Investment Coordination process for the establishment of its pulp and paper mill in Tumut.
(b) Yes, conditions were set out in grant deeds.

**Coal and Gas Industry**

*(Question No. 4105)*

Mr Martin Ferguson asked the Minister for Industry, Tourism and Resources, in writing, on 6 September 2006:

In respect of the Australian upstream coal and gas industry:

(1) What projections has the Government made about the industry’s growth over the next 10-20 years;

(2) Has the Government made any projections as to the number of potential LNG tankers required to service exports in the next 10-20 years;

(3) What work has the Government done on the potential labour force requirements of the industry, including the associated seafarer market; and

(4) What labour force planning and training programs is the Government considering to meet the projected demand for labour over the coming years, both onshore and offshore, having special regard to the age profile of the current workforce.

Mr Ian Macfarlane—The answer to the honourable member’s questions are as follows:

(1) Projections made by the Australian Bureau of Agricultural and Resource Economics (ABARE) for black coal, brown coal and natural gas production in its publication “Australian Energy: National and State Projections to 2029-2030”, published in 2005, are provided below. This document is available in full from the ABARE website, www.abareconomics.com. (Note: ABARE’s conversion factor is 1 PJ = 0.035 tonnes).

![Australian production of primary fuels](chart)

Source: ABARE, 2005, pp 81

(2) No detailed projections regarding the potential number of LNG tankers required to service exports in the next 10-20 years have been made, primarily because Government has no role in the LNG tanker business. Generally, individual project developers contract vessels to a particular project,
and as such, are subject to commercial arrangements to which the Government is not a party. It is also a common practice in the global LNG market for buyers to arrange their own shipping, as has occurred with the Darwin LNG Project and the North West Shelf China contract.

(3) Labour force requirements specific to the industry are addressed through the National Skills Shortage Strategy (NSSS). The NSSS is a partnership between the Australian Government and key industry groups working to develop solutions to skills needs in critical industries throughout Australia, particularly in the traditional trades. The Strategy takes an industry-led approach to address skill shortages.

On 28 July 2004, the Prime Minister announced the formation of the Australian Mining Industry Skill Shortages Working Group (Chaired by Dr David Smith, Managing Director of Pilbara Iron and Vice President of the WA Chamber of Minerals and Energy). The Working Group is made up of key stakeholders from companies involved in the exploration, extraction and primary processing of minerals and metals, the Minerals Council of Australia, the Chamber of Minerals and Energy Western Australia and the Departments of Industry, Tourism and Resources Education, Science and Training.

The Group is in the process of finalising a report that aims to gain an appreciation of the Australian minerals sector labour force to 2015. The report will provide a detailed analysis of the labour requirements relating to trade and semi-professionals in the minerals sector. The report will address the three areas of skills, technology and economic outlook.

(4) The Government is considering the following labour force planning and training programs (specific to the upstream coal and gas industry) to help meet projected future demand, as follows;

Australian Technical Colleges

On 10 May 2005, the Minister for Vocational and Technical Education, Gary Hardgrave announced that the Australian Government would invest $351 million over the next five years from 2004-05 to 2008-09 to assist more young Australians into traditional trades through establishment of twenty four Australian Technical Colleges.

Local industry and community representatives will take a lead role in the governance of each of the Colleges. This will ensure that the Technical Colleges are linked with local industry and will respond to local skill needs. Four colleges (Northern Tasmania, Gladstone, Townsville and the Pilbara region) will undertake mining related trade training and industry placements as part of a School Based New Apprenticeship. The apprenticeships offered, or will be in the future, include metals and engineering and mining and plant process operations.

The establishment of the Pilbara Technical College was announced by the Prime Minister on 31 May 2006. The College will be a collaborative initiative involving the Chamber of Minerals and Energy of Western Australia, BHP (Billiton) Iron Ore, Pilbara Iron, Woodside Energy, the Australian Petroleum Production and Exploration Association and the Australian Government.

MCMPR

At its most recent meeting on 1 September 2006, the Ministerial Council on Mineral and Petroleum Resources committed to seeking a joint response to skill shortages with the Ministerial Council on Vocational and Technical Education, the Ministerial Council for Employment, Education, Training and Youth Affairs and the Ministerial Council on Energy with a focus on attracting and retaining people in the resources sector.

National Skills Shortage Strategy

On 31 May 2006, the Working Group released two reports — Accessing the Required Skills from International Markets: A Summary and Addressing Barriers to the Employment and Training of Trainees and Apprentices in the Australian Minerals Industry. The first report, which focuses on access to the international labour market notes a significant amount of progress has been made in the

QUESTIONS IN WRITING
area of skilled migration within the minerals industry. The Government response to industry requirements in this area has removed many of the perceived and real barriers to skilled migration. In particular, the minerals industry is now making greater use of temporary-entry sponsorship provisions. The report notes global competition for skilled and experienced miners has increased, and recommends the reclassification of geologists and metallurgists on the Skilled Occupation List. It also recommends that Government create a new temporary resident regional visa category to address labour shortages associated with the start-up phase of new mines and the provision of infrastructure.

The second report, which focuses on training in the Australian Minerals Industry, found that there are very few structural barriers to addressing the challenges to employment and training of traditional apprentices and trainees in the minerals industry.

A New National Approach to Apprenticeships, Training and Skills Recognition – Council of Australian Governments

COAG has reached agreement on a package of measures designed to underpin a new genuinely national approach to apprenticeships, training and skills recognition and alleviate skill shortages currently evident in some parts of the economy. While governments have agreed to tackle some of the obstacles within the system of government, industry also has a critical role to play in creating solutions. In preparing these measures, COAG officials consulted with industry bodies and unions. An additional $64.3 million over four years was allocated in the 2006/07 Budget to implement the new national approach.

To ensure and assure the quality of outcomes from the training system, COAG has agreed to accelerate the introduction of a national outcomes-based auditing model and stronger outcomes-based quality standards for registered training organisations in consultation with key parties including employers, regulators and unions. Specific quality assurance measures have also been built into the proposals.

Media Monitoring and Clipping Services
(Question No. 4124)

Mr Bowen asked the Attorney-General, in writing, on 7 September 2006:
(1) What sum was spent on media monitoring and clipping services engaged by the Minister’s office in 2005-06.
(2) What was the name and postal address of each media monitoring company engaged by the Minister’s office.

Mr Ruddock—The answer to the honourable member’s question is as follows:
(1) $102,517.50 (excluding GST)
(2) Media Monitors
   PO Box 2110
   Strawberry Hills NSW 2012
Rehame Australia Monitoring Services Pty Ltd
   PO Box 537
   Port Melbourne VIC 3207
Media Monitoring and Clipping Services  
(Question No. 4131)

Mr Bowen asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 7 September 2006:

1. What sum was spent on media monitoring and clipping services engaged by the Minister’s office in 2005-06?
2. What was the name and postal address of each media monitoring company engaged by the Minister’s office?

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

1. $12,045 (as at 30 June 2006)
2. Media Monitors Australia Pty Ltd  
   131 Canberra Avenue  
   Griffith, ACT 2603

Media Monitoring and Clipping Services  
(Question No. 4146)

Mr Bowen asked the Minister representing the Minister for Ageing, in writing, on 7 September 2006:

1. What sum was spent on media monitoring and clipping services engaged by the Minister’s office in 2005-06.
2. What was the name and postal address of each media monitoring company engaged by the Minister’s office.

Mr Abbott—The Minister for Ageing has provided the following answer to the honourable member’s question:

1. 2005-06, Minister Bishop, June 05-Feb 06 $18,935  
   2006, Minister Santoro Feb 06- June 06, $5,960  
   Total amount: $24,895
2. Media Monitors  
   PO Box 2110  
   Strawberry Hills  
   NSW 2012  
   Rehame  
   PO Box 537  
   Port Melbourne  
   Victoria 3207

Sydney (Kingsford Smith) Airport  
(Question No. 4287)

Mr Albanese asked the Minister for Transport and Regional Services, in writing, on 12 September 2006:

1. Can he explain the circumstances surrounding the breach of the Sydney Airport curfew by an aircraft at approximately 5.10 am on 28 May 2006.
(2) Was the aircraft referred to in Part (1) given a dispensation to breach the curfew; if so, (a) why and
(b) what measures were implemented to minimise noise impacts upon Sydney residents.
(3) Can he provide copies of the documents relating to the reporting of the curfew breach referred to in
Part (1).
(4) Will a fine be issued in relation to this curfew breach; if so, what sum.
(5) Can he provide records of any other flights that landed prior to 6 am on 28 May 2006.

Mr Truss—The answer to the honourable member’s question is as follows:
(1) Yes. At 5.09 am on 28 May 2006 flight QF6 landed at Sydney Airport.
(2) This aircraft movement is approved under section 12(4) of the Sydney Airport Curfew Act 1995
(the Act) and is covered by a timetable approved under the Air Navigation Regulations. The land-
ing was on runway 34L as required by the Act.
(3) There was no breach of curfew.
(4) No.
(5) Two other approved aircraft movements occurred prior to 6 am on 28 May 2006. Flight BA15
landed on runway 34L at 5.35 am and flight SQ221 landed on runway 34L at 5.56 am.

Sydney (Kingsford Smith) Airport
(Question No. 4288)

Mr Albanese asked the Minister for Transport and Regional Services, in writing, on 12
September 2006:
(1) Can he explain the circumstances surrounding the breach of the Sydney Airport curfew by an air-
craft at approximately 5.15 am on 22 July 2006.
(2) Was the aircraft referred to in Part (1) given a dispensation to breach the curfew; if so, (a) why and
(b) what measures were implemented to minimise noise impacts upon Sydney residents.
(3) Can he provide copies of the documents relating to the reporting of the curfew breach referred to in
Part (1).
(4) Will a fine be issued in relation to this curfew breach; if so, what sum.
(5) Can he provide records of any other flights that landed prior to 6 am on 22 July 2006.

Mr Truss—The answer to the honourable member’s question is as follows:
(1) Yes. At 5.22 am on 22 July 2006 flight QF6 landed at Sydney Airport.
(2) This aircraft movement is approved under section 12(4) of the Sydney Airport Curfew Act 1995
(the Act) and is covered by a timetable approved under the Air Navigation Regulations. The land-
ing was on runway 34L as required by the Act.
(3) There was no breach of curfew.
(4) No.
(5) Three other approved aircraft movements occurred prior to 6 am on 28 May 2006. Flight QF2
landed on runway 34L at 5 am, flight BA15 landed on runway 34L at 5.05 am and flight SQ221
landed on runway 34L at 5.45 am.

Sydney (Kingsford Smith) Airport
(Question No. 4289)

Mr Albanese asked the Minister for Transport and Regional Services, in writing, on 12
September 2006:
(1) Can he explain the circumstances surrounding the breach of the Sydney Airport curfew by an aircraft at approximately 11:30 pm on 23 July 2006.

(2) Was the aircraft referred to in Part (1) given a dispensation to breach the curfew; if so, (a) why and (b) what measures were implemented to minimise noise impacts upon Sydney residents.

(3) Can he provide copies of the documents relating to the reporting of the curfew breach referred to in Part (1).

(4) Will a fine be issued in relation to this curfew breach; if so, what sum.

(5) Can he provide records of any other flights that landed prior to 6 am on 23 July 2006.

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

(1) Yes. On 23 July 2006 flight CP138 departed Sydney Airport at 11.22 pm and flight AM13 departed Sydney Airport at 11.43 pm.

(2) Yes. Flight CP138 was granted a curfew dispensation, in accordance with Dispensation Guidelines pursuant to Section 20 of the Sydney Airport Curfew Act 1995 (the Act). The dispensation was granted because the circumstances were of an immediate nature and the delay could not have been foreseen by the airline and not reasonably able to be met by alternative arrangements. The aircraft was delayed departing due to an immediate and unforeseen mechanical failure. The departure was on runway 16R as required by the Act. Flight AM13 was an emergency flight on runway 16R.

(3) A written record of the dispensation was tabled in each House of the Parliament, as required by the Act, on 15 August 2006.

(4) No.

(5) Flights that landed prior to 6 am on 23 July 2006 are listed below. All movements were permitted under the Act.

<table>
<thead>
<tr>
<th>Time</th>
<th>Flight</th>
<th>Runway</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>01:09</td>
<td>MVL</td>
<td>16R</td>
<td>Emergency</td>
</tr>
<tr>
<td>02:16</td>
<td>LIFE1</td>
<td>H</td>
<td>Emergency</td>
</tr>
<tr>
<td>03:01</td>
<td>AM24</td>
<td>34L</td>
<td>Emergency</td>
</tr>
<tr>
<td>03:37</td>
<td>EEB</td>
<td>34L</td>
<td>Propeller-driven aircraft under 34,000 kilograms that complies with noise standards</td>
</tr>
<tr>
<td>05:01</td>
<td>QF6</td>
<td>34L</td>
<td>International passenger aircraft landing during shoulder curfew period</td>
</tr>
<tr>
<td>05:19</td>
<td>BA15</td>
<td>34L</td>
<td>International passenger aircraft landing during shoulder curfew period</td>
</tr>
<tr>
<td>05:27</td>
<td>SQ221</td>
<td>34L</td>
<td>International passenger aircraft landing during shoulder curfew period</td>
</tr>
</tbody>
</table>

Child Care

Ms Plibersek asked the Minister for Industry, Tourism and Resources, in writing, on 12 September 2006:

(1) In respect of employees who salary-sacrifice income to pay for childcare:
   (a) does the agency know whether all such employees use childcare that is on Commonwealth business premises;
   (b) how many salary-sacrifice arrangements made by employees relating to childcare is for care not conducted on Commonwealth business premises;
(c) how much fringe benefit tax did the agency pay in financial year (i) 2004-5 and (ii) 2005-6 sacrificed by employees for childcare that was not on Commonwealth business premises.

(2) On what date did the department seek a private ruling from the Australian Taxation Office on salary sacrificing for childcare.

(3) Will he provide a copy of the ruling referred to in Part (2).

(4) Does the department intend to arrange for childcare facilities to be built on its new premises; if so, what sum will be paid for the establishment of the facility.

(5) Is the vacation care subsidy of up to $20 per day per child available to all employees with school aged children; if not, will he specify any restrictions on eligibility.

(6) Is the vacation care subsidy allowance reported on employees’ group certificates; if not, what is the tax status of the subsidy.

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

(1) (a) Yes
(b) Nil
(c) Not Applicable

(2) 26 May 2006

(3) Yes – Edited version of the ATO ruling is attached.

(4) Yes, the Department’s new Canberra premises provides for an Early Childhood Centre (ECC). Fitout of the ECC will be met by the developer as part of the incentive payment associated with the lease.

(5) The Vacation Care Subsidy is available to all parents of Primary School age children if they are attending work while the child is in an approved care program during the school holidays.

(6) The Vacation Care Subsidy is a reportable fringe benefit and is reported on employees’ payment summaries in accordance with the Fringe Benefits Tax Assessment Act 1986.

Edited version of private ruling
Authorisation Number 66414
This ruling is a private ruling for the purposes of Division 359 of Schedule 1 of the Taxation Administration Act 1953.

What this ruling is about:
Will the fees paid to the Contractor for the care of employee’s children in the child care centre located within your leased premises be an exempt benefit under subsection 47(2) of the Fringe Benefits Tax Assessment Act 1986 (FBTAA)?

Ruling:
Will the fees paid to the Contractor for the care of employee’s children in the child care centre located within your leased premises be an exempt benefit under subsection 47(2) of the FBTAA?

Answer: Yes

Year(s) of income or period(s) to which this ruling applies:
Year ended 31 March 2007 Year ended 31 March 2008 Year ended 31 March 2009 Year ended 31 March 2010

Commencement date of scheme: 1 April 2006
The scheme that is the subject of the ruling:
You are incorporating a child care centre within your leased premises for use by your employees. The child care centre is to be managed by a specialist child care provider (the Contractor) in accordance with the terms of a Management Agreement.

You are considering a proposal that will enable your employees to incorporate the care of their children into their salary sacrifice arrangements. Under the proposal the Contractor will invoice you each fortnight for the care of your employee’s children at the Centre. You will pay the Contractor direct and recover the cost of the fees via the salary sacrifice arrangement.

The Management Agreement includes the following terms and conditions:

The contractor has the right to use the premises to provide the child-care services. However, the Management Agreement does not constitute a relationship of landlord and tenant.

During the term of the Management Agreement the Contractor has sole responsibility for the operation of the child-care centre, including ensuring the Centre complies with all relevant legislation, statutes, guidelines and standards.

The Contractor is required to:

- ensure the Child-care services are provided to the specified standards
- pay an annual licence fee which will be put back into the centre as improvements and repairs
- comply with any reasonable directions you give
- ensure that all promotional material and signage relating to the Child-care services and the Child-care Premises is submitted to you for its prior approval
- cooperate with you in undertaking reviews of the Child-care services and Child-care Premises, including providing all requested information and documentation
- effect and maintain public liability insurance, professional indemnity insurance, workers compensation and property damage insurance
- advise you of any complaints or investigations relating to any alleged or actual breach of regulatory requirements in relation to the delivery of the child-care services
- comply with your Environmental Management Practices
- ensure the Child-care services are charged to users of the child care centre in accordance with the Child-care Fee Structure
- pay for all utilities, including water, electricity and gas
- pay any rates and taxes associated with the child-care centre including the annual licence fee, the purchasing of any third party contractor services for waste management, cleaning, telecommunications, gardening, minor maintenance, additional security, sanitary disposal, nappy service, laundry services, non-fixed equipment, staffing, insurance and consumables.
- manage the allocation of child care places in accordance with your priority of Access Policy. This provides priority of access in the following order:
  - your employees
  - employees of your associated entities
  - other tenants of the building
  - general community children.
- ensure the maximum number of child care places is available whenever the child care centre is operating
- provide child care services for 51 weeks each year excluding the period 25 December to 1 January
• operate the centre between the hours of 7:30 am and 6:00 pm Monday to Friday, except for public holidays
• maintain the following business and financial management services:
  - regular contact with your Contract Manager and provide detailed Operation and Financial Reports
  - prepare and present an annual Business Plan
  - establish and operate a fee payment and receipting system including the management of salary packaging for child care fees
  - comply with the relevant legislation
  - registration with the National Childcare Accreditation Council establish and maintain an advisory committee which will include representatives of families/parents, staff, your employees and the Contractor
• provide appropriately experienced and qualified child care workers and Centre Director
• employ a 3-4 year trained early childhood preschool teacher to deliver a preschool program to children in the preschool room
• develop and deliver a range of stimulating and educational programs
• provide the opportunity for face to face consultation and feedback to parents/families
• in consultation with the advisory committee review and if necessary amend the centre’s Philosophy and child care policies
• provide, maintain and replace equipment and resources
• maintain the child care centre in a clean, tidy and safe condition
• establish problem resolution procedures
• conduct family/parent satisfaction surveys
• observe and abide by the information privacy principles contained in the Privacy Act 1988
• indemnify, hold harmless and defend you from and against any loss or liability, including but not limited to:
  (a) loss of, or damage to your property
  (b) claims by any person in respect of personal injury or death
  (c) claims by any person in respect of loss of, or damage to any property, and
  (d) costs and expenses including the costs of defending or settling any claim arising out of, or as a consequence of a breach of the Agreement by the Contractor, or negligence on the part of the Contractor, its officers, employees, agents or subcontractors
• satisfy all relevant occupational health and safety environmental and hygiene requirements; and
• provide all equipment and consumables associated with the provision of the required services.
You are required to:
• pay any rent due in respect of the Premises
• comply with any other obligations you have to the Developer in respect of the Child-care Premises
• provide the building fit-out, outdoor play area and undertake cyclic maintenance and repairs. This includes:
  - Internal walls
  - Flooring
- Plumbing  
- Joinery  
- Kitchen equipment  
- Environment control  
- Lighting  
- Landscaping  
- Security  
- Waste management Signage  
- Fire Protection; and

• allocate 1 car space for use by the Director of the child-care centre

The Contractor is not permitted to assign, in whole or in part, or novate its rights and obligations under the Management Agreement without first obtaining your written consent.

The Contractor is required to comply with the reasonable directions of your authorized employees.

You are able to terminate the Management Agreement by giving 90 days written notice without the need to show cause. Alternatively, you are able to terminate the Management Agreement immediately if the Contractor commits a breach that is not remedied within 10 Business Days of receipt of the required notice.

As part of the contract you have set service standards and performance and reporting requirements which the Contractor is required to meet together with required environmental management practices within the child care centre. You have also determined the Centre’s philosophy and objectives.

Relevant provisions:

Dr John Gee
(Question No. 4681)

Mr Kelvin Thomson asked the Minister for Foreign Affairs, in writing, on 14 September 2006:

(1) Can he confirm that he did not by his action, or indication, block the resignation letter of Dr John Gee from being distributed to other Commonwealth departments and agencies.

(2) Did he take any action following receipt of Dr John Gee’s resignation letter.

(3) Can he state the current location of the original copy of Dr John Gee’s resignation letter.

(4) Can he provide a list of persons who (a) read Dr John Gee’s resignation letter and (b) were aware of the contents of Dr John Gee’s resignation letter.

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

Dr Gee did not send a letter of resignation to the Department of Foreign Affairs and Trade; he was employed by the Department of Defence. As is on the public record, my department did receive a letter from Dr Gee dated 2 March 2004. The letter stated he had notified the Department of Defence of his decision to resign from the Iraq Survey Group and indicated the reasons for his decision. I issued no instructions to suppress Dr Gee’s letter to my department about his resignation from the Iraq Survey Group.