**INTERNET**


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**SITTING DAYS—2007**

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**RADIO BROADCASTS**

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

- **CANBERRA** 103.9 FM
- **SYDNEY** 630 AM
- **NEWCASTLE** 1458 AM
- **GOSFORD** 98.1 FM
- **BRISBANE** 936 AM
- **GOLD COAST** 95.7 FM
- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
- **DARWIN** 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—NINTH PERIOD

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

House of Representatives Officeholders

Speaker—The Hon. David Peter Maxwell Hawker MP
Deputy Speaker—The Hon. Ian Raymond Causley MP
Second Deputy Speaker—Mr Henry Alfred Jenkins MP

Members of the Speaker’s Panel—The Hon. Dick Godfrey Harry Adams, Mr Phillip Anthony Barresi, the Hon. Bronwyn Kathleen Bishop, Ms Ann Kathleen Corcoran, Mr Barry Wayne Haase, Mr Michael John Hatton, the Hon. Duncan James Colquhoun Kerr SC, Mr Harry Vernon Quick, the Hon. Bruce Craig Scott, Mr Patrick Damien Secker, 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—Mr Anthony Norman Albanese MP
Deputy Manager of Opposition Business—Mr Robert Francis McMullan 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—Mr Kevin Michael Rudd MP
Deputy Leader—Ms Julia Eileen Gillard MP
Chief Opposition Whip—The Hon. Leo Roger Spurway Price MP
Opposition Whips—Mr Michael David Danby MP and Ms Jill Griffiths Hall MP

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

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<th>Party</th>
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<tbody>
<tr>
<td>Wakelin, Barry Hugh</td>
<td>Grey, SA</td>
<td>LP</td>
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<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>
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### PARTY ABBREVIATIONS

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

### Heads of Parliamentary Departments

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

Prime Minister
Minister for Transport and Regional Services and Deputy Prime Minister
Treasurer
Minister for Trade
Minister for Defence
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Citizenship
Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues
Minister for Families, Community Services and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Minister for the Environment and Water Resources
Minister for Human Services

The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
The Hon. Dr Brendan John Nelson MP
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Peter John McGauran MP
The Hon. Kevin James Andrews MP
The Hon. Julie Isabel Bishop MP
The Hon. Malcolm Thomas Brough MP
The Hon. Ian Elgin Macfarlane MP
The Hon. Joseph Benedict Hockey MP
Senator the Hon. Helen Lloyd Coonan
The Hon. Malcolm Bligh Turnbull MP
Senator the Hon. Christopher Martin Ellison

(The above ministers constitute the cabinet)
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<td>Senator the Hon. Eric Abetz</td>
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<tr>
<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<tr>
<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
</tr>
<tr>
<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
</tr>
<tr>
<td>Minister for Ageing</td>
<td>The Hon. Christopher Maurice Pyne MP</td>
</tr>
<tr>
<td>Minister for Vocational and Further Education</td>
<td>The Hon. Andrew John Robb MP</td>
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<tr>
<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. George Henry Brandis SC</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>Senator the Hon. Nigel Gregory Scullion</td>
</tr>
<tr>
<td>Minister for Justice and Customs</td>
<td>Senator the Hon. David Albert Lloyd Johnston</td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Citizenship</td>
<td>The Hon. Teresa Gambaro MP</td>
</tr>
<tr>
<td>Assistant Minister for the Environment and Water Resources</td>
<td>The Hon. John Kenneth Cobb MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Anthony David Hawthorn Smith MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Transport and Regional Services</td>
<td>The Hon. De-Anne Margaret Kelly MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry, Tourism and Resources</td>
<td>The Hon. Robert Charles Baldwin MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Sussan Penelope Ley MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Defence</td>
<td>The Hon. Peter John Lindsay MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>Senator the Hon. Brett John Mason</td>
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</tbody>
</table>
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition, Shadow Minister for Employment and Industrial Relations and Shadow Minister for Social Inclusion
Leader of the Opposition in the Senate and Shadow Minister for National Development, Resources and Energy
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Shadow Minister for Infrastructure and Water and Manager of Opposition Business in the House
Shadow Minister for Homeland Security, Shadow Minister for Justice and Customs and Shadow Minister for Territories
Shadow Assistant Treasurer and Shadow Minister for Revenue and Competition Policy
Shadow Minister for Immigration, Integration and Citizenship
Shadow Minister for Industry and Shadow Minister for Innovation, Science and Research
Shadow Minister for Trade and Shadow Minister for Regional Development
Shadow Minister for Service Economy, Small Business and Independent Contractors
Shadow Minister for Multicultural Affairs, Shadow Minister for Urban Development and Shadow Minister for Consumer Affairs
Shadow Minister for Transport, Roads and Tourism
Shadow Minister for Defence
Shadow Minister for Climate Change, Environment and Heritage and Shadow Minister for the Arts
Shadow Minister for Veterans’ Affairs, Shadow Minister for Defence Science and Personnel and Shadow Special Minister of State
Shadow Attorney-General and Manager of Opposition Business in the Senate
Shadow Minister for Sport and Recreation, Shadow Minister for Health Promotion and Shadow Minister for Local Government
Shadow Minister for Families and Community Services and Shadow Minister for Indigenous Affairs and Reconciliation
Shadow Minister for Foreign Affairs
Shadow Minister for Ageing, Disabilities and Careers

Kevin Michael Rudd MP
Julia Eileen Gillard MP
Senator Christopher Vaughan Evans
Senator Stephen Michael Conroy
Anthony Norman Albanese MP
The Hon. Archibald Ronald Bevis MP
Christopher Eyles Bowen MP
Anthony Stephen Burke MP
Senator Kim John Carr
The Hon. Simon Findlay Crean MP
Craig Anthony Emerson MP
Laurence Donald Thomas Ferguson MP
Martin John Ferguson MP
Joel Andrew Fitzgibbon MP
Peter Robert Garrett MP
Alan Peter Griffin MP
Senator Joseph William Ludwig
Senator Kate Alexandra Lundy
Jennifer Louise Macklin MP
Robert Bruce McClelland MP
Senator Jan Elizabeth McLucas
Shadow Minister for Federal/State Relations, Shadow Minister for International Development Assistance and Deputy Manager of Opposition Business in the House
Robert Francis McMullan MP

Shadow Minister for Primary Industries, Fisheries and Forestry
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Human Services, Shadow Minister for Housing, Shadow Minister for Youth and Shadow Minister for Women
Tanya Joan Plibersek MP

Shadow Minister for Health
Nicola Louise Roxon 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 Education and Training
Stephen Francis Smith MP

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Minister for Finance
Lindsay James Tanner MP

Shadow Minister for Public Administration and Accountability, Shadow Minister for Corporate Governance and Responsibility and Shadow Minister for Workforce Participation
Senator Penelope Ying Yen Wong

Shadow Parliamentary Secretary for Foreign Affairs
Anthony Michael Byrne MP

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

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

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

Shadow Parliamentary Secretary for Industrial Relations
Brendan Patrick John O’Connor MP

Shadow Parliamentary Secretary for Industry and Innovation
Bernard Fernando Ripoll MP

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

Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)
Senator Ursula Mary Stephens
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Wednesday, 20 June 2007

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

OFFICE OF THE SPEAKER

Privilege

The SPEAKER (9.01 am)—Yesterday the member for Grayndler raised a matter of privilege relating to a report in the Australian newspaper on 1 May 2007 of comments by a spokesperson for the member for Mackellar. The member for Grayndler made reference to a matter of privilege raised in relation to a former Speaker in 1992, a matter the then Speaker was not prepared to accord precedence to, for a motion to refer to the Committee of Privileges.

I do not see that any privilege issues are raised in the matter put forward by the member for Grayndler. I remind members that matters of privilege should be raised at the earliest opportunity. Further, members should be aware that, in raising matters of privilege, these are very serious matters as they relate to the protection of the special rights and immunities of the houses, its committees and members and which are regarded as essential to the proper operation of the parliament.

ATTORNEY-GENERAL

Motion

Mr ALBANESE (Grayndler) (9.02 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Attorney-General from coming into this House and detailing the operation of the secret taxpayer funded political unit operating out of his ministerial office at 70 Phillip Street, Sydney, including:

(1) the date of the secret unit’s establishment;
(2) the annual cost to taxpayers of the secret unit’s operation;
(3) the secret unit’s full staffing arrangements;
(4) the secret unit’s reporting arrangements;
(5) the function of the secret unit including its monitoring of non-government media comment and other activities;
(6) the relationship between the secret unit and the taxpayer funded government members secretariat;
(7) the relationship between the secret unit and other taxpayer funded units operating out of other ministerial offices;
(8) the relationship between the secret unit and the federal secretariat of the Liberal Party;
(9) the relationship between the secret unit and Crosby Textor; and
(10) the reason that the existence of this unit has been kept secret from the Australian Parliament and the Australian people.

Mr Speaker, how many dirt units—

The SPEAKER—Order! Is leave granted?

Mr ALBANESE—does this government have?

The SPEAKER—Leave is not granted.

Mr ALBANESE—How many dirt units? One in Canberra—

The SPEAKER—Order! The member for Grayndler will resume his seat. I call the honourable the Treasurer.

Mr COSTELLO (Higgins—Treasurer) (9.03 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.07 am]

The Speaker—Hon. David Hawker

Ayes............ 80

Noes............ 51

Majority........ 29

AYES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Bailey, F.E.
Baird, B.G. Baldwin, R.C.
Barresi, P.A. Bartlett, K.J.
Mr McMullan—Mr Speaker, I rise on a point of order. A motion has been moved.

The SPEAKER—I inform the member for Fraser that no motion is before the chair. No motion has been moved. The only motion the House has dealt with was that the Manager of Opposition Business be no longer heard.

Opposition members interjecting—

The SPEAKER—Order! The Manager of Opposition Business sought leave; leave was not granted. A motion was then moved. I have sought advice. It was my understanding that leave was sought but I am happy to review the Hansard. I believe at this point the House should continue with its business.

Mr McMullan—I cannot understand how the motion that the speaker can be no longer heard can be moved in response to a request for leave. That is impossible. That cannot happen. Just think about the procedure, Mr Speaker. It is absolutely and logically impossible to move that someone be no longer heard when they sought leave. It is absurd. Once he has been denied leave—

The SPEAKER—Order! I say to the member for Fraser again that I will review the Hansard. But it was my understanding—
and it was the understanding of both clerks—that leave was sought.

Mr McMullan—On a point of order, Mr Speaker: on what basis did you accept a motion that someone be no longer heard if they had been denied leave?

The SPEAKER—The member for Fraser would be aware—he was in the chamber—that the Manager of Opposition Business was still on his feet and was still speaking. At that point, the motion was that he be no longer heard.

Mr McMullan—Mr Speaker, while I think your ruling is profoundly wrong, can I just say that, when you reflect, you will concede that.

The SPEAKER—Order! The member for Fraser will not reflect on the chair.

Mr McMullan—I am entitled—

Government members interjecting—

The SPEAKER—The member for Fraser may wish to move a similar motion.

Mr McMULLAN (Fraser) (9.15 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Attorney-General from coming into this House and detailing the operation of the secret taxpayer funded political unit operating out of his ministerial office at 70 Phillip Street, Sydney, including:

(1) the date of the secret unit’s establishment;
(2) the annual cost to taxpayers of the secret unit’s operation;
(3) the secret unit’s full staffing arrangements;
(4) the secret unit’s reporting arrangements;
(5) the function of the secret unit including its monitoring of non-government media comment and other activities;
(6) the relationship between the secret unit and the taxpayer funded government members secretariat;

(7) the relationship between the secret unit and other taxpayer funded units operating out of other ministerial offices;
(8) the relationship between the secret unit and the federal secretariat of the Liberal Party;
(9) the relationship between the secret unit and Crosby Textor; and

(10) the reason that the existence of this unit has been kept secret from the Australian Parliament and the Australian people.

Mr COSTELLO (Higgins—Treasurer) (9.16 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.21 am]

(Ayes: 79, Noes: 54, Majority: 25)

AYES

Pearce, C.J. Prosser, G.D. 
Pryde, K. Randall, D.J. 
Ruddock, P.M. Robb, A. 
Scott, B.C. Schultz, A. 
Slipper, P.N. Seeker, P.D. 
Somlyay, A.M. Smith, A.D.H. 
Stone, S.N. Southcott, A.J. 
Ticehurst, K.V. Thompson, C.P. 
Truss, W.E. Toller, D.W. 
Turnbull, M. Tuckey, C.W. 
Vale, D.S. Vaile, M.A.J. 
Wakelin, B.H. Vasta, R. 
Wood, J. Washer, M.J. 

NOES 
Adams, D.G.H. Albanese, A.N. 
Beazley, K.C. Bevis, A.R. 
Bird, S. Bowen, C. 
Burke, A.E. Burke, A.S. 
Byrne, A.M. Corcoran, A.K. 
Crean, S.F. Danby, M. * 
Edwards, G.J. Elliot, J. 
Ellis, A.L. Ellis, K. 
Emerson, C.A. Ferguson, L.D.T. 
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. Jenkins, H.A. 
Irwin, J. Lawrence, C.M. 
King, C.F. McClelland, R.B. 
Macklin, J.L. Melham, D. 
McMullan, R.F. O’Connor, G.M. 
O’Connor, B.P. O’Connor, G.M. 
Owens, J. Pibersek, T. 
Price, L.R.S. Quick, H.V. 
Ripoll, B.F. Roxon, N.L. 
Sawford, R.W. Smith, S.F. 
Snowdon, W.E. Swan, W.M. 
Tanner, L. Thomson, K.J. 
Vanvakinou, M. Wilkie, K. 
* denotes teller 

Question agreed to.

The SPEAKER—Is the motion seconded? 

Dr EMERSON (Rankin) (9.25 am)—I second the motion. When it comes to the Liberal Party, dirty deals are not done dirt cheap.

The SPEAKER—Order! The member for Rankin will resume his seat.

Mr COSTELLO (Higgins—Treasurer) (9.25 am)—I move: 

That the member be no longer heard. 

Question put. 

The House divided. [9.27 am] 

(The Speaker—Hon. David Hawker) 

Ay es……………... 79 

Noes……………….. 54 

Majority……….. 25 

AYES 

Abbott, A.J. Anderson, J.D. 
Andrews, K.J. Bailey, F.E. 
Baird, B.G. Baldwin, R.C. 
Barresi, P.A. Bartlett, K.J. 
Billson, B.F. Bishop, B.K. 
Bishop, J.I. Broadbent, R. 
Cadman, A.G. Cauley, I.R. 
Ciobo, S.M. Cobb, J.K. 
Costello, P.H. Dutton, P.C. 
Elson, K.S. Entsch, W.G. 
Farmer, P.F. Fawcett, D. 
Ferguson, M.D. Forrest, J.A. 
Gambaro, T. Gash, J. 
Georgiou, P. Haase, B.W. 
Hardgrave, G.D. Hartsuyker, L. 
Henry, S. Hockey, J.B. 
Hull, K.E. * Hunt, G.A. 
Jensen, D. Johnstone, M.A. 
Jull, D.F. Keenan, M. 
Kelly, D.M. Kelly, J.M. 
Laming, A. Ley, S.P. 
Lindsay, P.J. Macfarlane, I.E. 
Markus, L. May, M.A. 
McArthur, S. * McGauran, P.J. 
Mirabella, S. Moylan, J.E. 
Naim, G.R. 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. 
Somlyay, A.M. Southcott, A.J.
<table>
<thead>
<tr>
<th>NOES</th>
<th>AYES</th>
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<tr>
<td>Abbott, A.J.</td>
<td>Adams, D.G.H.</td>
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<td>Andrews, K.J.</td>
<td>Albanese, A.N.</td>
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<td>Beazley, K.C.</td>
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<td>Barresi, P.A.</td>
<td>Bird, S.</td>
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<td>Billson, B.F.</td>
<td>Burke, A.E.</td>
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<td>Bishop, J.J.</td>
<td>Byrne, A.M.</td>
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<td>Cadman, A.G.</td>
<td>Crean, S.F.</td>
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<tr>
<td>Ciobo, S.M.</td>
<td>Edwards, G.J.</td>
</tr>
<tr>
<td>Costello, P.H.</td>
<td>Ellis, A.L.</td>
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<tr>
<td>Elson, K.S.</td>
<td>Emerson, C.A.</td>
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<td>Farmer, P.F.</td>
<td>Ferguson, M.J.</td>
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<td>Ferguson, M.D.</td>
<td>Georganas, S.</td>
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<td>Gambaro, T.</td>
<td>Gibbs, S.W.</td>
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<td>Georgiou, P.</td>
<td>Grieson, S.J.</td>
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<td>Haase, B.W.</td>
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Question agreed to.

Original question put:

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

The House divided. [9.29 am]
Hull, K.E. *  Hunt, G.A.  
Jensen, D.  Johnson, M.A.  
Kelly, D.M.  Kelly, J.M.  
Laming, A.  Ley, S.P.  
Lindsay, P.J.  Lloyd, J.E.  
Macfarlane, I.E.  Markus, L.  
May, M.A.  McArthur, S. *  
McGauran, P.J.  Mirabella, S.  
Moylan, J.E.  Nairn, G.R.  
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.  Somlyay, A.M.  
Southcott, A.J.  Stone, S.N.  
Thompson, C.P.  Ticehurst, K.V.  
Tollner, D.W.  Truss, W.E.  
Tuckey, C.W.  Turnbull, M.  
Vale, D.S.  Vasta, R.  
Wood, J.  Washer, M.J.

* denotes teller

Question negatived.

The SPEAKER (9.35 am)—It would appear, following some preliminary inquiries, that leave was not sought by the honourable Manager of Opposition Business. I regret any inconvenience I have caused to the House.

TRADE PRACTICES LEGISLATION AMENDMENT BILL (No. 1) 2007

First Reading

Bill and explanatory memorandum presented by Mr Costello.

Bill read a first time.

Second Reading

Mr COSTELLO (Higgins—Treasurer) (9.36 am)—I move:

That this bill be now read a second time.

Introduction and overview

This is a bill to amend the Trade Practices Act 1974 to improve its ability to foster competition in Australian markets and protect against anticompetitive and unconscionable conduct.

The stated object of the Trade Practices Act is to enhance the welfare of Australians through the promotion of competition, fair trading and consumer protection. The act contains a range of provisions that promote and maintain competition and consumer protection.

Part IV of the act promotes competition by prohibiting conduct that may lessen competition. Section 46 in part IV prohibits corporations from misusing substantial market power to harm or eliminate competitors or competition generally. Part IVA of the act prohibits corporations from engaging in conduct that is, in all the circumstances, unconscionable.

This bill amends parts IV and IVA of the act to implement the government’s response to the March 2004 Senate Economic References Committee report on The effectiveness of the Trade Practices Act 1974 in protecting small business. The bill also implements elements of the government’s Committed to small business statement decision, announced in July 2004.


Outline of measures in the Bill

Today the government introduces a bill to improve the operation of the Trade Practices Act in relation to small business. The government acknowledges and appreciates the contribution that small business makes to the Australian economy. There are almost 1.88 million small businesses in Australia. The small business sector provides more than 3.7
million jobs, and contributes 39 per cent of Australia’s economic production.

The bill covers three key areas of reform. Firstly, the bill will provide for the creation of a second Deputy Chairperson position at the ACCC.

Secondly, the bill makes a number of amendments to section 46 to improve and clarify the operation of the provisions of the act relating to the misuse of market power. It will also make consequential amendments to part XIB and part 1 of the schedule to the Trade Practices Act, to ensure continued consistency between section 46 and the schedule version of the act which applies to the states and territories.

Thirdly, it amends section 51AC to extend and clarify the operation of the unconscionable conduct provisions of the act. The bill also amends the Australian Securities and Investments Commission Act 2001, duplicating the changes made by the bill to section 51AC in relation to financial products and services.

Schedule 1: Second Deputy Chairperson for the Australian Competition and Consumer Commission

Schedule 1 of the bill provides for the creation of a second Deputy Chairperson position for the ACCC, and allows for the effective operation of the ACCC with that additional position.

The creation of the additional position has no impact on existing appointments to the ACCC, and the bill limits the number of concurrent appointments to the position of Deputy Chairperson to two positions.

The government intends for the position to be filled by a candidate who is experienced in small business matters. On implementation, the government will consult with the states and territories on its preferred candidate for the position, in accordance with the requirements of the Conduct Code Agreement.

Schedule 2: Misuse of market power

Schedule 2 of the bill amends section 46 of the Trade Practices Act, as well as making amendments to related provisions of the act.

Section 46 prohibits corporations with a substantial degree of market power from using that power for certain purposes prescribed under subsection 46(1). The ‘market power’ referred to is generally described as the ability of a firm to behave in a manner that is persistently different from the behaviour of other firms in a competitive market. An example of the existence of market power might be the ability of a firm to raise its prices above the ordinary supply cost, without losing customers to its rivals.

Leveraging market power

At present, section 46 does not explicitly state whether the market in which substantial market power is misused must be the same as the market in which the corporation has substantial market power. Some submissions to the Senate committee raised concerns about this lack of clarity, and the committee recommended that section 46 be amended.

The government accepted this recommendation. It is appropriate for section 46 to prescribe the leveraging of substantial market power from one market into another. Accordingly, the bill amends section 46 to provide that a corporation must not take advantage of a substantial degree of market power, either in the market in which the power is held or in any other market.

Coordinated market power

The act recognises that corporations may obtain market power in their own right, or through interactions with other corporations in the market. For example, subsection 46(2) requires that related subsidiaries or holding companies in the same corporate group be
taken into account when assessing market power.

The committee recommended that section 46 go further, to take account of a firm’s interactions with corporations not in the same corporate group or related to the firm. The government agrees that section 46 should be amended. The bill provides that, in assessing whether a corporation has ‘a substantial degree of power in a market’, a court may take account of any market power the corporation has that results from agreements with others, or covenants that the corporation is bound by or entitled to the benefit of.

‘Substantial degree of power’ is not a threshold of substantial control

The Senate committee recommended that section 46 be amended to clarify that the threshold of ‘a substantial degree of power in a market’ is not a threshold of substantial control. The government will be making several amendments to clarify the threshold.

Firstly, the bill clarifies that the threshold of ‘a substantial degree of power in a market’ can be satisfied even though the corporation does not substantially control the market.

Secondly, the bill clarifies the threshold to state that a corporation can have ‘a substantial degree of power in a market’ even though it does not have absolute freedom from constraint by the conduct of its competitors or persons to whom or from whom it supplies goods or services. Finally, the bill makes it clear that more than one corporation may have a substantial degree of power in a market. A corporation does not need to be a monopolist or near monopolist to satisfy the threshold for section 46 to apply. Instead, section 46 can apply to situations where several corporations operating in the same market each have a substantial degree of power in that market.

It should also be noted that the bill makes it clear that the court is not limited to taking these matters into account in deciding whether a corporation has a substantial degree of power in a market.

Below-cost pricing

The government will be making amendments to the Trade Practices Act to provide further guidance to courts in relation to predatory pricing. Predatory pricing refers to a particular type of misuse of market power, whereby a firm deliberately sells at unsustainably low prices in an attempt to drive its competitors out of the market. The firm may follow this by greatly increasing its prices in an attempt to recoup the losses it suffered from selling at the unsustainable price.

Predatory pricing harms competition and consumers. However, it should be distinguished from legitimate, pro-competitive conduct, such as vigorous discounting, which clearly benefits consumers.

To this end, the bill amends section 46 to emphasise that courts may take into consideration a sustained period of below-cost pricing when determining whether a corporation has misused its market power. The bill also provides that courts may take into account the corporation’s reasons for engaging in below-cost pricing. The corporation’s reasons for engaging in below-cost pricing may indicate whether the corporation had one of the prohibited purposes in section 46(1). I note that courts have in the past been able to examine below-cost pricing when determining whether a corporation has misused its market power under section 46. The amendments in the bill clarify that existing ability. The amendments do not direct that a court must have regard to below-cost pricing when considering a breach of section 46. Nor do they limit the court to considering below-cost pricing when determining whether a corporation has misused its market power.
Consequential amendments to part XIB and part 1 of the schedule

Schedule 2 of the bill also makes a series of amendments to part XIB and part 1 of the schedule to the Trade Practices Act as a consequence of the changes to section 46.

Part XIB of the act provides a telecommunications-specific prohibition on the misuse of market power. The bill ensures continued consistency between section 46 and section 151AJ of part XIB, in relation to the leveraging of market power, coordinated market power, the threshold of ‘a substantial degree of power in a market’, and predatory pricing.

The bill also amends the version of section 46 found in part 1 of the schedule to the Trade Practices Act. This is the version that applies throughout the states and territories by virtue of application legislation passed by the states and territories, in accordance with the 1995 competition code agreement.

Schedule 3: unconscionable conduct


Part IVA of the Trade Practices Act prohibits corporations from engaging in unconscionable conduct in their transactions with both consumers (under section 51AB) and business consumers (under section 51AC). Section 51AC was inserted into the act by the Trade Practices Amendment (Fair Trading) Act 1998 and was duplicated in the ASIC Act in relation to financial services, as part of the Financial Services Reform (Consequential Provisions) Act 2001.

In its report, the Senate Economics References Committee identified several issues in its consideration of the unconscionable conduct provisions of the Trade Practices Act. It concluded that section 51AC is a relatively new section, which has not yet had time to develop a significant body of jurisprudence. However, the committee did accept that the case had been made for some minor changes to section 51AC.

$3 million threshold

The protection offered to business consumers by section 51AC is subject to two limitations. Firstly, listed public companies are not protected by section 51AC. Secondly, the section does not apply where the supply or acquisition of goods is at a price greater than $3 million.

The government did not accept the committee’s recommendation that the price limit be repealed. At the time of its enactment in 1998, the government intended to limit the protection afforded by section 51AC to small businesses. This was achieved by limiting access to the protection to prices not exceeding $1 million, later increased to $3 million in 2001.

Complete removal of the price cap would broaden the focus of the provision in a way unintended by the government. Instead, the bill increases the price cap under section 51AC to $10 million, as recommended in the government senators’ minority report.

Unilateral variation of contracts

When considering whether a corporation has engaged in unconscionable conduct in business transactions, a court may have regard to a non-exhaustive list of factors under section 51AC. Subsections 51AC(3) and 51AC(4) provide lists that are tailored for business consumers that either supply or acquire the goods or services in question.

Unilateral variation clauses in a contract permit one party to vary some aspects of the contract without consulting the other party. In line with the findings of the Senate committee, the government agrees that the impo-
sition or utilisation of unilateral variation clauses may be an indication that unconscionable conduct has occurred. However, the mere existence of a unilateral variation clause does not always indicate that unconscionable conduct has occurred—in some cases these clauses may be indicative of healthy competition.

Accordingly, the bill amends subsections 51AC(3) and 51AC(4) to explicitly provide that a court may consider unilateral variation contract terms, when determining whether there has been a breach of section 51AC. It does not direct the court to consider such clauses.

Consequential amendments to the Australian Securities and Investments Commission Act 2001

The ASIC Act applies the unconscionable conduct rules of section 51AC of the Trade Practices Act to the supply and acquisition of financial services. To ensure continued consistency between the consumer protection provisions of the ASIC Act and the Trade Practices Act, the bill duplicates the changes made to section 51AC in section 12CC of the ASIC Act.

Conclusion

The bill implements a number of important government announcements in relation to the Trade Practices Act and the protection of small business. It comes about as a result of extensive discussions with key small business groups. I would like to take the opportunity here today to pay tribute to the Minister for Small Business and Tourism, Fran Bailey, for the excellent work that she has done in relation to these negotiations and this legislation. I would also like to take the opportunity to thank and pay tribute to the work of the Leader of The Nationals in the Senate, Senator Ron Boswell. Both of them have been strong advocates for small business, and I thank them for their interest in these matters. This bill improves the overall effectiveness of the act in protecting competitive processes in Australian markets. Importantly, it makes particular enhancements to the act in relation to the legitimate interests of small business. I commend the bill to the House.

Debate (on motion by Dr Emerson) adjourned.

NATIONAL HEALTH AMENDMENT (NATIONAL HPV VACCINATION PROGRAM REGISTER) BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Billson for Mr Abbott.

Bill read a first time.

Second Reading

Mr BILLSON (Dunkley—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence) (9.52 am)—I move:

That this bill be now read a second time.

The government is committed to ensuring that Australians can continue to access free vaccines to protect the population against vaccine preventable diseases through the National Immunisation Program (NIP).

Our immunisation system is world class, with immunisation coverage rates above 90 per cent for 12-month-old children for the last six years. The proof of the success of the program can be measured by the large declines in rates of vaccine preventable diseases and, in the case of polio and smallpox, eradication of the diseases from Australia.

Childhood immunisation rates increased from 53 per cent in 1989-90 to over 90 per cent for children fully immunised at 12 months, following the introduction of the government’s Immunise Australia Program.

In 1996, Australian government expenditure on vaccines was $13 million a year. In 2006-07, vaccine expenditure was $283 mil-
lion. In April 2007, the National HPV Vaccination Program commenced with vaccine funding of $475.9 million over five years (from financial years 2006-07 to 2010-11). On 1 July 2007, rotavirus vaccines will be added to the National Immunisation Program with vaccine funding of $124.4 million over five years (from 2007-08 to 2011-12). The Australian government commitment to vaccine funding in 2007-08 is estimated to be over $443 million.

Along with the announcement of funding for free human papillomavirus vaccine for all Australian girls and women 12 to 26 years of age in November 2006, the government also announced the establishment of a register to support this new initiative. The National Health Amendment (National HPV Vaccination Program Register) Bill 2007 will amend the National Health Act 1953 to enable the establishment and operation of the National HPV Vaccination Program Register.

HPV is a sexually transmitted virus which has many strains, some of which can cause cervical cancers and genital warts. HPV is so common in the general population that four out of five people will have HPV at some time in their lives. Only a very small percentage of women who get persistent high-risk HPV infection are at risk of developing cervical cancer. This usually takes about 10 years. There is no way of knowing which of the individual women infected will end up developing cervical cancer. For this reason, all girls and young women need to be vaccinated. Vaccination with HPV vaccine is most effective when it is given to an individual before they are likely to be exposed to HPV.

The HPV vaccine Gardasil®, which is the only vaccine currently designated for use in the National Immunisation Program, protects against four different types of HPV. Two types, types 16 and 18, are responsible for about 70 per cent of cervical cancers in Australia. The other two types, types 6 and 11, cause about 90 per cent of cases of genital warts. The vaccine is given as a series of three injections over six months.

It is important that all females, whether vaccinated or unvaccinated, continue to get regular Pap smears as the vaccine is not able to prevent all types of HPV that may cause cervical cancer.

In order to vaccinate females before they are likely to become exposed to HPV infection, the ongoing program will target girls in the first year of high school. The government is also funding a two-year catch-up program for all girls in high school through schools, and those 18 to 26 through general practitioners and community immunisation clinics. The school program has now commenced in all states and territories.

Vaccination remains voluntary in Australia.

The HPV register is being established for a number of purposes.

It will contain a database of personal and vaccination information about individuals who participate in the HPV program. This will allow for statistics to be compiled determining how many persons participate in the HPV program in relation to the eligible population.

The register will also allow vaccination information to be compared in the future to patient outcomes as recorded in Pap smear, cervical cytology or cervical cancer registers. This cross-referencing of information will provide information about the effectiveness of the HPV vaccine in reducing cervical cancers. This information will in time inform the
future directions of the HPV vaccination program.

In addition to this, the HPV register will provide a means for contacting participants of the HPV program to advise them of their vaccination status, certifying the completion of their course of vaccination and informing them if booster doses of vaccine are required.

The bill also aims to, through the HPV register, support the health and wellbeing of females by allowing the collection of statistics to inform health authorities, health care providers and the public about the HPV program. It will enable females or the parents or guardians of female children and health professionals involved in the HPV vaccination program to be contacted and informed about new developments with the HPV vaccination program.

The bill makes a provision for a female, or the parent or guardian of a vaccinated person, to make a request in writing at any time to have her details removed from the HPV register and for that request to be complied with as soon as practicable.

The HPV register will also hold information about general practitioners and registered nurses who are recognised for the purposes of the HPV register as vaccination providers. Only those vaccination providers will be given access to the HPV register to allow information to be entered on the register or for checking the vaccination status of a female to whom they are administering an HPV vaccine.

This bill will strengthen the government’s commitment to the health of Australians by further improving Australia’s world class immunisation system. I commend the bill to the House.

Debate (on motion by Dr Emerson) adjourned.

SOCIAL SECURITY AMENDMENT (2007 MEASURES No. 1) BILL 2007

First Reading

Bill and explanatory memorandum presented by Dr Stone.

Bill read a first time.

Second Reading

Dr STONE (Murray—Minister for Workforce Participation) (10.00 am)—I move:

That this bill be now read a second time.

This bill contains amendments to the Social Security Act 1991 to give effect to policy announcements made in the budget. These announcements build on the Welfare to Work reforms already introduced, ensuring even greater fairness, consistency and equity between groups with similar needs, in line with the government’s commitment to make it easier for unemployed people to engage with the labour market.

This bill makes eligibility for mobility allowance more consistent and provides greater assistance for people with disability to obtain or retain employment. It extends eligibility for standard rate mobility allowance to people participating in a vocational rehabilitation program, provided base qualifications for mobility allowance are met. The current standard rate is $74.30 per fortnight. People participating in a vocational rehabilitation program are already eligible for higher rate mobility allowance, if they meet base qualifications and work, or look for work of, 15 hours or more at or above the relevant minimum wage.

Higher rate mobility allowance was introduced as part of the Welfare to Work reforms to encourage people with disability into the open labour market. Eligibility for the higher rate of mobility allowance is now being extended to parenting payment recipients working 15 hours or more at or above the relevant minimum wage. Eligibility for the higher
rate of mobility allowance is also being extended to people working for 15 hours or more in open employment and receiving wages assessed in accordance with the supported wage system. The current higher rate is $104 per fortnight.

The bill makes treatment of people receiving youth allowance more equitable by ensuring fast connection with employment assistance, and encouraging greater engagement with the labour market for young people once they cease study.

Partnered parenting payment recipients who have a partial work capacity due to disability will be treated more consistently, with the extension of access to a range of benefits including the pharmaceutical allowance, pensioner education supplement, pensioner concession card and telephone allowance. This is consistent with benefits received by disability support pensioners.

The bill removes disincentives in the income support system for people with shared care of a child, without reducing incentives to take up paid work. Increased access to payment rates is provided for people with dependent children, reflecting the important recommendations of the 2006 ministerial task force report on child support.

A minor amendment is also included to ensure that mature age job seekers can combine self-employment, as well as other types of employment, with voluntary work in order to meet their income support participation requirements.

These amendments continue the focus on supporting people being engaged by the Welfare to Work reforms. The changes will improve access to assistance, ensuring fairness and consistency in treatment, and making it easier for these groups to engage with the labour market.

There are minimal financial implications for these measures, with the total impact of the bill over four years being $18.2 million.

The bill also contains minor technical corrections to the social security law.

I commend the bill to the House.

Debate (on motion by Mr McClelland) adjourned.

COMMUNICATIONS LEGISLATION AMENDMENT (INFORMATION SHARING AND DATACASTING) BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Billson.

Bill read a first time.

Second Reading

Mr BILLSON (Dunkley—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence) (10.04 am)—I move:

That this bill be now read a second time.

The Australian Communications and Media Authority (ACMA) frequently receives information through the performance of its functions and the exercise of its powers as the Australian government regulatory body responsible for broadcasting, telecommunications and radiocommunications matters.

The Minister for Communications, Information Technology and the Arts, and certain other Australian government regulatory bodies, have a legitimate interest in receiving information that is obtained by ACMA.

At present, the circumstances in which ACMA can legitimately pass on information are uncertain. The amendments in this bill will provide ACMA with an appropriate level of certainty and in so doing, will enhance the efficiency of the regulator’s enforcement activities.

The amendments will be of particular benefit to ACMA in the context of its role in
the government’s media ownership reforms that took effect from 4 April 2007.

In dealing with industry in relation to a proposed merger, both the Australian Competition and Consumer Commission (ACCC) and ACMA are likely to receive evidence relating to the question of control of commercial broadcasting licences. As arrangements currently stand, ACMA would be unable to share such information with the ACCC, even though it is relevant to the performance of the ACCC’s statutory functions under the Trade Practices Act 1974 in considering and approving proposed media mergers.

Amendments to the Trade Practices Act 1974 to provide the ACCC with powers to disclose protected information have also been brought before the parliament. However, no similar powers exist for ACMA.

ACMA has also established close relationships with overseas regulatory agencies in developing cooperative arrangements for the regulation of the internet industry. The global nature of the internet means that liaison with regulatory and other relevant bodies overseas is a vital part of addressing offensive internet material and working towards securing child safety online.

This bill will make clear ACMA’s ability to share important information it has gathered pursuant to its online content responsibilities with overseas regulatory agencies. It will also authorise ACMA to share relevant material with domestic law enforcement agencies, including the Australian Federal Police and the Director of Public Prosecutions.

In addition, the removal of potential barriers to information sharing with regulatory and other agencies will go some way to helping reduce duplication and the reporting burden on industry. There have been instances in which regulators have requested similar information from industry, creating an undesirable overlap and otherwise avoidable burden for industry.

The kinds of information that ACMA will be authorised to share will include information given in confidence to ACMA in connection with the performance of its functions or the exercise of its powers.

In addition, ACMA will be authorised to disclose information it has obtained as a result of its coercive information-gathering powers, as set out in applicable broadcasting, radiocommunications and telecommunications legislation.

ACMA will also be authorised to disclose information that is already in the public domain. ACMA will also be free to disclose information in summarised or statistical form, provided appropriate privacy protections are in place.

The bill will provide ACMA with clear authority to disclose information to the Minister for Communications, Information Technology and the Arts. In the past, there has been some uncertainty regarding the ability of ACMA to share important information it has obtained in connection with its regulatory activities with the minister.

The range of ACMA’s regulatory functions often necessitates close consultation and liaison across a range of ministerial portfolios. Accordingly, ACMA will also be able to disclose information to another minister, if that information relates to matters arising under an act administered by that minister. ACMA will also be able to disclose that information to the secretary of the relevant minister’s department, or an authorised officer of that department.

The bill also makes provision for ACMA to disclose information to a royal commission where that information will assist the commission in its inquiries.
Clearly, the information ACMA receives from regulated entities has the potential to be commercially sensitive and it is therefore appropriate that the list of agencies ACMA will be authorised to share information with will be limited to those with which ACMA has an ongoing cooperative role.

Furthermore, disclosure will only be permitted in circumstances where the ACMA chair is satisfied that the information will assist or enable the other party to perform any of its functions or exercise any of its powers. The bill also makes provision for the Chair of ACMA to impose conditions to be complied with in relation to the disclosure of information.

The provisions in this bill will enable ACMA to cooperate to the greatest extent possible with the minister, government departments and other key regulatory agencies in performing its vital functions in relation to the regulation of broadcasting, the internet, radiocommunications and telecommunications.

The public interest in good governance would not be served by restricting the ability of regulators to work cooperatively and share information on related issues.

The bill also includes provisions relating to the government’s decisions concerning channel A and channel B datacasting transmitter licences.

Channel A licences can be used for fixed, in-home, free to air digital services, while channel B licences can be used for a wider range of services, including mobile TV.

The bill will give ACMA greater flexibility in carrying out its spectrum management functions in relation to these licences.

The provisions in this bill will permit ACMA to vary a condition of a datacasting transmitter licence that relates to radiofrequency spectrum after such a licence has been allocated.

This will allow ACMA to address a range of technical issues as they arise.

Such technical issues could include addressing potential interference with existing services and optimising spectrum for particular services such as mobile TV.

The government announced that channel B licences would not be subject to an annual licence fee.

However, under the Datacasting Charge (Imposition) Act 1998, an annual licence fee could potentially be imposed on a channel B licensee.

Therefore, the bill includes provisions to ensure that the datacasting charge would not be imposed in relation to the provision of services under a channel B licence.

I commend the bill to the House.

Debate (on motion by Mr McClelland) adjourned.

FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION AMENDMENT (FURTHER 2007 BUDGET MEASURES) BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Billson.

Bill read a first time.

Second Reading

Mr BILLSON (Dunkley—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence) (10.12 am)—I move:

That this bill be now read a second time.

This bill provides the legislative basis for several 2007 budget measures in the Families, Community Services and Indigenous Affairs portfolio, building on other recent
budget legislation for older Australians and families with children.

Older Australians in retirement are again among the beneficiaries of this new bill, as the government continues to spend more on age pension than on any other single program—around $24 billion next financial year in pension payments to around two million people.

The pension bonus scheme recognises the important role played by older Australians in the workforce, and supports their choice to participate. The scheme gives an incentive for people who choose to defer claiming age pension, or the veterans’ entitlement equivalent, and keep working. The incentive takes the form of a one-off, tax-free payment of up to around $32,000 for a single person and $27,000 for each member of a couple, which is paid when they eventually claim and receive age pension.

This bill will make the pension bonus scheme even better and more flexible in several ways. For example, scheme members who take certain types of leave from work will be able to stay in the scheme as non-accruing members for up to 26 weeks without failing the work test. Also, if people do fail the work test, there will be greater discretion for the usual 13-week claim lodgment period to be extended, so special circumstances such as serious illness of a close family member can be taken into account if a person claims late.

A new pension bonus ‘top-up’ will be allowed if a person’s pension rate increases within 13 weeks after being granted because their income or assets have decreased. This will help people whose retirement investments are not settled until shortly after grant of their age pension and bonus, to get the most out of their bonus. Lastly, new rules will allow the bonus accrued, but not claimed, by a scheme member who dies, to be paid to their surviving partner.

In a further measure targeted at older Australians, the existing social security income and assets test exemption threshold for funeral bonds will be increased from $5,000 to $10,000. The new threshold will be indexed in line with inflation so that it maintains its real value. This measure is also designed to allow individuals or couples to have a second funeral bond subject to the exemption, so that those with existing bonds can take advantage of the new threshold. This initiative will help Australians make better provision for their funeral arrangements without seeing their income support payments affected.

Families with higher order multiple births—triplets, quadruplets, or larger birth sets—will benefit from the extension by this bill of multiple birth allowance. Multiple birth allowance is an additional component of family tax benefit part A for families with three or more children born together. That is a troubling thought, isn’t it? It is worth over $3,000 per year for triplets and over $4,000 for quadruplets and larger birth sets. Our thoughts are very much with those mothers. Multiple birth families face a significantly increased financial burden over most other families, both in the direct costs of raising their children and in the indirect costs of reduced workforce participation. Multiple birth allowance aims to relieve some of this financial pressure and recognises the particular challenges and demands on these families.

The allowance currently stops when the children turn six. However, the government has listened to families, who have pointed out that this is one of their most expensive times, with the need to buy multiple school uniforms and supplies, and not having the capacity of many other families to save costs—through hand-me-downs, for example. This pattern of financial pressure contin-
ues throughout their schooling. Therefore, multiple birth allowance will now continue to be paid until the children turn 16 or generally until the end of the year in which they turn 18 if they remain full-time students. Over 1,000 Australian families will benefit from this extension. Some will continue to receive the allowance past the children’s sixth birthday, when it would otherwise have stopped, and many others not currently being paid the allowance will start to receive it.

Crisis payment is a one-off payment, equal to a week’s worth of income support, for people in severe financial hardship in certain circumstances. People recently released from prison, victims of domestic violence, and people affected by extreme circumstances such as a natural disaster currently may receive a crisis payment. This bill adds newly arrived humanitarian entrants to Australia to that list, to give extra support to refugees managing the immediate costs of settling into the Australian community, especially in finding long-term accommodation. Under this measure, around 6,800 humanitarian entrants will be assisted by crisis payment each year.

An assurance of support is a form of guarantee that allows people who are at higher risk of requiring income support to migrate to Australia if an assurer promises to provide financial support for the person for two years after arrival, or 10 years in the case of parent migrants. The assurance of support program protects public outlays while not interfering overly with the migration program for financial reasons. This bill will improve and simplify the scheme’s operation. For example, the bill will remove the existing capacity for an assurer to withdraw an assurance of support after a visa has been granted to the person covered by the assurance.

The measures in this bill will commence on 1 January 2008. I commend the bill to the House.

Debate (on motion by Mr McClelland) adjourned.

AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA’S SKILLS NEEDS) AMENDMENT BILL (No. 2) 2007

First Reading

Bill and explanatory memorandum presented by Mr Robb.

Bill read a first time.

Second Reading

Mr ROBB (Goldstein—Minister for Vocational and Further Education) (10.19 am)—I move:

That this bill be now read a second time.

This bill provides funding to expand the highly successful Australian technical colleges initiative by building three more colleges, as announced by the Treasurer in the 2007-08 budget. This brings the total number of colleges to 28—spread over 45 campuses in areas of Australia with high numbers of young people and areas experiencing skills shortages. The three new Australian technical colleges are to be established in the regions of greater Penrith, north-eastern Perth and southern Brisbane.

Twenty Australian technical colleges are currently operating, with one more to open in the Pilbara region of Western Australia in July. These colleges have more than 1,800 students currently studying at them. Four more colleges will commence in 2008. These three new colleges, which are part of today’s bill, will open no later than 2009.

This bill increases the funding under the Australian technical colleges program by $74.7 million over the period from 2008 to
2011. The level of funding available to support the establishment of these colleges will ensure that they are resourced to provide high levels of support to both students and the employers who engage students as school based apprentices.

These additional secondary technical colleges are part of a range of measures in the recent budget, worth $668.1 million over the next four years, which look to encourage and enable increased training to address the skills shortages stemming from our ageing population, well over a decade of uninterrupted growth and the economic opportunities presented by the profound emergence of China and India.

This bill also includes the apprenticeship wage top-up, which is a tax-free payment of $1,000 per year for first- and second-year apprentices under 30 in trades facing skills shortages. It will be paid six-monthly to encourage young people to enter the trades and complete their qualification. It is also a signal to those young people that the government, on behalf of the community, acknowledges the significance of what they are doing in making the most of the vocational and technical talents that they were born with.

The second measure included in the budget announcement of funding of $668 million over the next four years is the introduction of apprenticeship training vouchers of up to $500 per year for all first- and second-year apprentices in trades facing skills shortages to help them or their employers meet the cost of their course fees. This measure is not limited to those under 30. The third measure is the establishment of the new Australian technical colleges, which form part of this bill. The fourth measure is support to fast-track apprenticeships to help apprentices reach their qualifications sooner, while still meeting all the requirements of employers and industry. Finally, the fifth budget measure announced is FEE-HELP for diploma and advanced diploma courses to encourage those already with trade qualifications to further build on their skills and knowledge.

These budget measures add to a wide range of initiatives taken by the Howard government over the last few years to address the emerging labour and skills shortages. The impact of a rapidly ageing population, combined with an extraordinary period of economic growth, was exemplified by one example: the May 2007 job and labour force figures. In May alone more than 2,000 jobs were created, on average, every day; that is, 66,000 jobs were created in the month of May. Correspondingly, every day in May, there was an average increase of 530 in the number of people in the 15- to 64-year-old working age bracket. In other words, there were 66,000 jobs created—2,000 a day—and there was an increase of 530 a day, or 1,530 for the month, in the number of people available to take up those jobs. This dramatically highlights the challenges we face in filling the available jobs within the community.

There is no silver bullet. To keep Australia strong and prosperous, we need to tap further sources of labour within our community, continue a healthy and large skilled migration program and train and retrain those entering the workforce and those 10 million who are already in the workforce. We need to act on all those fronts if we are to deal with the labour shortage which in turn creates a skills shortage. Rapid technological advances will be one way that business seeks to compensate for labour shortages. For 200 years business has used better technology to compensate for labour shortages. We will see this happening by the bucketload in the years ahead, given the challenges we face with an ageing population. Training the workforce at every age level—not just those entering the workforce but at every age level—is critical
to cope with the new technology. Responsiveness and flexibility among our training providers, whether it be TAFE or other private training provider, are imperative.

If we are to unlock and tap into significant pockets of so far untapped labour resources, we need to act on many fronts. There are 700,000 people on disability pensions, 750,000 people on parenting payments, 490,000 people on unemployment benefits and three million people in the 55- to 75-year-old age bracket. Not all of these people can work, but hundreds of thousands of them have the capacity to work, want to work, could work and should work. We need both a cultural change and an opportunity for these people to enter the workforce and help cover some of the labour shortages and skills shortages that confront the country. That is why in recent years the Howard government introduced the workplace legislation, the Welfare to Work legislation, tax changes for seniors, successive rounds of tax cuts, generational reforms to superannuation, legislation to free up independent contractors, legislation to lead to more permanent and temporary skilled migrants, industry restructuring such as the Telstra sale and changes to media laws, and a 42 per cent real increase in Australian government spending on all education and training over the last decade.

All these policy areas combine to deal with labour shortages and make the most of the training that is being provided. For example, over the last 12 months we have seen a 22 per cent reduction in the number of long-term unemployed. Historically, this group has been very difficult to place in the workforce. Without a doubt, the removal of the highly discriminatory unfair dismissal legislation has given thousands of small- and medium-sized businesses the confidence to employ these long-term unemployed in the knowledge that if it does not work out they are not confronted with payments of up to $30,000 in 'go away' money.

Many of these long-term unemployed have had a wide range of training opportunities but the mere fact that they have not been in the workforce has previously prevented their employment. The effectiveness of training programs is heavily dependent on many of these other policy measures which are tapping further into untapped sources of labour within our community—older workers, people with disabilities, parents and the long-term unemployed.

It is interesting to note that nearly all of the policy measures that I ran through—the workplace relations reforms, the Welfare to Work reforms, the independent contractor reforms et cetera—have been opposed root and branch by those opposite. There is no understanding and there is no comprehensive program by those opposite to deal with the labour shortages and the skills shortages in this country. Since it came to power, this government has increased spending on training by 99 per cent in real terms. But the training that we have provided cannot be put to full effect unless we have people mobilised to enter the workforce. The example of the long-term unemployed is a classic example of the interaction between policies in other areas of government and the training programs that are so important to meeting the needs of industry and the community.

In the training area, these new five-year budget measures, including the one that is on the table here today, add to many other initiatives introduced over the last few years to deal with this skills shortage—in particular: 25 Australian technical colleges in 24 regions; an $800 tool kit for Australian apprentices; a $1,000 trade learning scholarship for those in their first two years of an apprenticeship; an additional 500 places in the Access Program; 4,500 pre-vocational training
places in the trades; an additional 7,000 Australian school-based apprenticeships with group training organisations; 340 Australian apprenticeship centres across Australia; a $13,000 wage subsidy for mid-career apprentices; 130,000 work skills vouchers valued at up to $3,000; 6,250 business skills vouchers for apprentices valued at up to $500; $4,000 employer incentives for every one of the 402,000 apprentices employed around Australia—compared with 154,000 when we took office—a $1,000 rural and regional employer incentive for each apprentice; and $1.2 billion each year to the states to fund TAFEs; as well, living away from home allowance, Austudy, Abstudy, youth allowance, declared drought area incentives and mature age worker incentives. A raft of highly important and targeted programs has been introduced by this government over the last 11 years, complemented by these five additional measures, at a further value of close to $700 million, which were introduced in this budget. To this end, the Howard government has increased real spending on vocational and technical education by 99 per cent in real terms since 1996, from $1 billion to $2.9 billion.

The bill before us today is an important complement to this range of measures. In particular, the Australian technical college initiative has provided important leadership in raising the status of vocational and technical training, and the occupations that relate to that training. Once all 28 colleges are fully operational, including the three colleges that are proposed to be funded by this bill, between 8,000 and 10,000 students will be trained at the colleges around Australia each year. Given that the original 25 colleges were announced in late 2004 and the legislation did not pass the parliament until late 2005, the fact that 20 of these colleges are up and running with students is a truly remarkable achievement and is testament to the strong business and local community support. It normally takes an average of about three years to establish a new school. This government established 20 Australian technical colleges in less than 18 months. The 20 colleges that are up and running have done a wonderful job in establishing buildings, equipment, teachers and curriculum in a short time frame. They should be warmly congratulated for their commitment and enthusiasm for giving young people quality vocational and technical education opportunities.

As a community we made a big mistake 20 or 30 years ago when we closed old-style technical schools around Australia. We talked down the trades, and many have continued to do so since, and we put university education ahead of high-quality technical and vocational education. We have got to the point now where many parents feel that they have failed if their children have not gone on to do a university education. That is most unfortunate and misguided. Most of us are born with strong technical, vocational or creative talents—not necessarily academic talents. It is vital that we hone those talents not only to fill Australia’s skills needs, but because people are happiest and most productive when then are making the most of their particular talents. People should do what they do best.

The Australian technical colleges are an important step by the Howard government towards restoring the status of technical and vocational education and providing young Australians with the opportunity to undertake first-class technical and vocational training at a secondary level. It is an important part of the mix of secondary school education to provide a dedicated, specialist stream of schools which cater to those young people who have outstanding technical, vocational and creative talents. The technical colleges offer the students the opportunity to com-
plete years 11 and 12 of secondary school, while at the same time commencing an apprenticeship in their chosen field. At the end of these two years students emerge with a Year 12 certificate, like every other secondary school student, but as well, they are one-third of the way through an apprenticeship, they have two years experience in the workplace and, importantly, they will have spent two critical years of schooling in an environment which is focused on celebrating and developing the particular technical, vocational and creative talents of these students. In this way, these technical colleges contribute importantly to raising the status of vocational and technical education—something we have neglected for so long and that is now costing us dearly as a community.

I have been to many of the colleges that have opened, and it is wonderful to see the pride on the faces of these young people and their families, who feel that what these students are doing is important and that their talents are recognised and valued by the community. It is very important to turn around the cultural position we have got ourselves into, where a university education is valued more highly than a technical education. We must get back to the situation where a high-quality technical or vocational education is as valued as a university qualification. Yet, the member for Perth and many of his colleagues, state and federal, have repeatedly denigrated the technical colleges. Long before the colleges were even opened, they had been taking pot shots and publicly running them down. As I have reported, we have established these colleges in record time. They are outstanding facilities. Yet they have repeatedly misrepresented the progress of the colleges, the operational arrangements of the colleges, the appropriate funding of the colleges and the strong community support of the colleges. For crass political reasons, and in desperation, to maximise their vote at the next election, they have sought to deny the Howard government any credit for showing leadership in reinstating dedicated technical schools as an essential part of the mix of secondary schools around Australia. Labor have been prepared to play politics with the lives of young Australians. Yet the Labor Party is profoundly hypocritical on this matter. It is important to look at what Labor does, not what it says. While persistently denigrating and undermining the Australian technical colleges and, in the process, continuing to talk down the trades around Australia, undermining the confidence of young people who were born with strong technical and vocational talents, Labor governments around Australia have at the same time proceeded to follow the lead of the Howard government and introduce their own technical schools.

In addition to the 28 dedicated technical schools being opened by the Commonwealth government, the states have subsequently committed to 45 further technical schools. This means that over 70 new technical colleges have either been opened or are in the pipeline around the country. This is a great result and it follows the strong leadership of the Howard government. When we promised 2½ years ago, in the face of much opposition, to open 25 new Australian technical colleges for years 11 and 12 students we broke the mould; we returned to a situation where we had dedicated technical schools at a secondary level around the country. We showed leadership as a government. Fortunately, fortuitously and for political reasons, because there is a political imperative in all of this, the state Labor governments around the country have proceeded to follow suit. In recent budgets around the country state Labor governments have also promised to add to the number of technical schools. Given that vocational and technical training is 100 per cent a state responsibility, it is a good
thing that Labor governments have decided to follow suit and to introduce their own schools. By 2009, with these 70 new technical schools—state and federal—close to 35,000 young Australians will be in dedicated technical colleges for years 11 and 12, finishing the year 12 certificate and also being one-third of the way through an apprenticeship. That is a real revolution in technical education. This critical mass will make a huge difference to Australia’s long-term skills needs and will restore the status of technical education. I am certain that state and federally there is room for more of these dedicated technical colleges so that we get a proper mix amongst our secondary schools around the country of both technical and academic schools.

In the coming decades, Australians with trade and technical skills will be in huge demand. It is predicted that over 60 per cent of jobs will require high-quality technical or vocational qualifications, yet currently only 30 per cent of the population have these skills. It is vital that we continue to make the necessary reforms. Today in my speech to the House I have referred to a raft of reforms. It is important to build on these reforms. The bill before us today is an important complement to the suite of measures that the Howard government has taken to ensure that Australia meets the challenge of labour and skill shortages in the years ahead. I commend the bill to the House.

Debate (on motion by Mr McClelland) adjourned.

NATIVE TITLE AMENDMENT (TECHNICAL AMENDMENTS) BILL 2007

Consideration of Senate Message
Consideration resumed from 14 June.
Senate’s amendments—
12. Schedule 5

At the same time as the provision(s) covered by table item 2.

(4) Schedule 1, item 22, page 8 (lines 21 to 23), omit the item, substitute:

22 Subparagraph 24CL(2)(b)(ii)

Omit “subsection 190D(2)”, substitute “subsection 190F(1)”.

22A After subparagraph 24CL(2)(b)(ii)

Insert:

(iiia) the claim is accepted by the Registrar for registration as a result of notification given to the Registrar by the NNTT under section 190E on application under that section, where the application was made not more than 28 days after the notice under subsection 190D(1) was given; or

(5) Schedule 1, item 31, page 10 (lines 9 to 11), omit the item, substitute:

31 Subparagraph 24FE(b)(ii)

Omit “subsection 190D(2)”, substitute “subsection 190F(1)”.

31A After subparagraph 24FE(b)(ii)

Insert:

(iiia) the claim is accepted by the Registrar for registration as a result of notification given to the Registrar by the NNTT under section 190E on application under that section, where the application was made not more than 28 days after the notice under subsection 190D(1) was given; or

(6) Schedule 1, item 69, page 19 (cell at table item 5, 3rd column), omit the cell, substitute:

(a) direct the ADI to pay the amount secured (the original amount) to the Registrar; and
(b) pay an amount equal to the amount determined to the ultimate beneficiary; and
(c) pay the remainder to the person who secured the original amount by bank guarantee or, if that person no longer exists, apply to the Federal Court for a direction as to its payment.

(7) Schedule 1, item 69, pages 20 and 21 (cell at table item 8, 3rd column), omit the cell, substitute:

(a) direct the ADI to pay the secured amount (the original amount) to the Registrar; and
(b) pay an amount to the ultimate beneficiary equal to the amount the court orders to be paid; and
(c) if the amount to be paid to the ultimate beneficiary is less than the original amount—pay the remainder to the person who secured the original amount by bank guarantee or, if that person no longer exists, the person to whom the Federal Court orders it to be paid.

(8) Schedule 1, item 69, page 22 (line 4), omit “item 9”, substitute “items 5, 8 and 9”.

(9) Schedule 1, item 78, page 24 (lines 6 and 7), omit paragraph 64(3)(b), substitute:

(b) the NNTT is, under section 190E, reconsidering the claim made in the application; or

(10) Schedule 1, page 26 (after line 14), after item 83, insert:

83A Paragraph 66C(1)(c)

Omit “and”.

83B Paragraph 66C(1)(d)

Repeal the paragraph.

83C Paragraph 66C(2)(b)

Omit “paragraph 94C(1)(d)”, substitute “paragraph 94C(1)(c)”.

(11) Schedule 1, item 88, page 27 (line 22), omit paragraph 84D(2)(b), substitute:

(b) on the application of a party to the proceedings; or

(12) Schedule 1, item 88, page 27 (lines 25 to 32), omit subsection 84D(3), substitute:

(3) Subsection (4) applies if:
(a) an application does not comply with section 61 (which deals with the basic requirements for applications) because it was made by a person or persons who were not authorised by the native title claim group to do so; or

(b) a person who is or was, or one of the persons who are or were, the applicant in relation to the application has dealt with, or deals with, a matter arising in relation to the application in circumstances where the person was not authorised to do so.

Note: Section 251B states what it means for a person or persons to be authorised to make native title determination applications or compensation applications or to deal with matters arising in relation to them.

(13) Schedule 1, page 28 (after line 25), after item 91, insert:

91A Paragraphs 94C(1)(b), (c) and (d)
Repeal the paragraphs, substitute:

(b) it is apparent from the timing of the application that it is made in response to a future act notice given in relation to land or waters wholly or partly within the area; and

(c) the future act requirements are satisfied in relation to each future act identified in the future act notice; and

91B After subsection 94C(1)
Insert:

(1A) For the purposes of paragraph (1)(b), it is apparent from the timing of an application by a person for a determination of native title in relation to an area that it is made in response to a future act notice to which the current law applies if:

(a) the future act notice is given in relation to land or waters wholly or partly within the area; and

(b) the application is made during the period of 3 months after the notification day specified in the future act notice; and

(c) the person becomes a registered native title claimant in relation to any land or waters that will be affected by the act, before the end of 4 months after the notification day specified in the future act notice.

(1B) For the purposes of paragraph (1)(b), it is apparent from the timing of an application by a person for a determination of native title in relation to an area that it is made in response to a future act notice to which the pre-1998 law applies if:

(a) the future act notice is given in relation to land or waters wholly or partly within the area; and

(b) the person becomes a registered native title claimant in relation to any land or waters that will be affected by the act, within the period of 2 months starting when the notice is given.

(1C) The regulations may prescribe, for the purposes of paragraph (1)(b), other circumstances in which it is taken to be apparent from the timing of an application by a person for a determination of native title in relation to an area that it is made in response to a future act notice to which the current law applies, including circumstances in which it is taken to be apparent in relation to a future act notice given under alternative provisions.

(1D) For the purposes of paragraph (1)(c), the future act requirements are satisfied in relation to a future act notice to which the current law applies if one of the following paragraphs is satisfied in relation to each future act identified in the notice:

(a) subsection 32(2) (which applies if no objection is made after the giving of a notice that the act attracts the
expedited procedure) allows the act to be done;

(b) a determination is made under subsection 32(4) that the act is an act attracting the expedited procedure;

c) native title parties have lodged one or more objections in relation to the act under subsection 32(3), but all such objections are withdrawn under subsection 32(6);

d) an agreement of the kind mentioned in paragraph 31(1)(b) is made;

e) a determination is made under section 36A or 38 that the act may be done, or may be done subject to conditions being complied with;

(f) a determination is made under section 36A or 38 that the act must not be done;

g) a determination that the act may be done, or may be done subject to conditions being complied with or must not be done, is declared to be overruled in accordance with section 42;

(h) a circumstance occurs in which, under the regulations, the future act requirements are satisfied.

(1E) For the purposes of paragraph (1)(c), the future act requirements are satisfied in relation to a future act notice to which the pre-1998 law applies if one of the following paragraphs is satisfied in relation to each future act identified in the notice:

(a) subsection 32(2) of the pre-1998 law (which applies if no objection is made after the giving of a notice that the act attracts the expedited procedure) allows the act to be done;

(b) a determination is made under subsection 32(4) of the pre-1998 law that the act is an act attracting the expedited procedure;

(c) a copy of an agreement that the act may be done, or may be done subject to conditions being complied with, is given to the arbitral body under section 34 of the pre-1998 law;

(d) a determination is made under section 38 of the pre-1998 law that the act may be done, or may be done subject to conditions being complied with;

(e) a determination is made under section 38 of the pre-1998 law that the act must not be done;

(f) a determination that the act may be done, or may be done subject to conditions being complied with or must not be done, is declared to be overruled in accordance with section 42 of the pre-1998 law;

(g) a circumstance occurs in which, under the regulations, the future act requirements are satisfied.

(1F) The regulations may prescribe, for the purposes of paragraphs (1D)(h) and (1E)(g), other circumstances in which future act requirements are satisfied.

(1G) The regulations may prescribe circumstances in which future act requirements are satisfied in relation to a future act notice given under alternative provisions.

91C Subsection 94C(6)
Insert:

future act notice to which the current law applies means a future act notice to which the provisions in Subdivision P of Division 3 of Part 2 of this Act apply.

91D Subsection 94C(6)
Insert:

future act notice to which the pre-1998 law applies means a future act notice to which the provisions in Subdivision B of Division 3 of Part 2 of the Native Title Act 1993 apply, as in force immediately before the commencement of the Native Title Amendment Act 1998 (including as it applies
in accordance with Schedule 5 of that Act).

91E Subsection 94C(6)
Insert:

pre-1998 law means the Native Title Act 1993, as in force immediately before the commencement of the Native Title Amendment Act 1998 (including as it applies in accordance with Schedule 5 of that Act).

(14) Schedule 1, page 28 (after line 25), after item 91, insert:

91F After section 96
Insert:

96A Powers of Registrar—ILUAs and future act negotiations
The Registrar has the powers set out in Part 2.

(15) Schedule 1, page 28 (after line 25), after item 91, insert:

91G After subsection 108(1A)
Insert:

Reconsideration of claims

(1AA) The Tribunal has the functions in relation to applications for the reconsideration of claims made to the Tribunal under section 190E that are given to it under that section.

(16) Schedule 1, page 28 (after line 25), after item 91, insert:

91H After paragraph 123(1)(ca)
Insert:

(cb) the person who is to constitute the Tribunal for the purposes of reconsidering a decision of the Registrar not to accept a claim;

(17) Schedule 1, page 29 (after line 27), after item 96, insert:

96A Subparagraph 186(1)(g)(i)
After “the Registrar”, insert “or the NNTT”.

(18) Schedule 1, item 97, page 29 (lines 28 to 30), omit the item, substitute:

97 Paragraph 190(1)(a)
After “under section 190A”, insert “or in response to notification by the NNTT under section 190E”.

(19) Schedule 1, item 99, page 30 (lines 12 to 14), omit the item, substitute:

99 Paragraph 190(3)(b)
After “under section 190A”, insert “or in response to notification by the NNTT under section 190E”.

(20) Schedule 1, item 102, page 32 (lines 15 to 38), omit paragraph 190A(6A)(d), substitute:

(d) the Registrar is satisfied that the only effect of the amendment is to do one or more of the following:

(i) reduce the area of land or waters covered by the application, in circumstances where the information and map contained in the application, as amended, are sufficient for it to be said with reasonable certainty whether native title rights and interests are claimed in relation to particular land or waters;

(ii) remove a right or interest from those claimed in the application;

(iii) change the name in the application of the representative body, or one of the representative bodies, recognised for the area covered by the application, in circumstances where the body’s name has been changed or the body has been replaced with another representative body or a body to whom funding is made available under section 203FE;

(iv) change the name in the application of the body to whom funding was made available under section 203FE in relation to all or part of the area covered by the application, in circumstances where the body’s name has been changed or the body has been replaced by
another such body or a representative body;
(v) alter the address for service of the person who is, or persons who are, the applicant.

(21) Schedule 1, item 107, page 33 (line 27) to page 34 (line 17), omit section 190D, substitute:

**190D If the claim cannot be registered—notice of decision**

(1) If the Registrar does not accept the claim for registration, the Registrar must, as soon as practicable, give the applicant and the Federal Court written notice of his or her decision not to accept the claim, including:

(a) if the Registrar does not accept the claim because the Registrar is notified by the NNTT under section 190E that he or she should not do so—a copy of the NNTT’s statement of reasons for its decision; or

(b) otherwise—a statement of the Registrar’s reasons for his or her decision.

**Content of notice where failure to satisfy physical connection test**

(2) If the only reason why the claim is not accepted for registration is that the condition in subsection 190B(7) (which is about a physical connection with the claim area) is not satisfied, the notice must advise the applicant of the applicant’s right to make an application to the Federal Court under section 190F and of the power of the Court to make an order in accordance with that section in respect of the application.

**Statements of reasons must specify whether section 190B satisfied**

(3) If the Registrar’s decision not to accept the claim is not in response to notification by the NNTT under section 190E, the Registrar’s statement of reasons for the decision must include a statement on:

(a) whether, in the opinion of the Registrar, the claim for registration satisfies all of the conditions in section 190B; and

(b) whether, in the opinion of the Registrar, it is not possible to determine whether the claim for registration satisfies all of the conditions in section 190B because of a failure to satisfy section 190C.

(22) Schedule 1, item 107, page 34 (line 18) to page 35 (line 2), omit section 190E, substitute:

**190E If the claim cannot be registered—reconsideration by the NNTT**

Application to reconsider a claim

(1) If the Registrar gives the applicant a notice under subsection 190D(1), then, subject to subsections (3) and (4), the applicant may apply to the NNTT to reconsider the claim made in the application.

(2) The application must:

(a) be in writing; and

(b) be made within 42 days after the notice under subsection 190D(1) is given; and

(c) state the basis on which the reconsideration is sought.

(3) The applicant may not make an application to the NNTT for reconsideration of the claim if the applicant has already made an application to the Federal Court under subsection 190F(1) for review of the decision.

(4) The applicant may apply to the NNTT for reconsideration of the claim no more than once.

**Constitution of NNTT for purposes of reconsidering the claim**

(5) For the purposes of reconsidering the claim, the NNTT must be constituted by a single member.

(6) The member of the NNTT who considers the claim may not take any part in the proceeding in relation to the
claim (including any review or inquiry in relation to the claim), unless the parties to the proceeding otherwise agree.

**NNTT’s reconsideration of the claim**

(7) In reconsidering the claim:

(a) the NNTT must have regard to any information to which the Registrar was required to have regard under subsections 190A(3) to (5) in considering the claim; and

(b) the NNTT may have regard to any other information which the NNTT regards as appropriate in reconsidering the claim.

**Effect of certain notices**

(8) If, either before the NNTT begins to do so or while it is doing so, a notice is given in accordance with:

(a) paragraph 24MD(6B)(c); or

(b) section 29; or

(c) a provision of a law of a State or Territory that corresponds to section 29 and is covered by a determination in force under section 43; or

(d) a provision of a law of a State or Territory that corresponds to section 29 and is covered by a determination in force under section 43A;

in relation to an act affecting any of the land or waters in the area covered by the application, the member reconsidering the claim must use his or her best endeavours to finish reconsidering the claim by the end of:

(e) in a paragraph (a) case—2 months after the notice is given; or

(f) in a paragraph (b) case—4 months after the notification day specified in the notice; or

(g) in a paragraph (c) case—the period, in the law of the State or Territory, that corresponds to the period of 4 months mentioned in paragraph 30(1)(a); or

(h) in a paragraph (d) case—the period at the end of which any person who

is a registered native title claimant or registered native title body corporate has a right to be consulted about the act, to object to the act or to participate in negotiations about the act.

**Otherwise, claim to be reconsidered as soon as is practicable**

(9) In any other case, the NNTT must finish reconsidering the claim as soon as is practicable.

**Notifying the Registrar of the NNTT’s decision**

(10) The NNTT must notify the Registrar that the Registrar should accept the claim for registration if the claim satisfies all of the conditions in:

(a) section 190B (which deals mainly with the merits of the claim); and

(b) section 190C (which deals with procedural and other matters).

(11) In any other case, the NNTT must notify the Registrar that the Registrar should not accept the claim, and include in that notice a statement of the NNTT’s reasons for its decision. The statement of reasons for the decision must include a statement on:

(a) whether, in the opinion of the member who reconsidered the claim, the claim for registration satisfies all of the conditions in section 190B; and

(b) whether, in the opinion of the member who reconsidered the claim, it is not possible to determine whether the claim for registration satisfies all of the conditions in section 190B because of a failure to satisfy section 190C.

(12) For the purposes of subsection (10), sections 190B and 190C apply as if a reference to the Registrar in those sections were a reference to the NNTT.

(13) The Registrar must comply with a notice given to the Registrar under subsection (10) or (11).

(23) Schedule 1, item 107, page 35 (line 7), at the end of subsection 190F(1), add “,” provided
the NNTT is not reconsidering the claim under section 190E at the time the application is made”.

(24) Schedule 1, item 107, page 36 (line 5), omit “, in the opinion of the Registrar”, substitute “, in the opinion of the Registrar or, if the claim is reconsidered under section 190E, of the member of the NNTT reconsidering the claim”.

(25) Schedule 1, page 37 (after line 14), after item 111, insert:

111A At the end of section 199B
Add:
Updating parties’ contact details

(4) If a party to an agreement notifies the Registrar of a change in the address at which the party can be contacted, the Registrar must update the Register to reflect the change.

(26) Schedule 1, item 123, page 40 (lines 19 to 24), omit the item, substitute:


The amendments made by items 22, 22A, 23, 31, 31A, 32, 78, 84, 91G, 91H, 96A, 97, 98, 99, 101, 102, 103, 104 and 107 apply in relation to claims in a native title determination application made or amended on or after the commencing day.

(27) Schedule 1, page 41 (after line 29), after item 132, insert:

132A Application of items 83A to 83C, and items 91A to 91E

The amendments made by items 83A to 83C, and by items 91A to 91E of this Schedule apply to an application under section 61 of the Native Title Act 1993, regardless of whether it is made before or after the commencing day.

(28) Schedule 1, item 136, page 42 (lines 12 to 18), omit the item, substitute:

136 Effect of amendments of sections 190A to 190D of the Principal Act on transitional arrangements in the Native Title Amendment Act 2007

To avoid doubt, the amendments made in relation to sections 190A to 190D of the Principal Act in items 22, 22A, 23, 31, 31A, 32, 78, 84, 91G, 91H, 96A, 97, 98, 99, 101, 102, 103, 104 and 107 of this Schedule (including the insertion of sections 190E and 190F) are to be disregarded for the purposes of items 89 and 90 of Schedule 2 to the Native Title Amendment Act 2007.

(29) Schedule 2, item 4, page 46 (lines 16 and 17), omit the note, substitute:

Note 1: Provisions similar to Division 4 of Part 3 of the Commonwealth Authorities and Companies Act 1997 and Schedule 2 to that Act already apply to a representative body registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

Note 2: Similar provisions already apply under the Corporations Act 2001 to representative bodies that are companies incorporated under that Act.

(30) Schedule 3, item 1, page 55 (lines 22 to 24), omit paragraph 56(4)(c), substitute:

(c) the determination by the Federal Court of a prescribed body corporate to replace the trustee, and any other matter in relation to the replacement of the trustee; and

(31) Schedule 3, item 1, page 55 (lines 29 to 32), omit paragraph 56(4)(e), substitute:

(e) the determination by the Federal Court of a prescribed body corporate to perform the functions mentioned in subsection 57(3) once the trust is terminated; and

(32) Schedule 3, item 2, page 56 (lines 7 to 17), omit paragraph 56(7)(a), substitute:

(a) the determination by the Federal Court of a prescribed body corporate
to hold the rights and interests from
time to time comprising the native
title in trust for the common law
holders where:
(i) a determination is made, either
under this section or under regu-
lations made for the purposes of
this section, that the rights and
interests are to be held by the
common law holders; and
(ii) the common law holders wish a
prescribed body corporate to in-
stead hold those rights and inter-
ests in trust; and

(33) Schedule 3, item 5, page 57 (lines 2 to 7),
omit section 59, substitute:

59 Kinds of prescribed bodies corpo-
rate may be determined

(1) The regulations may prescribe the
kinds of body corporate that may be
determined under paragraph 56(2)(b) or
57(2)(b).
(2) The regulations may prescribe the body
corporate, or the kinds of body corpo-
rate, that may be determined under paragraph 57(2)(c).
(3) The regulations may prescribe the body
corporate, or the kinds of body corpo-
rate, that may be determined under paragraph 56(4)(c) or (e), 56(7)(a) or
60(b).

(34) Schedule 3, item 6, page 57 (lines 19 to 21),
omit paragraph 60(b), substitute:

(b) the determination by the Federal
Court of the replacement PBC; and

(35) Schedule 3, item 7, page 59 (lines 29 and
30), omit paragraph 60AC(5)(a).

(36) Schedule 3, item 8, page 60 (line 19), omit
“another”, substitute “a”.

(37) Schedule 3, item 8, page 60 (line 19), omit
“appointed as”, substitute “determined to
be”.

(38) Schedule 3, page 60 (after line 31), after
item 10, insert:

10A Section 253 (definition of regis-
tered native title body corporate)

Repeal the definition, substitute:

registered native title body corporate
means:

(a) a prescribed body corporate whose
name and address are registered on the National Native Title Register
under paragraph 193(2)(e) or sub-
section 193(4); or

(b) a body corporate whose name and
address are registered on the Na-
tional Native Title Register under
paragraph 193(2)(f).

(39) Schedule 3, item 11, page 61 (lines 3 to 11),
omit the item, substitute:

11 Application of items 1, 5 and 6

(1) To avoid doubt, nothing in the
amendments made by items 1, 5 and
6 of this Schedule is intended to af-
fact:

(a) regulations made under section 56,
59 or 60 of the Native Title Act 1993
that were in force before, or are in
force on or after, the commencement
of this Schedule; or

(b) anything done under those regula-
tions.
(2) Nothing in paragraph (1)(a) affects
the power to amend or repeal regu-
lations mentioned in that paragraph.

(40) Page 65 (after line 9), at the end of the bill,
add:

Schedule 5—Applications not considered
or reconsidered under items 89 and 90 of
Schedule 2 to the Native Title Amend-
ment Act 2007

1 Applications not considered or re-
considered under items 89 and 90 of
Schedule 2 to the Native Title Amend-
ment Act 2007

(1) This item applies to a native title de-
termination application amended be-
fore the day on which this item
commences by a person or persons
claiming to hold native title if:
(a) the application as amended is not one to which item 89 or 90 of Schedule 2 to the Native Title Amendment Act 2007 applies; and

(b) either:

(i) the Registrar has decided not to accept the claim made in the application, as amended, for registration before the day on which this item commences; and

(ii) the decision of the Registrar is one to which section 190D of the Native Title Act 1993, as in force immediately before the commencement of Schedule 2 to the Native Title Amendment Act 2007, applies;

or:

(iii) the Registrar has not yet decided whether to accept the claim made in the application, as amended, for registration by the day on which this item commences; and

(iv) section 190D of the Native Title Act 1993, as in force immediately before the commencement of Schedule 2 to the Native Title Amendment Act 2007, will apply if the Registrar decides not to accept the claim; and

(c) the claim is not on the Register of Native Title Claims on the day on which this item commences.

(2) The Registrar must:

(a) reconsider the claim under section 190A, as in force immediately before the commencement of this item or, if the claim has not already been considered under that section, consider the claim under that section; and

(b) use his or her best endeavours to finish doing so by the end of one year after the day on which this item commences.

If the Registrar does not do so by that time, the Registrar must reconsider or consider (as the case requires) the claim under that section as soon as reasonably practicable afterwards.

(3) If, either before the Registrar begins to reconsider, or consider, the claim in accordance with subitem (2), or while the Registrar is doing so, a notice is given in accordance with:

(a) paragraph 24MD(6B)(c), as in force immediately before the commencement of this item; or

(b) section 29, as in force at that time; or

(c) a provision of a law of a State or Territory that corresponds to section 29, as in force at that time, and is covered by a determination in force under section 43, as in force at that time; or

(d) a provision of a law of a State or Territory that corresponds to section 29, as in force at that time, and is covered by a determination in force under section 43A, as in force at that time;

in relation to an act affecting any of the land or waters in the area covered by the application, the Registrar must use his or her best endeavours to finish considering the claim under section 190A, as in force at that time, by the end of:

(e) in a paragraph (a) case—2 months after the notice is given; or

(f) in a paragraph (b) case—4 months after the notification day specified in the notice; or

(g) in a paragraph (c) case—the period, in the law of the State or Territory, that corresponds to the period of 4 months after the notification day specified in a notice under section 29, as in force at that time; or

(h) in a paragraph (d) case—the period at the end of which any person who
is a registered native title claimant or registered native title body corporate has a right to be consulted about the act, to object to the act or to participate in negotiations about the act.

(4) In reconsidering, or considering, a claim in accordance with subitem (2) or (3), the Registrar must:

(a) in addition to having regard to information in accordance with subsection 190A(3), as in force immediately before the commencement of this item, also have regard to any information provided by the applicant after the application was made; and

(b) apply section 190A, as in force at that time, as if the conditions in sections 190B and 190C, as in force at that time, requiring that the application:

(i) contain or be accompanied by certain information or other things; or

(ii) be certified or have other things done in relation to it;
also allowed the information or other things to be provided, or the certification or other things to be done, by the applicant or another person after the application is made; and

(c) for the purposes of paragraphs (a) and (b) of this subitem, advise the applicant that the Registrar is reconsidering, or considering, the claim, and allow the applicant a reasonable opportunity to provide any further information or other things, or to have any things done, in relation to the application.

(5) If the claim does not satisfy all of the conditions in sections 190B and 190C, as in force immediately before the commencement of this item:

(a) the Registrar must give written notice as required by subsection 190D(1), as in force at that time; and

(b) the other provisions of section 190A to 190D, as in force at that time, apply as if the notice given under paragraph (a) were given under subsection 190D(1), as in force at that time; and

(c) after the Registrar has complied with subitems (2) to (4) and this subitem (in so far as they are applicable), the Registrar is taken to have complied with section 190A.

Mr RUDDOCK (Berowra—Attorney-General) (10.40 am)—I move:

That the amendments be agreed to.

The Senate has made a number of amendments to the Native Title Amendment (Technical Amendments) Bill 2007. I thank the Senate Standing Committee on Legal and Constitutional Affairs for its detailed consideration of the bill. The government carefully considered the committee’s report and accepted a number of its recommendations. In particular, the committee recommended that an applicant not be able to apply to the Federal Court for review of the Native Title Registrar’s decision not to accept a claim while the Native Title Tribunal is considering the claim under proposed section 190E. Further, the committee also recommended that reconsideration of the Native Title Registrar’s decision not to accept a claim should be carried out by a member of the tribunal rather than the registrar. The amendments reflect the government’s acceptance of these recommendations. The remaining amendments made by the Senate clarify the drafting of the bill and address concerns raised by stakeholders, including an amendment to allow the contact details of parties on the Register of Indigenous Land Use Agreements to be kept up to date. I do not propose to address the amendments in detail but note that they
The passage of this bill will mark completion of the significant legislative components of the government’s native title reform package. These changes to the Native Title Act, along with amendments made by the Native Title Amendment Act 2007 and the reform measures being progressed administratively, are aimed at delivering better outcomes for all parties in the native title system. It will be up to the parties to ensure that they seize the opportunities to expedite effective outcomes. I have said on many occasions—and I reiterate it—that I do not think it is good enough that some Indigenous people may not see outcomes during their lifetime. We have been working very hard on these issues and we look forward to working with all the parties involved to continue and improve the performance of the native title system. I commend the bill to the House.

Question agreed to.

PARLIAMENTARY ZONE

Approval of Proposal

Mr LLOYD (Robertson—Minister for Local Government, Territories and Roads) (10.43 am)—I move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 18 June 2007, namely: National Gallery of Australia southern extension.

The National Gallery of Australia is proposing to construct a new southern entrance and Indigenous Australian galleries which will significantly improve the visitor experience and the display and management of the national collection of artworks. The proposed addition has been designed to complement the existing building. The proposed works were referred by the Gallery under the Environment Protection and Biodiversity Conservation Act 1999 to the Department of the Environment and Water Resources. On 27 April 2007 the Department of the Environment and Water Resources determined that the proposal was not a controlled action and that no further approval was required under the EPBC Act.

The Gallery has confirmed that it has fulfilled its obligations under the Copyright Amendments (Moral Rights) Act 2002. The site for the proposed works is within the designated area of the National Capital Plan and is within the Parliamentary Zone. As such, works approval is required from both houses of parliament pursuant to section 5(1) of the Parliament Act 1974 and separately from the National Capital Authority pursuant to section 12(1)(b) of the Australian Capital Territory (Planning and Land Management) Act 1988. The National Capital Authority has considered the proposal and is prepared to grant works approval. Parliamentary approval is sought for the works to construct the new southern extension of the National Gallery of Australia.

Question agreed to.

WHEAT MARKETING AMENDMENT BILL 2007

Second Reading

Debate resumed from 19 June, on motion by Mr McGauran:

That this bill be now read a second time.

upon which Mr Crean moved by way of amendment:

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

“the House:

(1) notes:

(a) the proposed legislative measures in the Wheat Marketing Amendment Bill arise directly from the Australian Wheat Board’s role in the now infamous ‘Wheat for Weapons Scandal’;

CHAMBER
(b) the Government should be held accountable for the fact that it:

(i) failed to act on at least 34 substantial warnings about the role of the AWB in the scandal;

(ii) failed to utilise the clear mechanism available to insist that the AWB reveal all information in its possession regarding its role in the AWB scandal;

(iii) failed to adopt practical and sensible measures to oversee the role of the AWB during the period of the ‘Wheat for Weapons Scandal’;

(c) the Government limited the terms of reference of the Cole Inquiry to such an extent that it was unable to meaningfully evaluate the culpability of the Government in the ‘Wheat for Weapons Scandal’; and

(2) calls on the Government to split the bill so as to separate:

(a) the provisions relating to the extension of the temporary veto power of the Minister for Agriculture, Fisheries and Forestry over non-AWB (International) Ltd bulk exports, from

(b) the remaining provisions of the bill, which should be referred to the House of Representatives Standing Committee on Agriculture, Fisheries and Forestry for inquiry and report”.

Mr McCLELLAND (Barton) (10.45 am)—To briefly conclude my earlier remarks, I was referring to Public Service standards and to ministerial responsibility. Caroline Overington’s book The Foundations of Governance in the Australian Public Service, states on page 261:

Under normal, or at least, the historical rules of ministerial accountability, Downer would have been booted off the front bench. It was Howard not Cole who decided for him to keep his job.

She goes on to say:

If the buck didn’t stop with Downer, where did it stop? Why didn’t he resign? There is only one possible answer; Downer cared more about his own job than he cared about the integrity of his office. He somehow managed to convince himself that the doctrine of ministerial responsibility did not apply.

And so in January 2007, almost a year to the day after the Cole inquiry began, there he was in Manhattan. Photographs captured the moment: he was wearing a tux and grinning like a loon, hamming it up with the Wiggles.

That was on page 168. In fact the principle of ministerial responsibility requires the Minister for Foreign Affairs to have made inquiries, when public servants in his department became aware of the Wheat Board scandal, as to why they did not communicate that information to the highest level. He certainly needs to comprehensively review procedures in the department to make sure that vital information is not blocked, that ministers are not protected or quarantined from controversial information and that all information is fed to the minister. At the end of the day, under the principles of ministerial responsibility, it is the minister who should and must take responsibility for this grave scandal, which has blighted the international reputation of Australia and harmed the interests of Australian wheat growers.

Mr WAKELIN (Grey) (10.47 am)—It is my pleasure to speak on the Wheat Marketing Amendment Bill 2007 and to address a few of the previous remarks, which are more political in nature than the practical delivery of a wheat marketing system. I doubt whether there has been an issue documented more in the popular media almost in our living memory. I do not propose to revisit that issue, other than simply to make the observation that, for the overwhelming majority of Australians, wheat industry issues are but of passing interest—other than to wheat growers, wheat marketers or people who have a particular direct interest in that industry. The only comments I could usefully make this
morning are that it was caught up in a particular market; that over 2,000 companies were investigated, as I understand; and that this Australian government undertook to look at it thoroughly through the Cole commission.

To come to the legislation, there has been a very large amount of industry consultation. The Ralph committee—prominent businessman Mr John Ralph; Roger Corbett, another very prominent businessman; the respected farm leader Peter Corish; and Mike Carroll, a very respected banker with experience in agribusiness—did a magnificent job in going all over Australia and listening to the wheat industry and to wheat growers. They came back with some fairly clear impressions about the way ahead. I believe that is reflected in this legislation.

There are new export monopoly arrangements. The Wheat Export Authority will be a stronger entity. The powers and functions are much more specific and the governance of that organisation will, I am sure, give significant reassurance to the industry. The deregulation of bagged and container wheat exports is something which I am sure most sections of the industry will welcome. It is a welcome step forward.

Quality assurance is well covered. The government focused on the quality assurance matters, not to dictate the quality of wheat that can be exported but rather to make sure that exporters are meeting the specifications of their contract with customers. That is quite important. There is a great concern out there that, as we vary the single desk arrangements, quality will slip and the reputation of Australian wheat with our customers may suffer. This legislation thoroughly addresses that concern through this quality assurance scheme.

Commissioner Cole had some very pertinent words to say about the single desk which I think all of us should contemplate and respect—that is, whenever the parliament grants a monopoly, there is a very special responsibility to respect that monopoly. We should never forget that. With the Wheat Export Commission the government has undertaken to bring a balance between the domestic wheat market and the export wheat market, and that is very much welcomed. I particularly welcome the fact that one nominee from the Grains Council of Australia will come from the eastern states—that is, New South Wales, Victoria, Queensland or Tasmania—and that another member of the GCA will be a resident of either South Australia or Western Australia. What we are endeavouring to do here is strike a balance between the key export regions of Australia. On average something like 65 per cent of Australia’s wheat exports over the last decade has come out of South Australia and Western Australia. It is very important that we respect the various components of the wheat industry and the great reliance of South Australia, particularly western South Australia, and the majority of Western Australia on wheat exports.

It is quite important to respect the diversity of opinion in this debate, particularly the significant interest groups including the pastoralists, the PGA of Western Australia and the grains organisation of South Australia. By a majority view, but by no means a unanimous view, South Australians believe that we need to move to a licensed marketing system and ultimately to full deregulation. That is not a view shared in every state of the Commonwealth but certainly it is a view shared in Western Australia by the PGA. I do not intend to revisit that debate because it is not particularly useful to do so.

The wheat industry is in a dynamic period, coming out of what the AWB will be able to provide in medium-term marketing and what the single desk will look like post 1 March
2008. As an aside, most farmers would be pleased just to have a crop this year. But if we do have a reasonable crop, and given the challenges of maximising the export price and our opportunities in a very competitive export market, it is essential that this legislation in all its various components supports the wheat industry, which the parliament has had involvement in since 1915. Wheat is the only commodity in Australia, as I understand it, which has a single desk marketing strategy. There are some serious questions about the future. I do not know if any of us could have predicted the circumstances that have led to this legislation, including the Iraqi situation, the outcome of the Cole commission and the opportunism of our political opponents. It has been quite a circus. In most cases it has simply meant more pain for grain, particularly more pain for grain growers. I think we can now look forward in a positive manner.

The opportunities in this debate are endless for the Labor Party, but that does not help us to respect those who endeavour to toil honestly to produce an export product. If you attempted to predict where this industry was going two years ago—before the Cole commission, the drought and now the new marketing arrangements in this bill—I do not whether anyone would have been able to run a very accurate book on it. Nevertheless that is where we are at. The Minister for Agriculture, Fisheries and Forestry has done an outstanding job in bringing this together. The consultation and the effort by the executive of this government have been remarkable. The Prime Minister and senior cabinet ministers have put a lot of time into understanding the needs of this industry which have set it on a firm base and will allow it to serve this country well in the future. The industry will continue to generate export income and opportunities for regional Australia, and Australia will benefit from the economic opportunities that the wheat industry offers this nation.

Mr Ripoll—If you had done something about AWB, there would be less damage.

Mr WAKELIN—If only the Labor Party knew something about wheat, I would be much happier. I ask my friend opposite to give us something positive. Let us see whether you can get a better deal for wheat growers. I think you would get a fairly swift response from the wheat industry. I thank all those who have put in such a magnificent effort to bring this marketing bill forward. We have exciting times ahead. I look forward to those opportunities and I believe this bill will serve us well.

Mr WINDSOR (New England) (10.59 am)—I listened with interest to the member for Grey and I congratulate the government on the decision to move in the way they have. As some members would be aware, I was recently critical of the process the government put in place when it was determined that a consultant group was to travel around Australia and consult with growers. I went to two of those meetings, one in Gunnedah and one in Moree, and it is on the record that I was a little disappointed with the way in which those two meetings were handled. I followed the meetings held in other parts of Australia with some degree of interest as well.

At that particular time I was critical of the Leader of the National Party and Deputy Prime Minister for undertakings he gave in Victoria last year that, if there were to be any substantive changes in wheat export arrangements for Australian wheat growers, he would poll the wheat industry to find out what the growers themselves wanted for their future. He subsequently wrote a nice little letter to all wheat growers saying that the government was carrying out reviews, but the letter failed to poll their particular
views on those matters. I thought that was disappointing because the rhetoric inside and outside this place at the time was that everybody was concerned about the wheat growers and that they were of paramount importance to this particular issue. In my view, the only way to find out was to ask them, but it was deemed that that was not the appropriate process. In fact, last year—it may have been earlier this year—I moved an amendment to the legislation that a poll take place, not to bind the government but to be used as an indicator of growers’ views.

The group that travelled around Australia under the chairmanship of John Ralph suggested three broad proposals ranging from what we have now—or what we did have before the minister’s use of veto powers—a single desk arrangement, through to a multilayered marketing arrangement where there is more than one export operator operating under certain rules and regulations as determined by the government of the day, right through to a fully deregulated export environment. With those three broad criteria in mind, I wrote to all wheat growers as I thought it was a crucial question that they be involved in. It was the future of their industry that we were talking about.

In its infancy, the Wheat Board was driven by one of my constituents, Mr Don Barwick, a man who passed away only a few years back. He was one of the frontrunners in the late forties and early fifties who were behind the wheat-marketing arrangements that were put in place. He was also involved in many other programs and projects in the agricultural sector.

The poll that I conducted in the letter I wrote to wheat growers was asking them, as individuals, to respond to the three broad agenda items that the Ralph inquiry was putting to them by way of substantive meetings—from a single desk arrangement to a multilayered marketing arrangement right through to the fully deregulated option. I will spend a moment reflecting on some of the answers to the inquiry I made of wheat growers. I received a total of 3,372 responses from all states. I will go through a couple of the outcomes because I think they reflect in a positive way on the decision that the government has made and, in the main, back up that decision-making process. I gave copies of the documents and responses to the Prime Minister and the minister for agriculture and others, particularly some within the National Party, who were interested. I congratulate some of the members of the National Party for sticking to their guns on this issue and standing up for the wheat growers. I know they had difficulties with some members within their coalition, but I think the outcome was worth fighting for. The totality of the responses vindicates the decision that they argued for in the coalition rooms and the government’s final commitment. I am fully aware that there are some problems that will need to be addressed regarding the veto arrangements and timescales et cetera.

As I said, I will go through some of the responses that were given on the three broad arrangements that were put: 82.6 per cent, or 2,786 wheat growers, supported a single desk structure for the marketing of Australia’s bulk export wheat—the key words there are ‘single desk’, ‘structure’ and ‘bulk’; 11.2 per cent, or 377 wheat growers, supported a regulated wheat-marketing system where there is more than one marketer of export wheat—that is, a multiple licensing arrangement—but not full deregulation; and 6.2 per cent, or 210 wheat growers out of the 3,372 who responded, supported full deregulation of export wheat marketing.

At first blush, the government has put in place something that is very close to what wheat growers wanted. The growers wanted a single desk structure. I think we are all
aware that the structure is going to change—as it should, in my view—because of various management problems that occurred during the Iraqi fiasco. The concept of a single desk structure for the marketing of Australia's bulk wheat is reflected in the legislative arrangements.

A number of people, in debating this matter, have said that only the farmers with small tonnages really needed the protection of a single desk and that those with bigger tonnages were more than happy to take on the world in a fully deregulated arrangement. In the survey that I sent to growers, I asked them what their tonnage arrangements were—how big they were in terms of the wheat industry and what sort of structure they preferred. It is interesting to note that, of those with tonnages ranging from nought to 500 tonnes—those who would be considered to be at the smaller end of the wheat-growing industry—727, or 84.7 per cent, of the smaller growers wanted a single desk structure. Of those with tonnages ranging from 501 to 1,000 tonnes, 85 per cent wanted a single desk structure. Of those with tonnages ranging from 1,001 to 5,000 tonnes—those who would be considered to be growers with reasonably hefty wheat tonnages—81.3 per cent wanted a single desk structure for the marketing of Australia’s bulk wheat. That figure was very similar to the total average figure of 82.6 per cent. Of the growers with tonnages over 5,000 tonnes, 68.1 per cent wanted a single desk structure for the marketing of export wheat.

There is absolutely no doubt that the majority of wheat growers across the board wanted a single desk structure. Some people have suggested that Western Australia does not have the marketing outlets that the eastern states have. In fact, it was made very plain at the Moree meeting in particular that a lot of wheat growers do not access the export wheat market because they can access domestic marketing arrangements. So the export market is not as important for them as it is for growers in Western Australia or even South Australia.

On a state-by-state breakdown, of the New South Wales and ACT wheat growers who responded, 84 per cent, in round figures, wanted a single desk; in Victoria, the figure was 87 per cent; in Tasmania, it was 100 per cent. However, I make it clear that only four wheat growers from Tasmania responded; I do not think that any export wheat comes out of Tasmania.

Mr Schultz—Not much comes out of New South Wales and Queensland either.

Mr WINDSOR—The member for Hume mentions Queensland. Eighty-three per cent of those who responded wanted a single desk. Of those who responded from South Australia and the Northern Territory, 79 per cent wanted a single desk structure. It is very interesting to note that in Western Australia, which is the state that is most reliant on global markets, 80 per cent wanted a single desk structure, while 6.7 per cent wanted full deregulation. Interestingly enough, in the over 5,000 tonnes range, 17 per cent wanted full deregulation. So the numbers in favour of full deregulation were reasonably small.

Another significant indicator that came out of the survey—and I think the government has picked up on this as well—was the preferred structure that wheat growers wanted. One of the options put to them was for AWB International Ltd to hold the single desk marketing arrangements as part of AWB Ltd, and 23.7 per cent wanted that to happen. Being a wheat grower myself, I was interested in that response. Sixty-two per cent, or 1,700 wheat growers, wanted to separate AWB International Ltd and AWB Ltd, with the objective of creating a grower owned single desk manager—AWB International Ltd—to market Australia’s bulk wheat inter-
nationally and a purely commercial agribusiness company, AWB Ltd. In fact, they wanted a differentiation between the marketing arrangements of the Wheat Board and the other commercial arrangements such as the selling of dog biscuits, fertiliser et cetera, that they had entered into. So 62 per cent were essentially saying they wanted a single desk marketer, but they wanted it structured so that its core business was the marketing of Australia’s bulk export wheat. They did not want it to be involved in other activities, such as the selling of dog biscuits et cetera.

That is essentially what the government has delivered on, but the Western Australian figures are interesting in this regard. Bearing in mind that I have just outlined that 62 per cent in total wanted a demerger arrangement, 70 per cent of Western Australians wanted that particular arrangement, compared to only 57 per cent in New South Wales, 58 per cent in Queensland, 63 per cent in Victoria and 61 per cent in South Australia and the Northern Territory. Some 14.1 per cent of respondents wanted to reissue the single desk licence to a new, grower owned operation.

There are a couple of other interesting findings, which I think the government picked up on as well. I found it quite interesting, as a wheat grower, given that the majority of growers had made a decision that they would like a single desk structure and that they would prefer a demerged structure, or a variation on that theme, to see what they wanted in terms of bagged and containerised wheat. It was a vexed issue for many wheat growers that the existing Australian Wheat Board had not marketed smaller quantities of wheat into some of the niche markets very professionally. I would agree. When growers were asked, ‘Should containerised and bagged wheat be exempt from any veto?’—and bear in mind that 82 per cent wanted a single desk—only 31 per cent said yes. Only 35 per cent said no and 33 per cent were not particularly concerned either way. Only a third of wheat growers actually wanted the veto powers, or a single desk structure, imposed on those niche markets of bagged and containerised wheat. That is a very significant response from the wheat industry. I am pleased to see that the government has picked up on that in the legislation. The bagged and containerised wheat arrangements will be treated somewhat differently to other arrangements.

The legislation will change the role of the Wheat Export Authority, and it will be renamed the Export Wheat Commission. There are some concerns that the member for Hotham and some members of the government have raised. I know there are concerns in the wheat industry about the specific powers that the commission will have other than the gathering of information. Some of that may be clarified over time, but this is something that must be looked at fairly closely. I know the Labor Party have been arguing that the bill should be split to let the minister have the veto powers for another 12 months and put a bit more effort and time into the new structure. I can see some logic in that, but I will be supporting the legislation. I think, in the main, the government has attempted to put in place something that the majority of wheat growers want.

I have been very disappointed—as I think many people have been, on both sides of this debate—in the leadership shown within the agricultural sector. The National Farmers Federation once again has been found wanting in this debate. The Grains Council has been almost absent—it did not seem to have a view; then it had a view that was different to that of some of its members. It has almost become a joke in terms of displaying leadership in the grains sector. I think the Prime Minister has laid it on the line that, if the industry cannot get its act together, all bets are off. I challenge the industry. The growers...
have displayed what they want. It is time that the leaders in this industry overcame some of their little state boundary skirmishes and petty agripolitics and started to address the future of this industry.

I was critical of the Ralph report at the time, but it came up with the right recommendations, almost duplicating the survey that I have just gone through for the parliament. It is time that the leaders of the grains sector—the National Farmers Federation, the Grains Council and others, including state based bodies—played a greater role in the future— (Time expired)

Mr SCHULTZ (Hume) (11.19 am)—I rise to talk on the Wheat Marketing Amendment Bill 2007. The agricultural industry in Australia once maintained a reputation as a proponent of fair trade in an uncompromised export market. This reputation was achieved through transparency and accountability, two notable characteristics which serve as the basis of a free market economy. A fair export wheat market export system for growers should encompass these same principles and characteristics. In light of increasingly unsettling revelations about the AWB, it appears a fair export system for export wheat growers cannot be achieved through the retention of the single desk.

For many of Australia’s wheat farmers, the findings of the Cole commission of inquiry into the disgraceful corporate behaviour of AWB Ltd will have considerable, far-reaching ramifications for the marketing of Australian wheat. The reputation of Australia’s wheat market has been tarnished by the corruption mastered by AWB through its sale of wheat with kickbacks to Saddam Hussein’s regime in Iraq. The scandal has resulted in the loss of substantial overseas markets for Australian export wheat growers.

As if this were not enough to keep our wheat farmers awake at night, the ongoing drought has tested the resilience of many farming families and is already pushing many to the limit. To then encourage farmers to participate in a market with a significant lack of economic competition, dominated by a single seller, with the continuation of a structure which has already been discredited worldwide, is unfair, if not morally wrong.

The Wheat Marketing Amendment Bill 2007 retains Australia’s single desk for export wheat. The Wheat Marketing Amendment Bill 2007 also purports to heed the calls of growers for the retention of the single desk. However, for many wheat growers, particularly those in Western and South Australia, where the majority of international export wheat is grown, the dissemination of the single desk is a welcome change from days gone by.

In the past 30 years we have seen a substantial shift in Australian grain exports, moving from a wheat monoculture to rotations with other crops and pastures. None of these other commodities, such as barley, canola or sorghum, have the oppressive effect of a single desk stifling their market. It is quite ironic that many of Australia’s wheat growers also successfully grow canola and barley for export without a single desk. It has been argued that, as Australia’s dominant crop, wheat merits some sort of special treatment. Clearly, there is no justifiable basis for this argument; beef is the dominant livestock produced in Australia and it does not rate exceptional treatment. After the formation of the Federation of Australia in 1901 large-scale broadacre cropping was promoted, and Australia’s wheat belt doubled in size. With the onset of World War II, the Australian Wheat Board, AWB, was established. Its purpose was to stabilise prices and meet wartime demand. However, it was allowed to retain monopoly control over the international market.
Monopolies are often characterised by a lack of economic competition for the good that is provided and a lack of viable substitute goods. Surely the Australian wheat export industry is mature enough now not to return to the social agrarian policies of the 1950s and 1960s. The lack of competition has the potential to foster inefficiency, a lack of innovation from within the industry as well as substandard management. If the Cole inquiry into AWB has not produced enough evidence of substandard management, the recent revelations by the very active and dedicated federal member for Indi, Mrs Sophie Mirabella, about the treatment of one of her constituents by AWB indicate the extent of its collusion and corruption. The issue was raised after a Springhurst businessman accused the AWB of trying to steal his company and breach international trading laws. Ian Metherall revolutionised how farmers store grain in Australia by importing IpesaSilo grain storage bags, which allow farmers to store tonnes of grain on their farms. Mr Metherall has described how AWB requested that he enter into a joint venture with them, only to find that the contracts they had drawn up would have done away with his control of the business. He also claimed that AWB owed his company hundreds of thousands of dollars after a deal with AWB India went awry. He claimed that his company sent machinery and bags to India after AWB agreed that its foreign market rights and commissions would be respected. He then described how AWB requested via email that he alter an invoice and change the amount if he wanted payment for the transaction. ‘I said I wouldn’t change it, because I knew it broke international law,’ Mr Metherall said. Ian Metherall has described the culture of AWB as ‘ethically bankrupt’. ‘I’ve always asked: are they there to grow it or control it?’ Mr Metherall said. ‘It is a bigger picture we are looking at—a war over control of the grain.’

The Wheat Marketing Amendment Bill 2007 provides for the deregulation of wheat exports in bags and containers, but with the addition of a quality assurance requirement to safeguard the reputation of Australian wheat. The deregulation of wheat exports in bags and containers will give greater certainty and opportunity to the development of niche and new market opportunities. The behaviour of AWB has put into question the reliability of the Australian wheat export industry as a whole and has forced us to question how well suited a single desk is to represent and market nearly all of Australia’s wheat overseas—this is not to mention the high costs associated with running a single desk. It is estimated that to run a single desk you need capital of about $600 million to $1,000 million. I will be interested to see how that money is going to be raised by 1 March next year.

AWB was charging wheat growers about $300 million a year to run its organisation, and now Australian export wheat farmers have nothing but a poor reputation to show for it. The single desk structure means that farmers are forced to take what they are given for their produce and allows no room for individual farmers to go outside the structure and find buyers that the single desk does not deal with. Competition should be encouraged as a way to make the industry more efficient and cost-effective. The findings of the Ralph inquiry suggest that many growers wish to retain a single desk. However, not every farmer agrees with this position. Why should these growers be forced to sell their wheat to a national pool if they do not want to? Talk about agrarian socialism in the extreme!

Much of the wheat grown in Queensland, New South Wales and Victoria is consumed
in Australia, while most Western Australian and South Australian wheat is exported. Interestingly, the most pressure to retain the single desk is coming from growers in NSW and Queensland, the majority of whom do not export wheat. The principles of a free market economy do not coincide with a situation in which a market is dominated by a single seller, as is the case with the retention of the single desk in Australia, which protects vested interests at the expense of Australia’s broader economic interests. If Australia seeks to be a nation that is committed to free market principles, why make wheat an exception to the rule? I will leave the community to think about that. No other industry forces its sellers to go through a single exporter. There is no rational argument to support the continuation of a single desk. Cattle producers, dairy farmers and horticulturalists receive no special treatment. The Iraqi kickbacks scandal has left a black mark on AWB’s reputation throughout the world. Why, then, should individual farmers be expected to pay the price for a company in disrepute? Australia’s export wheat industry has been discredited by the organisation that presented its face and image, and because of this Australian growers will continue to suffer as other countries continue to avoid Australian wheat.

The one-size-fits-all approach of the single desk militates against excellence. People who produce good wheat are not rewarded and those who produce poor quality product are not penalised. In the age of competition policy, there is no place for the single desk. Farmers should have the right to export wheat wherever they want and to choose who should sell it on their behalf. However, if the government is to proceed with the creation of a new entity which holds the single desk, then the government must, at the very least, be satisfied, firstly, that this entity is a completely separate legal entity from AWB Ltd and, secondly, that it reflects the government’s clear intention that any behaviour which undermines the interests of Australian export wheat growers and damages Australia’s trading reputation will not be tolerated—and I would hope that the government has got the message that the days of appointing political apparatchiks, who have caused significant problems with the export wheat industry, are over and it looks for somebody who is at arm’s length from the political arena. Thirdly, the government must be satisfied that the views of growers will continue to be represented, with the minister appointing at least one commissioner based on strong skills, knowledge and standing in export wheat production. Finally, it must be satisfied as to the financial viability and capacity of any new entity proposed to be the single desk holder. A government grant of a monopoly power confers on the recipient a great privilege and power. It therefore carries with it a corresponding responsibility to maintain a culture of ethical dealing.

In closing, let me say that I am very pleased that the due diligence of the member for O’Connor has once again resulted in some sensible amendments to the Wheat Marketing Amendment Bill 2007, which some people on this side of the House do not like. But those amendments make the bill more open and transparent and make people more accountable. I had reservations about supporting this bill, but I will follow the long-held historical tradition of abiding with the majority rule within the government. I can say this: I will be watching what happens between now and 1 March 2008 with a great deal of interest. You can rest assured that I will bring to account those who need to be brought to account for the way in which they play their role in this process. I will expose, where it needs to be exposed, any assistance that comes from AWB, whether or not it is intended to directly or indirectly influence
Mrs HULL (Riverina) (11.33 am)—
Today I rise to support the Wheat Marketing Amendment Bill 2007. In listening to the debate that has emanated from this chamber I have been staggered to hear some of the untruths and false claims made in many of the speeches from those on the opposing side of the House, commencing last evening with one of the first speakers, the member for Hotham. It is no secret that drought has claimed many victims in my electorate of Riverina and right across Australia. What angered me most during this very volatile time of drought was what happened when the current Leader of the Opposition made an obvious and deliberate decision to challenge the member for Brand and chose to lay his credentials on the table for his party colleagues to judge his performance—and perhaps the differences between what lengths he and the member for Brand were prepared to go to in order to lead the opposition.

What the current Leader of the Opposition must have been thinking when he was in his former portfolio as shadow for foreign affairs and sitting on that bench behind the member for Brand, when he was the Leader of the Opposition, was, ‘How can I do this to the best effect? This is a case of war, and in war there are obviously going to be some deaths and many casualties’. I am sure that this was how the member for Griffith and Leader of the Opposition was thinking: ‘Who could we dispense with in the field?’ The phrase ‘in the field’ would have struck him. He would have thought: ‘Of course! “In the field” means farmers. We haven’t anything in common with farmers; we’re not interested in what happens with country people. We have limited representation in rural and regional areas. I think that we can dispense with those pesky critters out there—farmers—and particularly with wheat farmers. There seems to be a bit of an issue around this AWB thing. It seems to have a hint of sensationalism; not only that, there are a lot of people on the world stage watching. The Americans are watching and the Canadians are watching. There are quite a few in the international scene watching this issue.’ It was an aspiring leader’s dream come true.

The poor old member for Brand thought that the aggressive and sensationalist questioning tactics of his trusted foreign affairs spokesman would help him. And haven’t we all heard him shrieking things like ‘Saddam’s bagman’ across the chamber at the Minister for Foreign Affairs? That most insulting of displays came from the now Leader of the Opposition in his quest to lead his party and to bring about the undoing of the member for Brand as the leader. We saw his true colours, his nasty retorts and his accusations. His position was one of judge, jury and executioner of all those in the AWB and beyond. Basically, his tactics in the House were puzzling. Then, eventually, we came to the point—

Mr Edwards—Mr Deputy Speaker, I rise on a point of order. I thought we were addressing the Wheat Marketing Amendment Bill 2007, not engaging in some personal denigration of the Leader of the Opposition. I ask you to draw the speaker back to the matter of the bill.

The DEPUTY SPEAKER (Mr Secker)—I say to the member for Cowan that I will listen very carefully.

Mrs HULL—This is the preamble to my discussion on the bill. All of the opposition speakers have taken the chamber through history and denigrated every Nationals leader and minister responsible for agriculture to have been in this House, so I remind the member for Cowan that what is good for one is good for all.
Mr Edwards—Mr Deputy Speaker, I again rise on a point of order. I think the member speaking is defying the chair. I once again ask you to draw the member to the bill.

Mr Secker—I think the member was quite in order.

Mrs Hull—I move to the substantive issue of what happened with farming and the farming process that took place in my electorate in respect of the single desk. We have an organisation that is substantially required to put in place security for our farmers. That is what the National Party and this government have been doing. We have been trying to minimise the damage that has been created by the House of Representatives over a long period of time for reasons known only to many of the members who spoke so viciously and determinedly without thought to the desperate situation in rural and regional areas. We have stood fierce and determined to support the thousands of growers across Australia who were calling on us to ensure that the single desk was retained and that they would have access to pooling and the benefit of having security for their crops into the future.

The Nationals have been united and steadfast, and I am very proud to know that we have delivered what is here in the House today—that is, a view and a plan to enable a grower-owned and controlled single desk to be retained. The legislation that we are looking at today enables the minister’s powers of veto to be extended. That is because the growers’ demands and calls have been heard by this coalition government. They provided us with a position. On 4 May, the Western Australian Farmers Federation, the New South Wales Farmers Association, the Victorian Farmers Federation and AgForce Queensland wrote to the Prime Minister outlining the consensus that they had reached in order to go forward, to try and overcome the damage that had been done in the past by many and to deliver the best outcomes for the growers and for all parties who had been involved in the debate surrounding the single desk for wheat exports.

The four organisations remain committed to the retention of the single desk marketing system for wheat exports from Australia, and they require a resolution of the issue so that growers can be sure of a marketing system in place for this coming season. Part of the process that we speak of in the House today is accommodating that. The plan was supported collectively by those four organisations, which represent the vast majority of grain producers and grain production in Australia. They took a consensus view that they needed to retain a single desk. The Minister for Agriculture, Fisheries and Forestry, for whom I have the greatest respect and regard, has been able to deliver, due to his tenacious, committed and dedicated attention to working his way through and negotiating with all parties on a very emotive issue. He has done an excellent job in coming to a position that sees all of the areas represented by the four peak bodies addressed and delivered on—that is, an opportunity for a new and wholly owned and controlled wheat export entity.

That entity will hold a single desk export licence for bulk wheat and will be a not-for-profit, autonomous entity that will be totally demerged from AWB Ltd. It will have a mandate to maximise the returns to growers and there will be a system of full contestability of ancillary services that will reduce all costs to growers. There will be complete transparency through a strengthened wheat export authority with greater powers of audit. It will enable the bagged and containerised wheat industry to be traded outside of the single desk. Personally, I am hesitant and cautious about that. I am willing to give it the benefit of the doubt, but I register my caution and my hesitancy in this area. If this
body is successful in being assembled by March, it will be answerable to wheat growers and will control pooled services. It will also, very importantly, continue to maintain existing markets and to develop new markets through what I refer to as ‘industry good functions’.

This is what the four farming associations had asked for, and they have been given an opportunity to complete this and to put it in place. I congratulate those growers across my electorate of Riverina, who were absolutely unwavering when they faced the issues that had little to do with them and much more to do with leadership challenges at many times—though not at all times—in this House. I am proud of the way in which 450 growers in Narrandera, who were facing the most difficult times of their lives, rallied on 20 December to voice their unanimity in wanting a single desk retained.

I extend my great thanks to the Minister for Agriculture, Fisheries and Forestry, the Hon. Peter McGauran—for whom we all have great fondness and affection—for the way in which he has handled this whole thing with such integrity. I also thank the Leader of The Nationals, the Hon. Mark Vaile, and the Prime Minister for the way in which they have managed this whole process through the coalition in this House. We will all be watching with a great deal of interest to see how this whole thing progresses.

Mr FORREST (Mallee) (11.46 am)—In the tradition of the former members for Mallee, it is important that I make remarks with regard to the Wheat Marketing Amendment Bill 2007. As the second-largest constituency in the country in terms of numbers of wheat growers—I think perhaps behind the constituency of the member for O’Connor, and I am not quite sure about the Barker electorate, Mr Deputy Speaker Secker—this has been a very long process for my growers. Like the member for Riverina, I would like to focus my remarks on the growers’ perspective. I think the reality of the situation that this legislation reinforces has been sadly overlooked.

There are some who argue that it is quite an oxymoron or a bizarre situation that, if wheat growers in Australia want to sell their wheat in an export market, they are required by law to send it to only one provider. That is true. For those who believe in a free market—particularly those who have little understanding of the long traditions of the way that wheat has been marketed in Australia for the last 60-odd years—this seems odd. Since the publication of the Volcker report, in which AWB Ltd and more than 2,000 other companies around the world were identified in the sense that serious questions were being asked about facilitation payments and where they went, this has been a very tortuous process for my growers.

My growers are well accustomed to the member for Mallee spending time with them. It is quite common to have the member for Mallee stop beside the road and do a few rounds on the tractor or a few rounds in the header, just to stay in touch. One thing that I have known right through this process instinctively—without even asking and having it formalised—is that, right or wrong, there is a very strong level of support amongst growers for retaining their orderly marketing arrangements. That is not to say that there is not a discussion. When John Ralph’s report was made public via the government, it did not surprise me that the figures from my own constituency reflected strong support of 80 per cent for the retention of the single desk and that 20 per cent had a different view. That was not news to me, but I suppose we needed to work through a formal process to collect that data and information.
I was very concerned after a month or two of the activities of Terry Cole QC's inquiry that the most serious element of all was being ignored—not just in the silly nonsense of the discussion that went on and the questions asked at question time in this chamber but as reported by the national media. The one single ingredient and opinion that was being left out of the discussion was the attitude and view of growers. At the suggestion of a number of my growers who were expressing some concern at the future of their orderly marketing arrangements, I organised a rally in Warracknabeal. In the short space of three days, there were 250 apologies from wheat growers and 700 attended. I invited members of the press gallery, who make reports and observations that influence opinion, to come down and listen to the attitudes of growers. I was roundly condemned for holding that rally. I was accused of sensationalism and so forth, but all I wanted to achieve was to allow the growers to get their perspective into the national discussion. I am proud of the fact that that was achieved. Since then, the Cole commission report has come out and there has been a tremendous amount of discussion. Far too much ridiculous politicking has gone on—even in the debate on this bill—and it ignores the fact that the orderly marketing arrangements which this chamber institutionalises do not belong to individual members of the chamber or to the government, which has the jurisdiction and custodianship of what happens in the chamber. They belong to growers, and they say—whether they are right or wrong—that they need their orderly marketing arrangements in place.

I am quite keen to see this legislation processed expediently in this chamber today and through the other place so that we can get supported legislation out there to enable an environment where growers and their industry associations can now do what they clearly must do, and that is deliver an organisation that does not have the conflict of interest that our current arrangements have had in a commercial sense or a pecuniary sense—a grower owned not-for-profit entity that, through supported law and legislation, automatically gives to the producers of the commodity any benefits that it receives from having a single desk. Wheat is one of the remaining commodities that this nation produces. People say, 'Why is wheat any different to any of the other commodities produced around the nation?' Wheat is still a staple and is an important commodity in the food chain. Regardless of the ideological positions held on this, at the end of the day, those of us who believe in and support democracy realise that this is about growers and what they want.

In my concluding remarks I would like to thank the Minister for Agriculture, Fisheries and Forestry, who is at the table, for steadfastly listening to the concerns of my growers. I am quite keen to ensure that there will be a good dialogue in the ongoing process that must occur between now and March next year for growers to deliver what this legislation proposes. The minister's second reading speech sets out the principles of what needs to be delivered. I thank my growers for the robust way in which they have made their opinions known to me. With the introduction of this legislation, I hope they can now be confident that not only have their aspirations been recognised here but also those aspirations have been advocated for and delivered on. But it is now over to the growers to ensure that they get motivated through their industry bodies and grower groups so that, well and truly before March next year, they have a properly prepared business case and an entity available for the government to go on from and make its subsequent decisions—which will clearly require more legislation to reinforce.

I repeat my thanks to the minister and I thank all government members who have
contributed. I am ignoring the silly, churlish remarks made by opposition speakers, who clearly—by their remarks—have absolutely no understanding of the importance of this issue to my wheat growers. As an outcomes focused person, I am looking forward to the continuation of the journey towards orderly marketing arrangements for wheat and I look forward and am confident that growers and industry bodies will deliver. I commend this bill to the House.

Mr McGauran (Gippsland—Minister for Agriculture, Fisheries and Forestry) (11.55 am)—I thank the government members who have contributed to this debate on the Wheat Marketing Amendment Bill 2007. I may not agree with all of the sentiments or views expressed but, nonetheless, I respect their involvement, their knowledge and, in the case of some of them, their hands-on experience of the wheat industry—all of which stands in stark contrast to the contributions of the members of the Labor Party opposite, who all took the opportunity, in shrill and exaggerated tones, to attack the government and specific ministers regarding the AWB oil for food scandal. We had a replay today of the Cole commission, which exonerated government ministers without qualification. That is the measure of the Labor Party's knowledge of and contribution to this great economic and social debate for rural and regional Australia.

Moreover, not once during this debate was there a statement by a member of the Labor Party that they will adhere to a single desk. No-one in the Labor Party is supporting the single desk. I wonder when those involved in this debate and reporting it outside of the chamber will focus on that issue. The Labor Party is not committed to a single desk. My challenge to the Leader of the Opposition is to put on the record his support for a grower owned and controlled entity assuming the single desk operations after 1 March next year. I think the silence will be deafening. I am happy to be proved wrong, but I have trawled through the transcripts and statements of shadow ministers and leaders of the Labor Party and have not found anywhere a commitment to the single desk. I conclude therefore that a Labor Party in government will not support a single desk.

The growers of Australia and the rural communities that depend on the grain industry have a stark choice to make at the next federal election. The coalition government is introducing legislation for a single desk through the 2007-08 harvest and providing growers with the opportunity to assume it into the future. The Labor Party is playing political games—attempting to split the bill, attempting to delay it and prevaricating on anything—to mask its own total absence of a stated position. The only conclusion anybody can draw is that the Labor Party in government will not support a single desk. The Labor Party needs to be flushed out on this issue. Who in the opposition will support a single desk the way the government has and the way that growers have demanded?

Despite all the issues impacting on wheat producers over the last few years, growers never wavered in their call for the wheat single desk to be retained. An overwhelming majority of 70 per cent or more was found by the Ralph committee to be in support of a single desk, and the government responded to that. Every contribution made on this issue, in all of its complexity and sensitivities, inside this chamber and outside, has to keep coming back to that point. The growers want a single desk, and the government has accommodated them.

The Wheat Marketing Amendment Bill before the House has delivered this, with changes to provide growers with greater control of their industry and greater certainty for the future. The extension of the temporary
veto power for the minister to approve or reject bulk export applications until 30 June 2008 recognises the reality that only AWBI is in a position to manage the 2007-08 harvest. However, the government has put in place a system which will prevent the veto ever returning to AWBI or any other AWB Ltd company.

The bill also provides the minister with the power to change the operator of the single desk between 1 March 2008 and 30 June 2008. This limited time frame will allow the transfer of the single desk to another entity while at the same time providing the industry with certainty about the future, long-term operator of the single desk. The government is giving growers until 1 March 2008 to establish a new company to take over management of the single desk. They will have to demonstrate that the new company is completely, legally separate from AWBI. They will also have to demonstrate that the new company has the necessary financial and managerial capabilities to assume control of the single desk before the minister can consider designating it as the new single desk holder. There will be no extension beyond 1 March 2008. As the Prime Minister said on 22 May, if growers are not able to establish a new entity by 1 March 2008 then the government will propose other wheat marketing arrangements.

The government has also decided to deregulate the export of wheat in bags and containers. This will provide growers with the ability to search out niche and new markets, and to further develop those markets that provide high-value returns. By making it a requirement for exporters to comply with a quality assurance scheme, the government is also securing the reputation of Australia as a reliable supplier of quality wheat.

The government has also considered the other side of the wheat export equation by addressing concerns with the industry regulator. By providing the Wheat Export Authority with strengthened powers to request information it has reduced any possible impediment to the authority fulfilling its monitoring and reporting functions.

The bill also provides the minister with the power to direct the WEA to investigate and report on matters relating to the operation of the Wheat Marketing Act. Any information uncovered that requires further investigation can be provided to the appropriate authorities.

Further changes to the WEA have also been made to implement the government’s broader policy on governance arrangements in response to the Uhrig review. However, the interests of growers will be protected in these changes as it will be a requirement for the minister to appoint at least one commissioner of the new Export Wheat Commission based on their skills in export wheat production and at least one other based on their skills in grain production.

The amendments contained in the bill are measured and have been made in the best interests of growers. Most importantly, they deliver on the key message the government has repeatedly heard from growers: ‘Keep our single desk in place.’ The government has honoured the requirements, the demands and the wishes of growers far and wide. The Labor Party has not. The one thing that the people of rural Australia abhor more than political prevarication is political cowardice. The Labor Party does not have the fortitude to stand and declare a position on an issue that has raged for 18 months. The Labor Party has not considered the findings of the Ralph commission, which canvassed at more than 28 meetings far and wide the views of growers in an unprecedented consultation period by government on a major political issue. The future of wheat marketing ar-
rangements, together with the debate surrounding the future of the floor price for wool in the early 1990s, stands as the greatest agricultural debate since the Second World War. Yet the Labor Party is totally absent from it and, instead, in this chamber, and no doubt in the Senate, seeks to cynically exploit the issue for some hoped—for political gain. I do not see the politics of using the wheat growers of Australia, who have been suffering a long-term drought and who are still experiencing a degree of uncertainty as to future arrangements, in this way. It is deeply disappointing to me that legislators, who have taken an oath of office, would seek to use grain growers for political purposes in this way.

In drawing my remarks to a close, I strongly recommend the bill to the House. I have the faintest of hopes that the Senate will support it as well. The Labor Party will not. No doubt they will divide on the bill and delay its consideration—all against the backdrop of having failed to enunciate and declare their own position. I would like Labor Party members to go out into rural communities, stand before an audience of grain growers and find some reason to justify their absence of a policy. The reason cannot be time—we have all had 18 months to wrestle with this issue. Admittedly, it is complex; it is difficult. There is a variety of views, as is evidenced even in the contributions of government members. But that is no excuse for avoiding the crunch point, which has come now: does the Labor Party support a single desk or not? The government does; the Labor Party does not. In the interests of grain growers, I hope and pray that the government is returned at the next election.

**Government members**—Hear, hear!

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

Question agreed to.

Original question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

**Consideration in Detail**

Bill—by leave—taken as a whole.

**Mr McGAURAN** (Gippsland—Minister for Agriculture, Fisheries and Forestry) (12.06 pm)—I present a supplementary explanatory memorandum to the bill. I ask leave of the House to move government amendments (1) to (6) together.

Leave granted.

**Mr McGAURAN**—I move:

(1) Clause 2, page 2 (table item 4), omit the table item, substitute:

4. Schedule 4 The 60th day after the day on which this Act receives the Royal Assent.

(2) Schedule 3, item 2, page 9 (after line 14), at the end of section 3AA, add:

Sunset

(13) After 30 June 2008, the Minister must not exercise a power conferred by subsection (1) or (6).

(3) Schedule 3, page 10 (after line 27), after item 13, insert:

**13A After subsection 57(3B)**

Insert:

(3C) Subsection (3B) does not apply at a time after 30 June 2008 if, at that time:

(a) nominated company B; or

(b) a related body corporate of nominated company B;

is the designated company.
(4) Schedule 5, item 32, page 20 (line 32), omit “production.”; substitute “production;”.
(5) Schedule 5, item 32, page 20 (after line 32), at the end of subsection 6(3), add:
   (n) export wheat production.
(6) Schedule 5, item 32, page 21 (before line 1), after subsection 6(3), insert:
   (3A) The Minister must ensure that at least 1, but not more than 2, of the members are appointed on the basis of:
       (a) substantial experience or knowledge; and
       (b) significant standing;
       in the field of export wheat production.

Question agreed to.
Bill, as amended, agreed to.

Third Reading

Mr McGAURAN (Gippsland—Minister for Agriculture, Fisheries and Forestry) (12.07 pm)—by leave—I move: That this bill be now read a third time.

Question agreed to.
Bill read a third time.

BUSINESS

Rearrangement

Mr ANTHONY SMITH (Casey—Parliamentary Secretary to the Prime Minister) (12.07 pm)—I move:
That order of the day No. 3, government business, Australian Citizenship Amendment (Citizenship Testing) Bill 2007, be postponed until a later hour this day.

Question agreed to.

AGED CARE AMENDMENT (RESIDENTIAL CARE) BILL 2007

Second Reading

Debate resumed from 18 June, on motion by Mr Pyne;
That this bill be now read a second time.

Mr GEORGANAS (Hindmarsh) (12.08 pm)—I appreciate the opportunity to continue what I was saying on Monday night about aged care and the importance of the Aged Care Amendment (Residential Care) Bill 2007 to my electorate. On Monday night we talked about the availability of community care packages and the availability of aged-care beds. I gave examples of some of the constituents within the electorate of Hindmarsh who come and see me regularly. We know that the availability of community care packages is questionable at the time people seek them. For example, one of my constituents—a woman aged 99 years who is a few months off her 100th birthday—was quite well and able to look after herself. She contracted a slight illness and had to go into hospital. She was of sound mind and a bit frail but was happy to look after herself in her own home and be in her own community. We tried to get her a community care package, but we could not find anything at the time she needed it—which was when she was due to come out of hospital. There is a waiting list. People do not get the services they require. This woman’s option was to remain in a public hospital bed and stay there, keeping her fingers crossed that something would come up so that she could leave hospital and spend the rest of her life, her twilight years, in dignity at home. The waiting list is so long that the options are not good for her to receive assistance on returning home.

This is the story of a woman aged 99 years, months off her 100th birthday. She has done voluntary work in the electorate for many years. She has worked all her life, paid all her taxes and gone through world wars. This is the way we treat her and other elderly people. It is a sad story of a very proud woman—as I said, she is of sound mind but unfortunately has a frail body—living out her last months in a public hospital bed. She
is not alone. I regularly hear of other cases within my electorate of people trying to find aged-care accommodation or care. Every time we talk about aged-care beds the government is quick to say that we want people to stay in their community—and rightly so; we all want people to stay in their community, amongst their loved ones and in a setting that they are familiar with—but there are not enough packages for those people who make the choice to stay home. It is obvious that many public hospital beds are being taken up by people who should not be there. Either they should be in an aged-care facility or they should be receiving some form of aged-care package to assist them at home.

What faith can the community have when, according to the Productivity Commission, the time people wait to access a bed in aged care has doubled in the period from 2000 to 2005? What faith can the community have in this administration reaching its target when, in six months, the shortfall has ballooned out by as much as 10 per cent? That was in my electorate of Hindmarsh. How can any concerned observer or future service recipient have any faith in a government or take any comfort from its record of turning a national surplus of 800 aged-care beds in 1996 into a 4,613 shortfall by June 2006? With the ageing of the population and the increasing levels of frailty that go along with ageing, when someone needs a bed or an aged-care package they need it straightaway, not in a month or three months or six months or 12 months. The likelihood of those people getting packages straightaway is very slim. As I said, we hear of these cases every day. I am sure many other members of the House would see examples of what I see in my electorate.

The objectives of this legislation look to facilitate the independence of, and choice available to, those recipients and carers. The treatment of our elderly is not such that it can be classed as respecting independence. The example of my constituent who chose to stay at home but was unable to do so because the waiting list for the package was far too long is a prime example of this. My constituents face constant difficulties in getting into residential care within their community or getting into places which are close to relatives or the community in which they have lived for decades. If they need to be looked after in an aged-care facility because they need support, they cannot get an aged-care bed in the western suburbs or the south-western suburbs of Adelaide. It is impossible to do so. Some homes have a list of 300 people waiting to get in. There may be beds available 100 kilometres away, but these people want to remain in their communities. Sometimes they have only one remaining relative—it could be a daughter, a son or a sister—and they want to remain close to them. Those people themselves are ageing and find it difficult to travel to visit relatives. So what happens? We put them 80 kilometres, 40 kilometres or 50 kilometres away and they become isolated. They have no contact with their remaining family and, therefore, their condition deteriorates. We need to facilitate independence. The only real way of doing this is to give them the care that they need within their communities, whether it be an aged-care bed in the community where their loved ones live or a care package in their home. This will give them independence. This will give them sound mind and good health.

The residents of Hindmarsh and all Australians in their golden years deserve much better support from the government. They should not be made to wait extended periods for the urgent care they need. This care is not something that can wait; they need care immediately. We should be able to put the packages in place to assist people to find the accommodation they require in their community, if they have high needs. I believe we
owe it to our senior Australians to do all we can, as legislators, to assist them to enjoy their later life in satisfactory surroundings, with appropriate support.

We are constantly seeing the effects of this government’s policies on ageing constituents and their families—the grief on their faces when they come to see me. As recently as Friday I had a call from a constituent about their mother-in-law, who was in the Queen Elizabeth Hospital because there was no option of respite care or an aged-care facility.

People make much of the baby boomer generation, whose retirement is rapidly approaching in the near future. The problem is going to be exaggerated. Governments need to grapple with this issue. Elderly and frail people look to the future with approaching dread, but also with something akin to a sense of inevitability, especially concerning failing financial security. This government should do something—(Time expired)

Mr HARDGRAVE (Moreton) (12.16 pm)—I am very pleased to speak on the Aged Care Amendment (Residential Care) Bill 2007. Should the day ever come when a doctor decides that I have lost the physical or mental capacity to look after myself and that I should be in a nursing home—people go to nursing homes when a doctor decides. It is not a choice; it is not as the member for Hindmarsh and others in the Labor opposition would suppose—that when people reach a benchmark age they are automatically institutionalised. It is not the case that families can suddenly decide that mum or dad should now be parked somewhere else. I forecast to the House that in the future it will be the music of the Eagles, the Beatles and the Rolling Stones blaring out of that aged-care facility and no longer the music of Vera Lynn.

Talk about the baby boomers: I was born on 5 January 1960—if you want to send me a card, Parliamentary Secretary to the Prime Minister and member for Casey. I make the point that facilities for the aged are provided by the taxpayer, subsidising hundreds of dollars per patient per bed per day, deliberately for when a person reaches a point not of their choosing but of their mental or physical incapacity to look after themselves. That point is constantly forgotten in presentations from those opposite.

I despair when I hear this whole victim analogy, which I have heard yet again this morning. I heard it from the member for Reid the other day and I heard it from the poor old member for Hindmarsh, who basically is saying to anyone over a certain age, ‘You’re going to be up the creek without a bed because that’s just the way life is.’ I do not know what is going wrong in their part of the world, but in my electorate of Moreton in the last 10 years the number of aged-care beds available has tripled. I like to think I have done something special about advocating for that.

When we came to office, we inherited a problem where Queensland was way below the national benchmarks and we as a government have done something about it. One particular set of aged-care packages was basically frozen in the hands of one organisation and the Labor Party did nothing about it—dozens of beds were not being put to use. Forget the fact that state governments are in charge of licensing the facilities; forget the fact that state governments and local councils are responsible for the planning permission needed to build buildings. This organisation had done nothing about fulfilling their obligation to the Commonwealth, and the Labor Party did nothing about it. So we took from them the right to have those beds and we redistributed those beds to other people. We now have a variety of very innovative places as well as a long-term traditional service to our local frail and aged community.
You do not just have to be aged to be in these sorts of places.

I also remember a statistic from the great debates we had where those opposite fought us tooth and nail over the question of a financial contribution from people with a capacity to make one towards the physical environment of their nursing home. The people opposite fought us all the way. They ran this lousy argument everywhere that it was suddenly the right of every person to demand of government that absolutely everything about their aged care had to be taken from the Australian taxpayer when they reached a certain age, forgetting that people with a capacity to make a contribution can, and do, do so. They fought us tooth and nail when we said that the maximum stay in a nursing home should be up to five years and that during that period each nursing home would demand a contribution towards the general upkeep and maintenance of what were, when we came to office, facilities falling down about us. They fought us every last inch on that.

The people of Australia rightly routed the Labor campaign against this kind of family involvement and personal contribution towards the maintenance of aged-care facilities. So when they come in here and argue about the lamentable circumstances of individual Australians, such as the member for Hindmarsh talking about this poor woman of 99 years of age who could not find care when she needed it—which I am awfully sad about, I abhor and am shocked to hear—I can also tell you plenty of stories about the way the aged-care sector has met its responsibilities far better than it did years ago. Had we followed Labor’s pre-1996 practice, much worse circumstances would exist in Australia. Had we followed Labor’s practice, we would not have the requirement on accreditation that we now have where providers, to date and over the years ahead, are going to have to further improve what they do and what they provide.

I want to pay tribute to the staff involved in aged-care services throughout my electorate. I have spoken to nurses and other caregivers, and my great fear in looking at these equations is that they are the last people to be properly resourced. The patient-caregiver equation should be the first place that you resource, just as teacher-student equations should be the first place you place your education funding. If it were not for the very special character of nurses and caregivers in aged-care facilities, so much of what we come to rely upon would not occur. As I have said before, they do not get paid enough for the dedication they bring to their job, and I do not think that they are appreciated by the aged-care system—not the sector, but the system—in the way it organises itself. I worry when people have wood lined offices and flash cars ahead of paying good rates to the caregivers that we as family rely upon in our aged-care centres.

Without wanting to name them all, but not wanting to miss any either, the variety of aged-care centres in my electorate is enormous. The resident classification scale, which we are aiming to replace with a new aged-care funding instrument, relies on these aged-care professionals to be good at filling out paperwork and to be good caregivers. We put a lot of pressure on the nurses and caregivers and I would like to pay tribute to them. I do so in no particular order. I know that TriCare Annerley and the Church of Christ Hillcrest Centre at Annerley have served our community for an enormous amount of time. I have met so many people there over the years, including, unfortunately, people who have since passed away whilst in care. The facilities at those places have been in service for a long time. My grandparents—Perce and Rita Hardgrave of Sunnybank Hills, who are sadly long gone—
stayed at the Carramar centre at Hellawell Road, Sunnybank Hills while waiting to be placed in other centres. That service is provided by the Uniting Church. My grandfather passed away at the Cazna Gardens centre, which is provided by RSL Care.

Interstate members would be wise to look at the work that the Queensland RSL has pioneered in aged care through their war service homes, which particularly target veterans. The RSL Care people have provided exemplary service and a great standard of care. To the nurses and caregivers there I say thank you for what you do and repeat publicly my thanks for what you did for my own family. RSL Care, to their great credit, also work with a new group of people—the Chinese and Buddhist communities, the Buddha’s Light International Association as well as others in Queensland. Whilst it is just outside of my electorate—I think you will find it in my good friend the member for Forde’s seat—the Jeta Gardens complex is now making itself available with high care, low care and residential facilities for people who want to retire, if you like, in the Buddhist and Chinese traditions. That could be an attractive thing—the Beatles wafting out of that environment might be something that I could be happy about in 50 years time. It is that sort of innovation that this government has presided over and encouraged from community and private organisations—to target the diversity of groups in our community. I am surprised when I see the member for Reid saying, as he did the other day, that these other communities cannot get access to care when I know that what is happening in my electorate is that there is innovation and support coming from the government.

Likewise, the Russian Orthodox community has had a long tradition of aged care. Serge Voloschenko and others involved with the Pine Lodge facilities at Rocklea have been there so long—since the late Sir James Killen opened the facility in about 1969. In fact I think his name is also on the opening block for the renovations after about 15 feet of water went through it during the 1974 floods. And they are expanding their facilities further. If you go there you will hear the Russian language spoken and you will see lots of very good parties and lots of active good fun taking place. But there is also a serious amount of care being given, and they are responding in every possible way to the demands placed upon them by this government to improve the care they give.

Likewise, the Sisters of St Paul de Chartres—who are in the member for Rankin’s electorate—are a very ancient Catholic order that started their work in Hong Kong 311 years ago, and they have been providing support to many Chinese people. My grandmother, Rita, stayed there for a little while many years ago. Beth Eden at Graceville and the Salvation Army at Warrina Village, Chelmer are inspired by their sense of service and by the churches and religious organisations that they represent. All these facilities are providing care, including Bethany Care in more recent times—the most recent of three new aged-care facilities that I have seen in my electorate in the last few years. Minister Bronwyn Bishop opened the White House, and I like the synergy of having the member for Mackellar opening the White House at Warrigal Road, Eight Mile Plains. Minister Andrews opened the Regis facility at Salisbury in Lillian Avenue, where local people are now able to age in a place close to where they have always lived. That is a facility that was not there until we came to government. Regis had the confidence to do that. Former Minister Santoro opened the Bethany facility at Underwood Road, Kuraby. Each of these new facilities is providing benchmark services for the future and for the long term.

Unlike Labor’s pro-institutionalised approach, which seems to suggest that you
reach a certain age and then this is where you have to go, we are providing a range of options for people as they age. The concept of ageing in place, which those opposite have continued to criticise through their contributions today, has been an important part of the element of dignity that we have reintroduced into aged care in the past 10 or 11 years. Work is done through the Home and Community Care program, which is 60 per cent funded by the Commonwealth but 100 per cent claimed by state governments—except that when the Labor Party want to complain that they cannot get enough HACC funding in their area then they blame us completely. The contradiction of state governments claiming HACC is all theirs—we fund 60 per cent and yet Labor is saying it is all our fault—is just breathtaking.

The Home and Community Care program needs to constantly test itself, as some on the other side have suggested, with regard to flexible delivery. It needs to make sure that those who are involved in providing ageing in place have the language and cultural skills necessary to meet everybody’s needs. So why would I be anything but delighted when I see the fantastic people from the Islamic Women’s Association of Queensland providing respite care, providing home and community care programs funded by us. This is not about them being funded to just look after Muslims, because the exciting news is that the first person into the respite care centre they operate at Calum Road in Sunnybank Hills was in fact a Jewish woman. It is just like the Country Women’s Association, just like various women’s groups in all sorts of good organisations that have been in our community for generations. The Islamic Women’s Association of Queensland are putting their hand up and saying, ‘We’re motivated by our belief. We’re motivated by our culture and our care. We’re motivated because we are women. The government is backing us and we are doing our work.’ I say well done to them.

The Aged Care Amendment (Residential Care) Bill is about simplifying and streamlining further the already impressive set of circumstances that we now have in aged care in Australia. It is about reducing the number of funding levels for basic care. It is about introducing two new payments: one for residents with complex health and nursing needs, including palliative care; and one for residents who have mental or behavioural conditions including dementia. It has come as a result of former Minister for Ageing Andrews’ response to industry concerns back in 2002. It has taken time because it has needed full consultation.

The aged-care funding instrument which is now going to be used was tested through 2005, and just under a quarter of all residential services around Australia participated. The trial results were very positive and indicated that there were major time-saving benefits for staff, a greater level of agreement between aged-care providers and external checkers, and that on average assessors took less than an hour to complete the ACFI approval process.

The government have said, ‘We’re listening; we understand the importance of backing the patient-caregiver equation, understand the diversity of the range of work that is before them, understand the dedication that nurses and caregivers want to bring to the equation and recognise that one of the real pains in their posteriors is the paperwork associated with all of this.’ The government are responding to these sentiments, which I have expressed in my contribution today. No-one from the other side is complaining about it, and we are very pleased about that.

We are very determined as a government to continue to be innovative. As the Treasurer’s Intergenerational report of five years
ago states very clearly, the ageing of Australia’s population is going to bring real costs to Australia unless we invest in this area. The Treasurer’s *Intergenerational report* highlights the statistics which underpin the need for us to get this right. It is a simple fact that Australia is a nation built on migrants. Australia’s population is now reaching the stage where, in the decades to come, its only growth will be because of migrants. We do indeed need to recognise—and on this I guess I share a platform with the member for Reid but I will express it differently—the cultural and linguistic diversity of our community and make sure that there is the agility and flexibility in our aged-care sector to properly respond to it.

I am sure that the House would agree with the issues that I have raised and the examples I have given from the electorate of Moreton, the most culturally diverse electorate in Queensland. Work is being done on the ground today right throughout my electorate.

One in four Australians was born in another place—that is the figure for Australia’s population today. Almost one in four—certainly one in five—has at least one parent who was born in another place. That means that there is a very real issue in making sure that the system demands standards, as well as flexibility and agility, when it comes to dealing with our linguistically diverse people. No matter the English skills they may have achieved after they came to Australia, the reality is that one of the signs of a dementia patient is that they may take on the tendencies they had as a child. One of the things they may do is revert to the language that they had as a child—they will forget the language that they learned as an adult. You may well see the circumstance where, after 50 years in Australia, someone is suddenly back to speaking Greek, Macedonian, Italian, Polish, German or indeed maybe Gaelic or something exciting like that. The member for Gorton, who is in the chamber, would appreciate that, being an O’Connor.

It is important that we do not then do as the Labor Party often seems to suggest and ‘over-ethno’ our response. What we have to do is demand that our aged-care providers see them not as suddenly now separate but as different strands in the same fabric, and have on their staff people with the language and cultural skills that will fit the particular background that a patient might have. You do not necessarily need to have a Polish aged-care facility or a Dutch, German, Italian or Greek one. It is terrific if you have one; I have a Russian facility and a few others that are doing things. What is important is that you make your facilities available to everyone but that you also have staff with those skills on board—not just the caregiving skills but also the language and cultural skills. That is going to be part of the challenge of the years ahead.

I believe that the framework that we are amending today will make it more possible for the caregivers to focus on those kinds of quality assurance issues to make sure that, when a patient’s doctor has decided they have reached a physical or mental circumstance that means they require care in a care facility, that care is there for them. I commend the bill to the House.

Mr BRENDAN O’CONNOR (Gorton) (12.36 pm)—I rise to support the amendments to be proposed by the shadow minister for ageing, disabilities and carers to the Aged Care Amendment (Residential Care) Bill 2007. I would like to associate myself with some of the comments made by the member for Hindmarsh. I saw at close quarters how important the aged-care issue is to him: when he was a candidate, prior to the last election, he was very involved in discussing concerns with residents, staff and operators of aged-care centres in his electorate. Following his
election, after his third effort, he has shown that he has not forgotten those concerns and is continuing to raise those matters now that he is the member for Hindmarsh.

I indicate to the House that the Labor Party supports in principle the thrust of the bill, but a number of amendments could be made that would improve the policy if the bill were to be enacted. The Senate Standing Committee on Community Affairs, having considered the matter on 7 May this year, made a number of recommendations to the parliament which I believe the government should consider adopting. Some or all of those recommendations were incorporated into the amendments proposed by the shadow minister.

We would argue that the bill would be improved if it were amended to omit item 27, repealing subsection 42-1 of the Aged Care Act 1907, and that the Department of Health and Ageing should monitor the use of this subsection by aged-care facilities to ensure that it is used appropriately. That is why we propose to move to reinstate the term ‘high dependency care leave’. There is a concern that the repeal of that provision would provide problems for a small but important number of applicants. Indeed, the department’s own evidence suggested that some applications, upon review, may have been inappropriate. It would be more useful for the government to accede to the amendment and incorporate that into the bill.

The bill should also be amended to ensure that determinations made by the minister under items 28, 29 and 31 are reasonable and that a safeguard similar to that in section 44-4, which item 32 repeals, be implemented under the new ACFI to determine a minimum lower basic subsidy level.

In the move from the residential classification scale to the ACFI, the provision to downgrade the basic subsidy level by two levels cannot be transferred due to the changed funding methodology. The bill proposes that the minister can determine the lower basic subsidy when a resident is receiving extended care in hospital. The residential aged-care sector is nervous that the determination could result in a significant loss of funds. Labor therefore propose an amendment that requires the minister to determine a reasonable level of reduced subsidy.

The Senate community affairs committee recommended that a review of the new aged-care funding instrument—that is, the ACFI—be undertaken 18 months after implementation to assess the implications for all aged-care service providers and ensure that the stated benefits are achieved. Such an amendment would provide for a formal review within 18 months of implementation.

The amendments proposed by the shadow minister would improve the quality of the bill, the policy of the government of the day and the way in which matters are implemented in residential care across the country. We do not see any reason why the government would refute those assertions or not accept the proposed amendments.

We say the bill is deficient; we would no doubt support it if the amendments were lost, but we are looking to find improvements in an area of public policy that has been ignored by this government for 11 years. The fact is that residential aged care has been neglected by this government for 11 years. It is an area that has not been well attended to by the government. Indeed, I think the government assumes that it receives a high degree of support amongst older Australians, and that assumption has led to its negligence of and contempt for older Australians in the main.

That is exemplified by the government’s approach to residential aged care—and, in-
Indeed, aged care in general. Before I was elected to the parliament, I was involved in the area of home and community care. It is certainly an area that needs continued real funding increases because of the demographics of this country. The member for Moreton was correct when he said we will have to rely increasingly upon immigration intakes to sustain a productive society. Our population is in decline and the ratio of producers to those who have already put their shoulder to the wheel for this country is reducing. There are fewer people in work now—as opposed to those not involved in either paid or unpaid productive work—than was the case only 20 years ago. So this has happened quite rapidly, Mr Deputy Speaker Quick, as you would concede. Indeed, that shift is now occurring more rapidly. So I accept the view that we will have to rely more upon immigration.

Indeed, this government, despite some of the dog-whistle comments it makes to the community, has a very high immigration intake. It is a trend which has been consistent since the time of recent Labor governments, which had relatively high immigration intakes. The immigration intake by this government has been very high—which is not always understood by the community—despite some of the pronouncements made by members opposite, including ministers.

As I said, it is clear that, because the government has assumed it has high levels of support from older Australians, it has neglected to attend to their concerns. This is one area in which there have been signs of neglect and failure. That is exemplified by the high level of change in the aged-care ministerial portfolio area.

I do not know how many ministers we have had in the last six years presiding over the portfolio of ageing, but it is a very high number. We do recall that one minister, still in this place but no longer a minister, presided over the kerosene bath scandal. Only last year there was an awful sexual abuse scandal, which I do not think was properly considered by the government, and the government has to take some responsibility in relation to that matter. Subsequent to that, we had a minister who had to resign because of a conflict of interest between his responsibilities as a minister and his share portfolio: he was investing in areas in which he was making ministerial decisions. Now we have a minister who, though he may say he has been misrepresented, certainly gave every indication that he is not particularly happy with his Ageing portfolio. He says it is because he is not old enough, or something like that—or he does not act old enough.

The matters I have just raised, the performance of Ageing ministers and the scandals in the sector, are indications of a government that really does treat older Australians with contempt or, at the very least, acts in a negligent manner in relation to the residential care sector and other areas that impact upon older Australians.

It is true to say, as the member for Moreton indicated, that it is not just about older Australians. It is also about people who are infirm and people who are disabled and require constant care but should not be taking up hospital beds. It is not good for them and indeed it is not economically sound. I think there has to be a better way. I do not think the government has really attended to that. I do believe that the Hogan report has sought to improve the way in which the aged-care residential sector operates—and I can go to some of the comments in that report which were picked up by the government and incorporated into this bill.

This bill is as much about the new funding model, which draws partly on the work undertaken by the resident classification scale...
review in 2002-03, as it is about projects arising from that review, such as the reduced RCS questions project. The new system will have fewer basic funding categories than the current scale and will include two new supplements. The new supplements are intended to better target available funding towards the highest care needs—in particular, residents with dementia and challenging behaviours, and residents who have complex health and care needs, including palliative care. The new supplements are to be implemented from within the basic subsidy funding which is currently allocated by the RCS.

Following the 2004 budget, the department commissioned Applied Aged Care Solutions to undertake a major study to identify and analyse structural options for the new funding model. The consultancy tested options for their impact upon the industry at service provider and state-territory level, and by rural and remote status. The study was completed at the end of 2004. In the following year, the ACFI was tested by those consultants in an Australia-wide national trial. All government funded aged-care facilities were invited to participate, and 678 homes participated in the data collection phase which concluded at the end of October 2005. The ACFI appraisals were conducted on aged-care residents and prospective residents by staff from aged-care assessment teams, nominated clinical staff from aged-care homes and Department of Health and Ageing RCS review officers. In New South Wales and Victoria, there was a small pilot of community and employment agency nurses also undertaking appraisals.

Those matters have been addressed in this bill. The amendments that we seek will, I think, improve the legislation if enacted.

The resident classification scale is effectively the basic tool used to fund residential aged care. How aged-care residents are classified is important because the amount of basic Commonwealth subsidy paid to residential care providers depends on the classification that residents are given. The scale goes from $22.27 per day, the lowest, to $122.77; so, clearly, it is a means-tested scale. The average subsidy paid to approved providers per utilised aged-care place in 2006 was $34,000. We do not have any problems with that scale. We certainly do not have any problems with seeking to reduce the number of classifications, subject to our proposed amendments being accepted by the government.

For as long as I can remember—probably since early in the first term of the Howard government but certainly for many years—Labor have been raising concerns that aged-care centres had about the amount of paperwork they had to undertake. There is a tension between, on the one hand, ensuring that aged-care operators provide sufficient information so we can monitor their performance and accountability in the sector and, on the other, congesting the administrative workload of operators so that they are focusing on paper rather than on the residents in their centres.

There have been some efforts to reduce the paperwork. We support any efforts to reduce unnecessary administrative work if it means staff can provide more care directly to residents in the homes. That would be far easier for the staff, who in the main do a magnificent job across the country in what I think is one of the hardest and least recognised jobs in this country. The fact is we are hoping to continue to attract people to look after our elderly, our infirm and, often, our disabled in residential care. If you were to look at these people’s employment conditions, compared to those of others with comparable skills but fewer responsibilities and higher pay, you would have to say that many of the staff do it because of a commitment to
looking after people who desperately need care. We do not see that in every workplace. We certainly see that commitment by staff in the residential aged-care area, given that they know they can make more money in other areas while probably putting themselves through less stress and working fewer hours—but they do it.

Every time I visit a residential care home, I am amazed by the constant commitment to the residents. We know that the funding levels are not very high in terms of ensuring that the staff of such centres receive decent employment conditions. That has to be addressed in a fundamental way at some point. I am not suggesting it is an easy thing to address in any immediate sense, but there is a real need to review the way in which staff in aged-care centres are treated. We are going to lose too many good people if we do not ensure that they are properly remunerated. We must not rely upon their sense of responsibility for the care of residents. Instead, we must treat them like any other worker and pay them what they are worth—and currently they are not in receipt of that. I think child care is in a similar vein: people who have enormous responsibility and a significant array of skills are not properly remunerated for the work they undertake. That has to be addressed by both sides of politics in a bipartisan way very soon, otherwise we are going to have difficulty keeping the people that continue to work in centres and cope with the difficulties on a day-to-day basis.

I return to the issue of removing unnecessary administrative work. Of course we need to ensure that there is accountability, but staff in aged-care centres are asked to do some things that are not necessary. We have to weed out those unnecessary matters and ensure that the staff are able to focus on looking after the residents who need the care and daily attention of the hardworking staff.

**Mr HARTSUYKER (Cowper) (12.55 pm)**—I welcome the opportunity to speak before the House today on the Aged Care Amendment (Residential Care) Bill 2007. This legislative amendment is a further example of the coalition government’s commitment to aged care and improving the standard of service delivery across the nation. This particular amendment will streamline the amount of paperwork required and allow aged-care providers to concentrate on the delivery of services to older Australians.

The debate on this legislation provides an opportunity to reflect on the substantial investment in aged care over the past decade and to detail the coalition’s commitment to the sector in the future. The Minister for Ageing, Mr Pyne, has released further details of the coalition’s $1.5 billion Securing the Future of Aged Care for Australians reform package, which was previously announced by the Prime Minister. The minister’s announcement highlights what can be delivered in such a vital sector as aged care when you have strong economic management and the commitment to invest in the future.

But before I elaborate on the minister’s announcement, I would like to note the importance of this legislation and of the aged-care sector in general to my electorate of Cowper. As members would be aware, the electorate of Cowper is located on the North Coast of New South Wales, a region which is very popular with retirees. In Cowper alone, the percentage of people who are aged over 65 is almost double the New South Wales average. Such a statistic reflects the increasing number of people who are relocating from major metropolitan centres and seeking a lifestyle and retirement in what I class as the most beautiful part of the country.

Of course, the seachange phenomenon is not something that has just happened overnight. For years Australians have been mi-
grating to coastal areas to enjoy their retirement. However, in regions such as the Cowper electorate the real difference over the past 10 to 15 years has been the volume of people who have been moving to the coast from the cities or our western country areas. This demographic’s migration has naturally led to an increase in the demand for aged-care services.

This is where the coalition government sets itself apart from members on the other side of the chamber. In 1996, when the coalition was elected, recurrent aged-care spending in my electorate was just $13½ million per annum. Local aged-care facilities were struggling to find the beds to meet the need and the demand for their services. There were virtually no community aged-care packages which provided elderly people with the choice of remaining in their own home. Similarly, there were no Extended Aged Care at Home—EACH—packages. Aged care, under the 13 years of Labor, had been put on the backburner and many older Australians struggled to access appropriate aged care in their retiring years. This is an important point, because the legislation which is before the House today is an extension of the coalition government’s commitment to providing peace of mind for older Australians as well as excellent quality care.

I am delighted to say that the problems which resulted from Labor’s neglect and lack of compassion for the aged-care sector are well on the way to being addressed. If members on the other side of the House would like evidence of this fact then I invite them to visit my electorate, where I will guide them through some of the great achievements which have been delivered in aged care as a result of the coalition government working closely with the aged-care sector. Given that we inherited from the Labor Party an aged-care sector in the Cowper electorate which, as I said, only attracted $13½ million per annum in funding, I am delighted to say that in the 11 years that the coalition has been in power we have increased that commitment to $53 million per annum. That is almost a 400 per cent increase. It includes the funding which will come online once the 2006 round of aged-care places is operational.

The additional investment which the coalition has made to aged care is evident right across our region. For example, in Yamba we have seen the Caroona Hostel and aged-care facility expanded to cope with the increased allocation of beds. A million-dollar extension was recently completed, with a further $5 million expansion announced after the allocation of additional places last year. In Maclean, the Mareeba Nursing Home is also planning extensions and the Clarence Valley Council is providing an unprecedented number of aged-care services in the homes of local residents.

This expansion has been mirrored in Coffs Harbour. Since I was privileged to be elected to the parliament in 2001, extensions have been completed at the Woolgoolga retirement facility, Bellingen’s Bellorana and the Coffs Harbour Nursing Home. We have also seen new facilities opened by Churches of Christ and the Masons, plus the expansion of aged-care services in the home—where Mid North Coast Community Care Options is doing a fine job. A new aged-care facility is also proposed for construction near Urunga. In Nambucca the good news also continues. Plans are now well advanced to construct a $6.5 million facility at Nambucca Heads following the announcement of 60 low-care beds in that town. This follows the completion last year of Riverside Gardens aged-care centre, also at Nambucca Heads.

In February last year I highlighted to the House that, whilst the Cowper electorate had received a substantial increase in aged-care places, there still remained some areas where
there was a need to be targeted. Without doubt, the most pressing need was in the township of South West Rocks. As I highlighted at that time, South West Rocks has experienced huge growth over the past five to 10 years with many new residents, many of them retirees. Despite this growth, the town still did not have an aged-care facility. South West Rocks is approximately 30 minutes drive from the nearest aged-care facility in Kempsey, and this places great strain on the spouses of those aged-care residents. With little public transport available, many elderly residents found it difficult to visit their partners on a daily basis.

I was very disappointed when an application to establish a facility at South West Rocks was unsuccessful in 2005. However, 12 months later, I was delighted to be able to inform the community that we were successful in gaining much-needed beds which would provide for a facility at South West Rocks. More than $2.1 million in annual funding has been committed to the South West Rocks facility, which will be operated by Profke Holdings, and an initial allocation of some 40 high-care and 20 low-care places has been committed, with Profke Holdings proposing to construct a facility on the current site of the South West Rocks Motel. Once completed, this facility will employ in the order of 60 people, so not only is it providing excellent aged care for the community but it is going to provide much-needed jobs as well.

The approval of aged-care places specifically for South West Rocks followed a coordinated campaign involving many people in the local community. With the community’s support, I lobbied very hard for the allocation of these places and I was delighted when this lobbying bore fruit and we were able to successfully receive those places. I would like to thank the local community and, in particular, the South West Rocks Aged Care Committee for their support. We were all disappointed with the unsuccessful round in 2005 but delighted with our success in the 2006 round.

Aged care is set to provide many employment opportunities in the Kempsey shire, with a proposed 130-bed facility to be constructed in Frederickton. Once complete, these two facilities together, in South West Rocks and Frederickton, will create up to 180 new jobs. Many more jobs will be created during the construction phase.

So a quick snapshot of the Cowper electorate highlights what aged-care achievements are being delivered on the ground in areas of need across Australia. However, despite this expansion the coalition government continues to recognise the challenges of providing for our ageing population. As all members of the House would remember, the Intergenerational report released by the Treasurer in 2002 estimated that by 2042 the number of Australians over the age of 65 will double, bringing into clear focus the need for quality aged-care services into the future. I was therefore delighted to see the Minister for Ageing release details of further investments in aged care over the next three years. The minister announced that more than 32,000 new places will be provided over the next three years to help meet the needs of older Australians seeking fair and affordable access to high-quality aged-care services.

Once operational, these places would be worth in the order of $1 billion a year in Australian government funding. The minister indicated that a total of 10,734 places would be made available for allocation in the 2007-08 round. This will be welcomed right across the nation, but it will be very welcome in areas such as my electorate of Cowper, which has quite an old demographic. The importance of this commitment was summarised in the minister’s press release. He said:
We have raised the bar. As part of this package, the Government's planning benchmark has been increased from 108 to 113 places for every 1,000 people aged 70 years or over. The adjustment also increases the community care component of this from 20 to 25 places.

These increased ratios are very welcome. When you consider that the previous Labor government was never once able to meet its target of 100 places for every 1,000 people over the age of 70, it is clear that the coalition has delivered for older Australians.

I know the community care component will be welcomed by many seniors in the community who require aged care but choose to remain in their own homes. The provision of Community Aged Care Packages and Extended Aged Care at Home packages has been a key priority of the coalition government. When the coalition government was elected in 1996, there were just 4,441 CAC Packages nationwide. The latest figures available show that that number has grown to some 32,588—that is, a 634 per cent increase. It reflects two things: firstly, the commitment of this government to deliver in quality aged care at home and, secondly, the desire of many older Australians to receive care not in a formal setting but in their own home.

This legislation now before the House complements the additional aged-care places which have been delivered by the coalition over the past 11 years. The purpose of this bill is to amend the Aged Care Act 1997 to introduce a new arrangement for allocating subsidies in residential aged care. The bill proposes to replace the Resident Classification Scale, RCS, with the Aged Care Funding Instrument, ACFI, as a means of allocating a subsidy to providers of residential aged care.

It is proposed that the ACFI will reduce the number of funding levels in residential aged care and provide subsidies for the care of residents with complex health and nursing needs, including palliative care, and mental or behavioural conditions, such as dementia. The ACFI has been designed to reduce the amount of documentation and record-keeping which aged-care staff generate and maintain in order to justify the funding classification for each resident. I think it is a very important point that our aged-care professionals are able to concentrate on delivery of care rather than on paperwork.

The bill also changes the current arrangements in which classifications expire after 12 months. This extends the period during which a resident’s classification has effect and it removes the requirement for providers to submit unnecessary reappraisals but gives them the option to reappraise a resident after 12 months. Also, the bill streamlines the audit process so that single questions or specific groups of questions can be targeted by review officers rather than every aspect of the appraisal. The amendments allow an approved provider to choose to accept a resident’s current classification when a resident moves from one aged-care home to another rather than being required to submit a new appraisal. I endorse this amendment. I know that many aged-care providers will welcome the streamlining of processes which can sometimes distract staff from focusing, as I said, on what they do best: caring for residents.

As I have detailed today, the Cowper electorate is a major beneficiary of the commitment of the coalition government to improve aged-care services. The growth in the sector has been in evidence over the past five years and is set to continue. This bill will certainly serve to improve the quality of residential care delivered in Australia. It provides evidence of the commitment by the coalition government to improve aged-care services. I commend this legislation to the House.
Mr MELHAM (Banks) (1.08 pm)—I am pleased to take part in the debate today which focuses attention on a vital issue for our ageing population. The Aged Care Amendment (Residential Care) Bill 2007 proposes to amend the Aged Care Act 1997. Specifically, it proposes changes to the resident classification scale for those in residential aged care. This will be replaced with the Aged Care Funding Instrument. This is the actual means of allocating a subsidy to providers of residential aged care. Several other provisions were outlined by the Minister for Ageing in his second reading speech, in which he indicated:

The bill will introduce changes necessary to reduce the number of funding levels for basic care, as well as provide payments for residents with complex healthcare needs, including palliative care, and for residents who have mental or behavioural conditions, including dementia.

A funding model was established between the industry and the government, and a national trial was undertaken in 2005. All Australian government funded homes were invited to participate. Six hundred and seventy-eight homes chose to participate. Since then, some modification has been made to the model as a result of that trial. There is no doubt that this legislation, in a broad context, will prove positive for the industry.

Significant comment has been made about the amount of paperwork that staff, particularly nursing staff, are required to complete as part of the appraisal and reappraisal processes in aged-care facilities. The obvious benefit of this change is that it will release staff to complete the duties for which they were trained: caring for the elderly. In relation to that issue, the Australian Nursing Federation, in its submission to the Senate Standing Committee on Community Affairs inquiry into this bill, said:

The complexity of the RCS—that is, the resident classification scale—meant that registered nurses employed by aged care facilities spent more time documenting than providing care or supervising care provided by other less qualified staff.

The amendment bill provides fewer basic funding categories than the current system and will include two new supplements. These supplements are intended to better target funding towards the highest care areas, such as residents with dementia and complex care needs, including palliative care.

Currently the act requires that residential care classifications expire after 12 months and that providers submit reappraisals. Under the proposed changes incorporated in this bill, providers will have the option of reappraisal. Amendments will also allow a provider to accept a resident’s current classification when a resident moves from one facility to another rather than requiring them to submit a new appraisal. Finally, the bill will provide for the secretary of the department to stay a suspension of a provider where the provider has repeatedly failed to conduct appraisals or reappraisals in a proper manner. The suspension may be stayed if the provider meets specific obligations.

I commend the government on introducing this bill. The Labor Party has already indicated its intention to support it, subject to consideration of a number of recommendations in the Senate committee report tabled on 16 May this year. I have no need to remind the House of our ageing population—the Treasurer regularly does so. What the House must consider is how we as legislators are able to positively impact on this national issue. This legislation is one step in the right direction. Needless to say, it is only a first step. There is so much more to do.

In 1996 there were 92 residential care beds for every 1,000 people aged 70 years and over; today there are just 86. In 1996 there were 37,323 nurses working in residen-
tial aged care; in 2004 there were 33,794. This is despite the growing numbers of residents in aged-care facilities. Measure that against the fact that around 75 per cent of aged care is not provided by the government but by family and friends. I have spoken in previous debates of my concerns for those carers. With the changing demography of the Australian community, the number of carers will decrease, not increase. A report released on Friday, 15 June 2007 showed that the number of aged-care residents needing high-level care has jumped by almost 19 per cent. The report was released by the Australian Institute of Health and Welfare. The report revealed that 69 per cent of permanent residents required high levels of care in June 2006.

In the seat of Banks, there are 17 aged-care facilities. These range from traditional hostel style accommodation to the more upmarket retirement villages. I am aware of the lack of high-level care facilities in my immediate area. Only recently, a gentleman came to my office seeking assistance for his wife, who is suffering from dementia. There were no appropriate facilities immediately available and the lady had to go onto a waiting list. During that period she was in hospital. The next available place was at Croydon, some 16 kilometres away. That is not the only example. Families have to accept places where they can get them. If a family member does not drive or public transport is not handy, there is considerable difficulty involved for family and friends to regularly visit. This, of course, adds to the guilt when the relative progresses to the stage where they need high-level care, particularly with illnesses such as dementia.

In the seat of Banks, I can say quite categorically that we need more high-level care places in our aged-care facilities. This is consistent with the information provided by Senator McLucas, the shadow minister for ageing, disabilities and carers. In her media release on 15 June 2007, she stated:

According to the Government’s own stocktake of aged care beds, in 11 years they have turned a surplus of 800 aged care beds in 1996 to a 2735 shortfall by December 2006.

In New South Wales alone there is a shortfall of 1,637 beds. Another area of concern is the lack of appropriately trained staff. As the population ages, this is only going to worsen. It is critical that we have adequate minimum staffing levels for aged-care facilities. We must ensure that wages and conditions are at a level such that we can recruit and retain nurses in an area that is struggling to keep them. This is in the interest of not only nurses and care workers but also providers—so they can attract and retain quality staff.

The Senate Community Affairs References Committee report *Quality and equity in aged care*, released in 2005, noted that delivery of quality care was under threat from the retreat of qualified nurses, both registered and enrolled nurses, from the aged-care sector. We must ensure that there are sufficient trained staff to service the needs of the ageing. Part of the reason for the lack of staff is the lack of attention given to skills training by this government. It is incumbent on this government to take appropriate steps to ensure that there is sufficient infrastructure for the training of aged-care nurses and other support staff. The service sector will continue to grow. We have a responsibility as a nation to equip ourselves for the future via some form of training for as many young Australians as we can, be it through a trade training opportunity or a university opportunity. A focus on training for people entering the aged-care sector is a win-win scenario.

This government must be serious about the provision of quality care for older Australians. The government must commit to seriously increasing the numbers of undergradu-
ate nursing places and closing the wages gap between nurses working in aged care and those working in the public sector. The changes that this legislation proposes are significant in the impact they will have on how the industry operates. For that reason, it is important that the government considers taking steps to ensure that training in those changes occurs. The Australian Nursing Federation made the following recommendation in its submission to the Senate inquiry into this bill:

The ANF would like to see a commitment by the Australian Government and the Department of Health and Ageing to the provision of ongoing training in the ACFI. There is a high turnover of staff in residential aged care facilities and a high proportion of part time staff. The change from the RCS to the ACFI is a very big change, not just in assessment tools, but also in underpinning philosophy. It is anticipated by the ANF that a four year commitment to funded training in the ACFI will be essential for a smooth transition from one tool to another.

I note the minister tabled a policy paper with the second reading of this bill. The policy paper outlines associated changes to the Aged Care Principles 1997. It is important to the aged-care industry that detail is provided as soon as possible. These principles are critical to the function of aged-care providers. The impact these changes will have on the day-to-day operation of aged-care facilities is considerable. For that reason, and for certainty, the details are vitally important to providers. The classification principles will provide information about the level of funding that each classification level will attract. Providers need to be in a position to assess the impact of the changes on their operations. The explanatory memorandum makes it clear that there are no negative financial consequences in this bill for existing residents. On page 2 it is stated:

These costs will:

- ensure that the level of funding for an existing resident will not decrease when they are reassessed under the new Aged Care Funding Instrument;
- provide additional funding for the top levels of the two new supplements; and
- establish a panel of advisers to assist homes manage the transition to the ACFI.

I congratulate the government on its approach to the process involved in establishing this bill. The level of trial and of consultation does appear appropriate. I commend the bill to the House.

Mr HENRY (Hasluck) (1.20 pm)—There is no doubt that one of the biggest and greatest challenges facing us is how we prepare for our ageing population. There is no doubt that our population is ageing. Mr Deputy Speaker, I am sure you share that with me. Baby boomers are reaching their early 60s. I am right there; I am a 1946er at the leading edge of the baby boom population. I have no fears about the future for aged care in this country. Since 1996, the policies of the Howard government have established a great foundation for the future development and care of ageing Australians.

As baby boomers reach their early 60s, we face a challenge to ensure that the largest demographic is properly catered for, not just by ensuring financial certainty with support in age pensions but through health care, aged accommodation and quality of life. Our population is ageing. We need to ensure that we can respond properly and promptly to the challenges that occur in the area of aged care. Last year there were over 312,000 Australians aged 85 and over. Over the next 20 years, the number of Australians aged 70 and over will grow 3.3 times faster than the growth of the total population. It is a very interesting statistic when we look at the needs of our aged. Our population of people aged 80 will double over the next 20 years and triple over the next 50 years.
However, as I mentioned, I feel very optimistic about the future of our ageing population. Importantly, the type of accommodation provided for them will be an essential part of that. The requirement for supported accommodation is a huge concern that needs to be addressed. According to the latest data on aged care in the Productivity Commission’s *Report on government services 2007*, there were, as at June 2006, a total of 163,468 residential aged-care places across Australia. At that time there were just under 3,000 residential services providing these places. The Commonwealth’s contribution to the funding of these residential aged-care places, including the funding for aged-care packages in 2005-06, was about $5 billion.

The Howard government for years has been working to ensure that older Australians have a secure future. In 1996, the Treasurer, the Hon. Peter Costello, released a white paper which highlighted the requirement for major structural reform within the aged-care sector to prepare to meet the challenges being posed by the ageing population. The Aged Care Act was passed by parliament in 1997. The act provided for the establishment of a single residential care program, the improvement of service standards and the improvement of building standards. Previous to the Aged Care Act, Australia had two distinct and separate residential aged-care programs: the hostel system and the nursing home system. That act merged these into a single residential care system and introduced the resident classification scale, or RSC, to provide a means for assessing resident care needs and allocating funding.

The 1997 act improved service standards through the introduction of the accreditation system and the formation of an independent Aged Care Standards and Accreditation Agency. The accreditation system is built around 44 outcomes across four standards: management systems, staffing and organisational development; health and personal care; resident lifestyle; and physical environment and safe systems. These accredited standards provide both government and consumers with confidence in the quality and standard of Commonwealth funded aged-care services. The act also provided for a certification system, which has seen a vast improvement in building standards. The certification system requires all buildings to be independently assessed against rigorous criteria, which include safety, security and resident privacy. From 2008, new space and privacy requirements will become part of the certification regime ensuring that residents can move from their family home to an aged-care facility without a loss in accommodation standards.

In May 2002, the Treasurer, the Hon. Peter Costello, released Australia’s first *Intergenerational report*, which identified emerging issues associated with an ageing population. As a response to that *Intergenerational report*, the 2002-03 budget allocated $7 million for a review of Australia’s residential aged-care system. This review, headed by Professor Warren Hogan, was asked to examine the current and alternative funding arrangements for residential aged care; examine the long-term financing options for residential aged care; recommend the appropriate future public and private funding arrangements, including appropriate future indexation arrangements for the industry; and examine performance improvement in the industry, including the appropriate use of performance indicators and long-term financing of the aged-care industry. The Hogan review was delivered to then Minister for Ageing, the Hon. Santo Santoro, in February 2004. It set out 15 recommendations for immediate change and five medium-term recommendations for a sustainable industry, and posed six options for further consideration.
The resident classification scale is a tool used to fund residential aged care. In his report, Hogan recommended that the number of resident classification scales be reduced. He stated:

... main disadvantages identified in the current funding delivery mechanism are the administrative burden inherent in the RCS and the adequacy of the current funding arrangements to approxi-
mately compensate for the care needs of partic-
ular groups of care recipients.

Key among the recommendations for imme-
diate change were recommendations 5 and 6. Recommendation 5 dealt with basic subsi-
dies and how they should be paid, recom-
mending three levels—high care, medium care and low care—to replace the existing resident classification scales categories in the following way: (a) low care to consolidate current RCS levels 5 to 7, (b) medium care to replace RCS levels 3 and 4, and (c) high care to replace RCS levels 1 and 2.

Recommendation 6 dealt with arrange-
ments through which supplements are paid. The Aged Care Funding Instrument, ACFI, gives effect to these recommendations. Aged-care residents’ classification is impor-
tant because the amount of Commonwealth subsidy paid to residential providers depends on the classification level that residents are placed in. For example, a resident classified on the scale at level 7 receives a daily basic subsidy of $26.27, whilst those patients clas-
sified at level 1 receive a basic daily rate of $122.77. The average subsidy paid to ap-
proved providers per occupied aged-care place in 2005-06 was $34,000. That is an average of $34,000 per person in aged-care beds.

Amendments in this bill aim to replace the resident classification scale with a new Aged Care Funding Instrument. This new Aged Care Funding Instrument has been designed to target funding towards the care of resi-
dents with higher needs. At the same time, it is expected to reduce the amount of paper-
work required for funding purposes. The amendments will vary provisions in the Aged Care Act 1997. The intention is to reduce the number of funding categories for basic care, introduce new payments to target residents with complex nursing or behavioural needs and reduce the administrative burden on aged-care staff. The details of these new funding arrangements and the manner in which specific levels of funding are calcu-
lated for residents with different care needs will be included in amendments to the Resi-
dential Care Subsidy Principles 1997 and the Classification Principles 1997.

In 2005, a national trial involving almost a quarter of all residential services was held. The results of this trial showed a large reduc-
tion in the time staff spent filling in forms. Less time filling in forms certainly means more time that staff can devote to residents and their care. Another important factor was the outcomes of these new resident agree-
ments. The level of agreement between the providers’ assessments of residents and those of the external assessors was much greater. Assessors took less than an hour to complete an ACFI appraisal. Once classified, a resi-
dent’s classification expires after 12 months and aged-care providers are required to reap-
praise a resident’s care needs to obtain fur-
ther funding. Over 60,000 of those annual reappraisals completed and submitted by providers resulted in no change in the amount of funding received by the approved providers.

This is a massive amount of paperwork being undertaken for nil effect. It is proposed that a standard ACFI classification will not expire. Instead providers will be given the option to reappraise a resident after 12 months. It is intended that the Classification Principles 1997 be amended so that residents who move into aged-care homes from hospi-
tal be reappraised after six months. This
takes into consideration the likelihood that these particular residents’ level of care can change quite quickly. Each year, approximately 12,000 residents move from one aged-care home to another. Currently, when the resident moves, their classification for funding expires. It is proposed that, when a resident leaves one aged-care home to live in another, from commencement the new aged-care home may choose to accept the existing classification, rather than being required to submit a new classification application.

A provision of the Aged Care Act 1997 allows more than one aged-care home to be paid a subsidy for the same resident when the person is on what is commonly known as high-dependency care leave. Very few residents can qualify for this provision and it is now rarely used, following the changes introduced in 1997 to allow residents to ‘age in place’—that is, to move from low care to high care within the same home. It is proposed to repeal this provision. The ACFI Industry Reference Group supported the removal of this leave type due to its very low take-up rate—fewer than 50 residents were eligible last financial year.

If providers repeatedly fail to conduct appraisals or reappraisals in a proper manner, the Aged Care Act 1997 allows the secretary of the department to suspend an approved provider from appraising residents for funding purposes. It is proposed to allow the secretary to stay the suspension, subject to the provider meeting certain obligations, which may include appointing an adviser at the provider’s cost and/or providing training for its officers, employees or agents. The secretary will have greater flexibility to encourage providers to conduct appraisals and reappraisals properly to avoid a suspension coming into effect. The bill will also include an additional power for the secretary to require a provider to appraise or reappraise some or all of their residents.

In consultation with the industry, the ACFI has been designed to streamline accountability requirements and reduce the uncertainty that arises when departmental audits of residential classification scale classifications lead to a subsequent downgrading leading to a reduction in an aged-care home’s income.

Apart from the key initiatives dealing with recommendations 5 and 6, the government announced a number of new measures aimed at improving the aged-care industry. In May 2004 the government responded to the findings and recommendations of the Hogan review with the $2.2 billion Investing in Australia’s Aged Care: More Places, Better Care package. Investing in better care to enhance staff education and training provided funding to increase education and development opportunities for aged-care staff, including new university places, and strengthened financial accountability standards for providers. There was an increase in the number of funded places from 100 to 108 per 1,000 people over the age of 70 years—the first such increase since ratios were introduced back in 1985.

My electorate of Hasluck has benefited from the increased allocation of new aged-care places by the government. Aged-care operators in Hasluck who have recently received new allocations of aged-care places are now planning major aged-care infrastructure projects which will bring significant improvements to the level of aged-care services in the electorate as well as create new employment opportunities. I have been very pleased to represent the ageing community in the electorate of Hasluck on their aged care needs.

Improvements to capital funding arrangements include the one-off payment of $3,500 per bed to all residential care providers for the purposes of improving building standards and, in particular, fire safety standards.
Funds were made available to providers to update or improve fire safety standards, including existing fire safety equipment, to meet state and local government regulatory requirements, to improve the level of staff fire safety training or to engage the services of professional fire safety consultants to advise on possible improvements. This measure cost over $513 million in Australian government funding.

It is important that people seeking placement in an aged-care facility have access to services and information on placements and their standard of care. Additional funding to improve the way older people access residential aged-care services, as well as new funding to improve the Aged Care Standards and Accreditation Agency’s ability to monitor the performance of aged-care providers and care standards, has been provided by the government.

In June 2005 my colleague the then Minister for Ageing, the Hon. Julie Bishop MP, announced that aged-care homes across Australia would receive an extra $1,000 per resident in a one-off payment to target specific issues and help ensure they remain sustainable in the long term. The Howard government provided $152 million for the one-off payment, which will help aged-care providers take advantage of new technology, improve their business practices and efficiency, and increase staff training, particularly in dementia care. In announcing the funding Minister Bishop said:

This funding will also enable aged care providers to improve their efficiency in management and administration. The Hogan Review identified the need for aged care providers to adopt more sophisticated and contemporary business practices to ensure the sector was on a sustainable footing for the future.

The funding enabled operators to invest in new information and communications technology to support their services. Within my own electorate of Hasluck I am aware of private sector providers who have used this funding, in partnership with major software and technology vendors, to commence a major new program of new systems development. This significant investment by those providers will ultimately lead to greater service and system efficiency, improved outcomes for residents and for staff, and the creation of new knowledge which will support the aged-care sector into the future.

The Aged Care Funding Instrument, ACFI, is part of the $1.5 billion Securing the Future of Aged Care for Australians package announced by the Prime Minister, the Hon. John Howard, in February this year. This package comprehensively addresses the remaining recommendations from the Hogan review and will see Australian government expenditure on aged care grow to an estimated $9.9 billion by 2010-11. This represents an increase of 219 per cent over the $3.1 billion in Commonwealth aged-care expenditure in 1995-96. That is a fantastic increase in anyone’s language, for a very important issue.

Preparation for the introduction of the new funding system has been a lengthy process involving a review of care assessment and clinical practices, the development and trialling of a number of assessment and funding options and extensive consultation with industry participants to ensure that the new system is a workable one which meets the objective of reducing the administrative burden on aged-care staff.

The Prime Minister noted in his press release in February this year:

A new Aged Care Funding Instrument (ACFI) will be introduced from 20 March 2008 that will, over time, see payments for those with the highest care needs rise from $123 per day currently to more than $160 per day in 2011.
The government has provided an additional $393.5 million over four years to assist homes in managing the change to the ACFI. This includes an additional $96 million for the new supplements on top of substantial existing funding for residents with complex care needs. The government wants to make sure that aged-care services are available and accessible to all Australians.

This is further evident in the additional funding of $42.6 million over five years to provide support to aged-care services that care for people in difficult circumstances. This funding will help make aged care more available to Indigenous communities, homeless people and people living in remote and very remote Australia by helping providers deliver care. Some $25.5 million will be provided over five years—as recommended by Professor Hogan—to enable the government to pay full subsidy rates to residential aged-care places that are no longer operated by state governments. Through these initiatives the Howard government is realising its vision for a world-class system of aged care that provides high-quality, affordable and accessible services to meet the individual needs and choices of older Australians.

Over the past 10 years the government has identified the areas that need addressing and has worked in consultation with aged-care providers to ensure that, as the needs arise, it is prepared to meet them. The Prime Minister, the Hon. John Howard, stated in February 2007:

It is imperative that we secure the future of aged care to ensure that older people continue to have access to high quality aged care in their own homes wherever possible, and also in high quality aged care homes when they choose.

It is clear that the future of aged care is in safe hands. Older Australians can be confident of receiving the best possible aged care now and into the future. I am very pleased to commend the bill to the House.

Mr WILKIE (Swan) (1.39 pm)—I rise today to speak on the Aged Care Amendment (Residential Care) Bill 2007. The purpose of this bill is to amend the Aged Care Act 1997 to introduce a new subsidy-allocating arrangement for residential aged care called the Aged Care Funding Instrument, or the ACFI. The ACFI has been developed in response to recommendations made in the Hogan report of 2004 and is designed to establish a new funding model for the aged-care sector, in addition to reducing the amount of documentation required by the Commonwealth that is generated in aged-care facilities.

Reducing the amount of administrative paperwork for workers in the aged-care sector will come as a welcome relief, as the federal government’s aged-care reforms in 1997 greatly increased the regulatory burden on the industry. In making Commonwealth funding contingent upon the completion of excessive amounts of documentation, the government’s reforms are wasting the valuable time of registered nurses working in aged-care facilities. Of course, the government have been quite aware of the problem but, acting in their usual haste, have taken 10 long years to get around to doing something about it. I am sure that we all agree that nurses’ time is much better spent attending to the needs of their residents and patients instead of filling out forms X, Y and Z.

Providing care for our ageing population represents one of the growing challenges for Australia in the 21st century. According to the Australian Bureau of Statistics, over the next 50 years the proportion of people aged 65 years or more will double from 12 per cent to around 27 per cent, while the proportion of people aged 85 years or more will increase from 1.3 per cent to around five per cent. Ensuring that our ageing community has adequate access to the quality care that they deserve is of vital importance, yet under
the Howard government it has simply not happened. In fact, the state of aged-care services in Australia under this government is a disgrace. Around the country, critical shortages in aged-care staff and beds have resulted in an estimated 2,000 older Australians being stranded in hospital wards waiting for a place to become available in a nursing home.

The story of a 90-year-old grandmother, Ann Duim, reported last week in the West Australian newspaper, is an example. Mrs Duim was admitted to Royal Perth Hospital about three weeks ago due to kidney problems. After being admitted, Mrs Duim and her family decided that she would no longer be capable of living in a house alone and that, upon being discharged, she would need to be moved into a nursing home. However, to their great surprise, when Mrs Duim was discharged from hospital earlier this week, they found there was not one nursing home bed available for her. So, at a cost of almost $1,600 a day, Mrs Duim will be forced to wait in Royal Perth Hospital until a nursing home bed finally becomes available for her somewhere in Perth.

Mrs Duim’s predicament is hardly unique. Around the country there are thousands of older Australians waiting in hospital wards for a nursing home bed to become available. Not only is it a disgraceful dereliction of care for our elderly citizens; it is also unduly costing Australian taxpayers hundreds of millions of dollars a year. The average cost of a hospital bed in Australia is $957 a night. That is roughly nine times the cost of an aged-care bed, so in a year the cost to the health system of leaving our elderly residents waiting in hospital beds is about $700 million. As a recent figure from the WA health department confirms, this government’s failure to adequately fund aged-care services is making it much more difficult for people in urgent need to get access to a hospital bed.

In my home state of Western Australia, last year, on average, 100 elderly residents a week were waiting in hospital beds for an aged-care bed. Not only did this cost Australian taxpayers around $24.9 million; it also used up 38,000 public hospital bed days. In its failure to provide the necessary funding for the aged care of our elderly residents, the government is also compromising the level of care in our public hospitals.

Mr Deputy Speaker Quick, you may think that this appalling example of the outright neglect of aged care by this government would serve as a bit of a wake-up reminder to the Minister for Ageing to get his house in order. But no—according to the minister, there is no problem of aged-care bed shortages. In fact, according to the minister, there is a glut of places available. I would like to see him come to Western Australia and find the glut; there is such a shortage in Western Australia that it is totally unacceptable.

I am sure that this must come as a shock to Mrs Duim as she sits there waiting in Royal Perth Hospital for a nursing home bed to finally become available. In fact, I am sure that the minister’s comments must come as a total surprise to the thousands of elderly Australians around the nation waiting for a nursing home bed. The truth is that in my home state of Western Australia alone there is a total shortfall of 497 nursing home beds. I do not know exactly where the minister is getting his information from, but let us take a look at what the peak bodies representing the aged-care industry have to say about the matter. I quote the Chief Executive of Aged and Community Services Australia:

But we are not happy with the quality of life that we are able to give people because of the continual squeeze on funding and we think governments should do better.

And what of aged-care nurses? What do they think about the current state of aged-care
services here in Australia? To put it mildly, they are disgusted. Day in, day out, our nurses witness firsthand the appalling state that aged-care services are now in. According to the secretary of the Queensland Nurses Union, aged-care services require an extra $250 million a year in funding.

The minister can go on about the supposed glut in aged-care places, but I am sure that if the minister put down his copy of the Australian Journal of International Affairs for a minute—we all know that the minister does not want to be in the aged-care portfolio, because he thinks that he is too young for it and really thinks that he should be doing the foreign affairs job—and concentrated on his portfolio and listened to what aged-care workers and industry representatives have been trying to tell him, he would quickly come to realise the disgraceful state that aged-care services are now in. In 1995, there were 92 aged-care beds for every 1,000 people aged 70 years and over. By December last year, that figure had dropped to 86.6 beds for every 1,000 people aged 70 years and over. By December last year, that figure had dropped to 86.6 beds for every 1,000 people aged 70 years and over. Considering the fact that we live in an ageing society in which there is nothing short of an army of future retirees marching towards aged-care services, this is a worrying trend indeed. If the government is failing the aged-care sector today, I can only imagine how bad things will be when people aged 65 years and over make up one full quarter of the Australian population in the year 2057.

Last month, I had the opportunity to attend an aged-care forum in my electorate of Swan to listen firsthand to some of the concerns from people working within the aged-care industry. As representatives from the peak council of Australia’s aged-care providers, the Aged Care Industry Council, told me, this government is failing our elderly community. They said that the Australian aged-care industry is in a state of crisis and that the government’s failure to make a serious and long-term commitment to fund aged care adequately was straining the system to the point of collapse. In addition to government funding not keeping pace with the costs of care, they also told me that aged-care providers are being continually asked to do more with less. The previous speaker talked about some of the additional funding that the government has made available to the aged-care sector. But, while the government say that they are putting in more money, the reality is that what they are additionally putting in is a fraction of what is actually needed to do something serious about the actual problems.

Staff are doing the best they possibly can with what limited resources they have, but it simply is not enough to provide the quality of aged care that residents expect and are in fact entitled to. Due to this government’s funding squeeze, the aged-care sector is now in the grips of a nursing crisis.

Mr Fitzgibbon—They have plenty of money for political advertising.

Mr WILKIE—As has just been said by the shadow minister at the table, the reality is that the government are quite happy to spend $200 million on advertising to tell us how wonderful they are. What could happen in the aged-care industry if they put that $200 million into dealing with some of the problems that are being faced? It is high time that they woke up to the fact that there is a growing need. In many aged-care facilities around the nation, there are simply not enough staff to provide an adequate level of care. As a recent audit of aged-care facilities in Queensland found, nearly half failed to meet accreditation standards. In one facility, where there were 93 residents, over 50 of whom were classified as high care, there was not a single registered nurse on night duty. In other facilities, the ratio of care staff to patients is as much as one to 125.
We really need to ask why exactly we face this dire shortage in nursing staff, which so badly compromises the level of care in our aged-care facilities. If you want to get to the heart of the aged-care nursing crisis in this country, you do not really have to look much further than the government’s industrial relations policy. The sad truth of the matter is that under this government’s extreme industrial relations policies, it is precisely people like aged-care nurses who stand to lose the most. As research from the New South Wales Nurses Association has revealed, aged-care workers are much worse off under Australian workplace agreements. Like hundreds of thousands of other workers, many aged-care nurses in Australia have had to accept AWAs that slash their conditions and their pay.

Work Choices: I do not think that the government is allowed to use that phrase anymore. Work what? Work Choices, the name that dare not be mentioned in this place by coalition members. For many aged-care nurses, the changes brought in under Work Choices translate into a loss of up to $150 in pay a week. With nurses working in other areas earning up to $20,000 per annum more than those in aged care, it is little wonder why nurses are leaving the industry en masse.

Yet, as a study conducted by the University of Melbourne last year found, the current predicament in which aged-care nurses now find themselves is not only hurting them financially; it is also causing emotional exhaustion. One interview respondent in the study explained:

I have worked in aged care nursing all of my nursing career of 27 years. We claim to care for our residents but everyday we go home feeling emotionally drained and wrecked because we are run off our feet and receive not much support ... we are not providing emotional support for residents or are able to care for them properly because we don’t have the time ... the health care system is chewing up nurses and residents alike.

Coming from someone who has worked in the aged-care industry for 27 years, that is a shocking indictment of the state of aged care in this country. The fact that these unfair and unbalanced laws are detrimentally affecting the ability of the aged-care industry to recruit and retain the staff levels necessary for a quality aged-care system does not seem to worry this arrogant government one little bit. This government is out of touch with the needs of our community. This government is out of touch with the standards of care that Australians expect for their elderly residents, and it has lost sight altogether of the political mainstream.

This government is a government of numbers. And we all know that you cannot translate quality care and compassion into numbers. This government does not care that our elderly residents are forced to sit in hospital wards for weeks at a time waiting for a nursing home bed to finally become available. It does not care that elderly residents of aged-care facilities are exposed to substandard levels of care. And it certainly does not care about a fair and equitable deal for aged-care nurses. No, like all true ideologues, this government cares only for its ideological agenda.

To ensure that elderly Australians like Mrs Duim receive the level of care that they are rightfully entitled to, there needs to be substantial funding planned for the future. The Labor Party supports these amendments to the Aged Care Act, but they will not fix the shortages in aged-care beds and they will do little to improve the quality of aged care. Only a Labor government can rescue the state of aged-care services in Australia and ensure that our elderly residents are treated with the care and respect they deserve. Senior Australians deserve better.
Mrs HULL (Riverina) (1.53 pm)—It is a pleasure to rise to speak on aged-care issues, as I do on frequent occasions in this House. That is because I have an intense interest in the people who have contributed to this nation. My interest in the issue of aged care was really sparked when I came to this House and saw, over many years, the enormous run-down of services by the previous Labor government in relation to aged care and the need to constantly raise the issues of aged people in my community in order to escalate our plans to support, assist and rebuild those facilities which provide aged care.

Aged care is ever-evolving. When I came to this House, nine years ago, due to the previous Labor government there was an overlap of shortage of beds and there was limited choice in different styles of care. Some people are very able-bodied and are unable to consider going into an aged-care facility. But that was the choice: you either went into hostel care or you went into a high-care aged-care unit. If you wanted to stay in your own home, there was very rarely an opportunity for you to access an ageing in place package. That was introduced by this government to assist those people who were capable, were able-bodied, were very involved in their local communities, who loved their own homes and their gardens and who wanted to stay in their own homes but did need some form of care and assistance. But at that time you could not get the ageing in place packages which this government so rightly introduced.

When I look at the Aged Care Amendment (Residential Care) Bill 2007, it stands out to me that the aged-care funding instrument that we are introducing will reduce the number of funding levels in residential aged care and will provide subsidies—and this is the more important thing—for the care of residents with complex health and nursing needs, including for palliative care and for residents who have mental or behavioural conditions, including dementia. Picture this: I am an aged person. I have had a mental condition all of my life. I now have no carer and I go into an aged-care facility. My dementia is setting in but they are not quite sure whether I have a mental health problem or a dementia problem. So I have no specific place to go. I then become aggressive, but there is a determination that I may be aggressive due to mental illness and not dementia.

I lash out frequently at a fellow resident, and I hit that resident on a number of occasions. I know not what I am doing, but I am in a position in which I have no other choices. I am a mentally ill, ageing person who has the onset of dementia, and I have no specific way in which to deal with the process that has put me in this place. Then I see two burly policemen come in the door. They walk towards me and I am unsure, unstable and insecure. They hand me an AVO and they order me to court in the next week to answer charges of unknowingly hitting another resident in my frustration of hovering between mental illness and dementia. I am absolutely terrified, because the sight of these policemen is something that I am not used to. I do not know what I have done wrong, and nobody seems to be able to explain it to me. Those are the circumstances that are happening in our nursing homes and our aged-care facilities because there has not been flexibility in the past.

I was absolutely consumed with rage when I was contacted about the circumstances of a gentleman with a mental illness who had lived with his sister all of his life and, on her death, was left alone to fend for himself with no real specific place for him to go. This bill gives us hope and opportunity that people like the gentlemen whom I spoke of, who is here in an Australian Capital Territory nursing home, will finally be able to be
dealt with and treated in the way, and with the respect, that he deserves and that there will finally be the flexibility in these programs to understand that there is a difference with a person who has had a mental illness all of their life who has the onset of ageing. So it is with great pleasure today that I find included in this bill the flexibility to ensure that the needs of mentally ill ageing people will be met.

There are other issues in this funding instrument that have been designed to reduce the amount of documentation and record keeping which aged-care staff generate and maintain in order to justify the funding classification for each resident. Across my electorate I have achieved some amazing results in aged-care funding. I have found that the flexible arrangements that have been put in place as a result of lobbying in the House to enable the people of the Riverina to have a variety of care in which to see out their elderly years have been nothing short of extraordinary. Just recently, in December last year, I was able to announce another grant in my electorate of $2.5 million from the 2006 aged-care approvals round for our Mary Potter Nursing Home and our Ethel Forrest Day Care Centre.

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

QUESTIONS WITHOUT NOTICE

Economy

Mr Rudd (2.00 pm)—My question is to the Prime Minister and refers to his claim that employment growth explains poor productivity in the Australian economy, due to the addition of less productive workers to the workforce. Is the Prime Minister aware of comments from Reserve Bank Governor Glenn Stevens in a speech late last year when he said about the Australian economy:

… this addition of less productive workers isn’t enough to explain the extent of the slow down in overall productivity.

Prime Minister, is Mr Stevens wrong?

Mr Howard—I think Glenn Stevens is a first-class Reserve Bank governor, and he has spoken a great deal of common sense in the testimony he has made. He certainly understands more about productivity than the Leader of the Opposition does. I have had the opportunity to look at a report released overnight by the OECD. This report has something very interesting to say about two subjects of great interest to the Leader of the Opposition—namely, productivity and labour market regulation. I listened to the Leader of the Opposition very carefully, in an interview with Fran Kelly on the ABC Radio National program this morning, and he seemed to be arguing a number of things. One of the things he was arguing was that Labor Party policy would make our workplaces more productive. That is what he was arguing—that we really need to wind back the industrial relations clock so that we can wind our productivity forward. The problem with that is that it was blown out of the water overnight by none other than the OECD. In table 2.1 of the report, when it spoke of the possible links between labour market policy and productivity, it had this to say:

Strict statutory or contractual employment protection for regular workers impedes flexibility and slows the movement of labour resources into new high productivity activities.

What that means is that if you bring back the unfair dismissal laws, you will deliver a very serious blow—

Opposition members interjecting—

Mr Howard—I know the sound effects man doesn’t like this, but if you bring back the unfair dismissal laws, which Labor has
pledged to do, according to the OECD this will strike a blow at the movement of workers into high-productivity activities. I thank the Leader of the Opposition for concentrating on productivity. He is demonstrating yet again an abysmal misunderstanding of some fundamental economic concepts.

**Economy**

Mr KEENAN (2.03 pm)—My question is also addressed to the Prime Minister. Would the Prime Minister inform the House of Australia’s recent productivity performance? How does this compare with the historical record?

Mr HOWARD—I thank the member for Stirling. I know he is very interested in, and well informed about, productivity. I am very happy to inform the House that when the government assumed office in 1996 the level of unemployment in Stirling was 9.4 per cent, and it is now 5.2 per cent. The member has asked me about trends in relation to productivity. In answering that question, I recommend that he not take the advice tendered by the Leader of the Opposition on Radio National this morning. If you listened very carefully, just on the surface it sounded okay. He said that between 1993 and 1998 we were running at annual average productivity growth of 3.3 per cent, between 1998 and 2003 that fell to 2.1 per cent, and then he went on to say: ‘If you look at Mr Costello’s Intergenerational report, the projected annual productivity growth for the decade we are currently in is only 1.5 per cent per year.’ The problem with that is that he was using figures that were measured by different measures of productivity. The first two figures measured productivity movements in the market sector of the economy, and the second figure measured movements in the entire economy.

In pointing out the duplicity of the Leader of the Opposition, I would have thought that the best authority I could quote was in fact the Productivity Commission itself. On its website, the Productivity Commission describes the difference between the two measures. The Productivity Commission says this: Whilst productivity can be measured for the economy as a whole, productivity in the market sector of the economy provides a more accurate indication of aggregate productivity. The market sector is where output can be reasonably well measured—by market transactions … In ‘non-market’ industries, such as government administration, outputs are typically measured in terms of expenditure on inputs.

What the Leader of the Opposition has deliberately done is to take what is by definition a measurement of productivity that would yield a low result and compare it with measurements of productivity which by definition would yield higher results. In the process, he has deliberately set out to mislead the Australian public in relation to this issue. He did not disclose this in the interview that he gave this morning. He must have known—or after the interview he would have been told by his advisers—that he had misled the Australian public. Once again we have the Leader of the Opposition faced with the dilemma of confessing to one of two sins: is he ignorant of what productivity represents in this country or, if not ignorant, has he deliberately misled the Australian public by falsely comparing a set of figures with another set of figures, knowing full well that the measurements and the definitions of those two figures are quite different? Everybody knows that it is difficult to measure productivity in government administration, in health and education services and in services generally, whereas it is very easy to measure productivity in mining and manufacturing. What the Leader of the
Opposition did was to conflate the two in the interview this morning to give a completely false impression and to continue the process of deceiving and misleading the Australian people on what he says is the centrepiece of his economic attack on the government. The Leader of the Opposition ought to lift his head from his papers and face the reality that, again, he has deliberately deceived the Australian people.

**Economy**

Mr SWAN (2.07 pm)—My question is to the Prime Minister. I refer to the Prime Minister’s statement in parliament on 26 March this year:

Working families in Australia have never been better off.

How can the Prime Minister claim that working families in Australia have never been better off, when last year Australians withdrew $135.5 million from their superannuation early because they were unable to meet reasonable and immediate living expenses—four times more than that withdrawn in 2001?

Mr HOWARD—My view about the position of Australian families is that I recognise that some Australian families, no matter what the state of the economy might be, are finding it difficult. I accept that, but I would point out to the member for Lilley that, if you look at the overall figures, you see that they are very strong. We do have a 33-year low in unemployment. The spokesman for Treasury matters on the opposition side belongs to a party that boasted about the fact that real wages fell when it was in power. You actually boasted—

Mr Swan—We put the policy in place and you opposed it.

Mr HOWARD—Don’t get too excited!

Mr Swan—We put the policy in place and you opposed it.

The SPEAKER—The member for Lilley has asked his question!

Mr HOWARD—You boasted about the fact that you drove workers’ wages down. It was a passionate conviction. They fell by 1.7 per cent when you were last in office, and they have risen by 20.8 per cent in a shorter period of time.

But let me deal with the question of the alleged indebtedness of the Australian community. I point out to the Leader of the Opposition and to the shadow spokesman on Treasury matters that, overall, personal insolvency in Australia remains quite low. The Reserve Bank of Australia—and this is a very good measure—reports that, as at the end of December 2006, the ratio of non-performing to total housing loan on the banks’ Australian books stood at 0.31 per cent, which is a very small proportion of the market. While we are into comparisons, this compares to a peak of 0.6 per cent of outstanding loans in 1996. So, if you look at the distressed section of the Australian economy measured by indebtedness, you will see it was 0.67 per cent in 1996 and it is now at 0.31 per cent. That suggests to me that things have got better rather than worse over the last 11 years.

**Employment**

Mr RICHARDSON (2.10 pm)—My question is addressed to the Treasurer. Would the Treasurer inform the House of the findings of the OECD employment outlook 2007? What does this indicate about the relationship between employment and productivity, which he certainly knows something about? Are there any other views?

Mr COSTELLO—I thank the honourable member for Kingston for his question. I can inform the House that in the last 24 hours there has been another abysmal failure on the part of the opposition leader to come to grips with productivity. I would recom-
mend to the Leader of the Opposition the old adage: ‘If you are in a hole, stop digging’—because the more he digs, the more trouble he gets into. For example, he went on Radio National today and, in an attempt to prove that there had been a decline in productivity, he combined the ABS findings on labour productivity for the market sector with the IGR findings and assumptions on productivity for the total economy. They are two completely different measures. The market sector is much more easily measured because you measure it by output, but in the total economy you have areas like the Public Service, where it is very difficult to measure output. So the cycles of market sector productivity as reported in the national accounts are different to those for total productivity which are used for long-term assumptions in the IGR.

But I do not hold the Leader of the Opposition entirely responsible for this, because when I went back to read the document that had been prepared for him by Tim Dixon, John O’Mahony and Ankit Kumar, I found that they had not themselves actually made that distinction in the 10-page briefing. Whilst I am dealing with this document, I should say in passing that it is worth recording that the Leader of the Opposition was vehemently protesting yesterday to journalists that this document had been stolen from the Labor Party, but there was one problem: the cameras had him leaving it in a public place and then demanding his staff go back and find it. I suppose he thinks it was stolen from him by his staff. That is another example of a Leader of the Opposition who always blames everybody else for his weaknesses. The document was not stolen or taken by the coalition. The camera does not lie: this document was lost by the Leader of the Opposition and him alone. It was lost in just the same way as his credibility was lost when he went on AM on 14 June. People in this House will know that I am very interested in and am counting down to ‘fundamental injustice day’, 30 June. Well, we have just passed fundamental incompetence day, 14 June, when the Leader of the Opposition went on AM—

Honourable members interjecting—

Mr COSTELLO—Even the member for Lilley thought that was a good one. He is enjoying the joke as much as I am.

As if on cue, the OECD yesterday came out with an important piece of research which is on the correlation between increasing employment and productivity. What it finds—

Mr Swan interjecting—

Mr COSTELLO—I would ask the member for Lilley not to interject. Every time he interjects, I think of that old Al Jolson song, ‘Swanee—how I love ya, how I love ya’! Here is what the OECD reported on the correlation between more jobs and labour productivity:

There is a negative correlation—listen to this—between employment growth and average measured labour productivity growth, which suggests that evaluating the success of employment enhancing structural reforms by measuring labour productivity can be misleading.

What it is saying here is that, as you pull more people into the workforce as unemployment falls, particularly if you pull in people who are unskilled, because they are unskilled, rather than meeting the overall productivity of the workforce, they tend to have a negative effect. And they have a negative effect on the overall productivity of the workforce until such time as they have been in the workforce long enough to improve their skills, to move up to the averaged measure and eventually to increase it. That is why there is a negative correlation between
increasing employment and labour productivity. In particular, the correlation is negative when unemployment is low and when, by definition, you are pulling into the workforce people of lower skills than you would be in the immediate aftermath of a recession, when you would be soaking up people who had been more recently put off.

This is what the OECD finds:

However, any slowdown in average measured productivity resulting directly from a change in employment is to a large extent a statistical artefact and does not imply that individual productivity has fallen. Its implications for policy evaluation therefore are not immediately obvious.

Why do I mention that? Because anybody who thinks about it for a moment knows that, when you are pulling long-term unemployed into the labour market when unemployment is falling, people who do not have the same level of skill when they join the workforce will not have the same level of productivity. They will get it after years in the workforce. When you are pulling people off welfare and into work, they do not have the average productivity of the rest of the workforce. That is why the OECD says that, by pulling those people into employment, as a ‘statistical artefact’ you get a negative impact on labour productivity.

Does that mean we should not pull them into the workforce? Does that mean we should say, ‘Keep the long-term unemployed out of the workforce,’ because we do not want to change our labour productivity figures? No, of course not. We want to bring those people into the workforce. We want to give them an opportunity in the general economy. We know it will have that effect, but we also know that over a period of time you will get a much stronger economy as a result.

Those people who pull out these ‘statistical artefacts’ and try to make them a political point when they have no understanding of what they are talking about cannot be trusted with the Australian economy. They are not humane; they are not people who have the interests of the unemployed at heart. They are political charlatans.

Interest Rates

Mr TANNER (2.18 pm)—My question is addressed to the Prime Minister. How can the Prime Minister claim that working families in Australia have never been better off when Reserve Bank figures show that a record 11.7 per cent of families’ disposable income now goes on interest payments—70 per cent higher than the equivalent figure five years ago?

Mr HOWARD—I would have thought that, as a result of changed economic circumstances, including the fact that people, partly due to low interest rates, are borrowing more and buying more expensive houses, there would be some variation in the figure.

Transport Infrastructure

Mr ANDERSON (2.19 pm)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Will the Deputy Prime Minister inform the House how the coalition government’s investment in rail is boosting and will further boost productivity in the Australian economy, particularly in regional Australia and in my electorate of Gwydir?

Mr VAILE—I thank the member for Gwydir for his question. It is self-evident that the member for Gwydir has a great deal of interest in this issue, given that one of the recent announcements that we have made with regard to developing our strategy on rail infrastructure in the future resulted from a report from a study that was instigated by the member for Gwydir when he was the Deputy Prime Minister and the minister for transport. I refer to the Ernst & Young study that was done on the north-south rail corridor between...
Melbourne and Brisbane. Last week I announced $15 million in funding to commission the next stage of this process, which is an engineering and scoping study to move the planning of this proposal forward so that it can be tested in the marketplace.

We have maintained at every point that we would expect private sector investment to fund significantly the development of this inland rail corridor, but it is all about increasing our competitiveness and improving productivity in Australia. You need to continue to invest in much-needed infrastructure across the country to continue increasing competitiveness and productivity.

The member for Gwydir would also be cognisant of the latest statistics in terms of the efficiency of one of the key coal rail corridors in Australia, following federal government investment in that corridor. I refer to the Hunter Valley coal line, where we see that the capacity of the coal line, as a result of our investment, is now ahead of the capacity of the port to be able to move that coal onto ships. It is only because of the investment of the Commonwealth government into that coal line, which we are managing through the ARTC, that that is happening. I draw to the House’s attention the fact that it is not happening in Queensland, where the Queensland government is not investing.

Investments like these mean that we can improve our efficiency in this area. One thing that the Ernst & Young study did identify and highlight was that the freight task in Australia is going to double by 2020 and, unless we match that with the appropriate level of investment in infrastructure, it will have a detrimental impact on productivity. So we need to ensure that investment keeps pace with that growth in demand.

The other positive aspects of this are the job creation opportunities that will be generated in electorates like that of the member for Gwydir, when construction takes place and the operation and servicing of a key transport linkage is implemented. That was also highlighted in the OECD report referred to by the Treasurer and the Prime Minister. That report confirms that employment growth in Australia is among the best in the industrialised world. Of the 29 most developed economies in the world, Australia is leading the way in terms of employment growth. This only happens through investment in infrastructure. We continue to get productivity growth only as a result of investment in infrastructure—like the inland rail proposal, like the investment we have in the coal line in the Hunter Valley that I have referred to, like the $22 billion we propose to invest in Australia’s land transport program beyond 2009 and like the $1.8 billion that will be invested in communications infrastructure in regional Australia.

The Leader of the Opposition should take a bit of notice of some of this. I know that he has been treading water a little in this debate about productivity. Maybe it highlights—if we go back to a comment that was made by him on the John Laws program in April—what his view is of normal levels of unemployment—and we have a particular view about unemployment on this side of the House. But he said to John Laws in that interview, ‘Well, normal in the sense that it will be higher levels of unemployment rather than lower levels of unemployment in the future if the demand particularly out of China eases.’ That is the point he makes. He will accept that unemployment is going to go up. Maybe that underpins his view of improving productivity: that he will generate more unemployment so that the productivity statistics improve—take 2.1 million Australians out of the workforce that we put into the workforce.

On this side of the House, we believe in investing in infrastructure to drive long-term
productivity. We believe in creating jobs to drive long-term productivity. We do not believe in normalised levels of higher unemployment; we believe in normalised levels of lower unemployment—and that is the stark difference between the coalition government and a Labor opposition.

Liberal Party

Mr McMULLAN (2.25 pm)—My question is addressed to the Prime Minister. I refer to the joint operational arrangements for the BCA-ACCI campaign and specifically to the fact that the campaign director is chief Liberal strategist Mark Textor, the operations director is former senior Liberal Mr Tony Barry and the campaign committee includes former Liberal advisers Peter Anderson and Brett Hogan. I also refer to the fact that Crosby Textor, run by former Liberal Party director Lynton Crosby, is conducting the campaign. What guarantees can the Prime Minister provide that these Liberal Party operatives have not and will not have access to taxpayer funded opinion poll research?

Mr HOWARD—The government will not be funding any business campaigns any more than we will be funding any union campaigns.

Mr Brendan O’Connor interjecting—

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

Mr HOWARD—The member allows me to make this comparison: the big difference with the links between the Australian Labor Party and the union movement is that the union movement run the Australian Labor Party. They have delegates at major party conferences. The campaign director for the union movement’s campaign—

Mr Swan—I rise on a point of order, which goes to relevance.

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Mr HOWARD—Hello, we don’t like this, do we!

Mr Swan—I rise on a point of order, which goes to relevance.

The SPEAKER—I remind the member for Lilley that the member for Fraser asked a fairly long question and the Prime Minister is responding to that question.

Mr HOWARD—It is well known that members of the trade union movement dominate ALP conferences. Members of the Business Council are not delegates to Liberal Party conferences. The campaign director for the trade union movement against WorkChoices is none other than the Labor Party candidate for what is the seat of Shortland in the upcoming federal election. Any attempt to draw some kind of link between the Liberal Party and this campaign is absolute nonsense.

The SPEAKER—Has the Prime Minister completed his answer?

Mr Howard—Yes, I have.

Mr Stephen Smith—I rise on a point of order. All he had to do was tell us when he handed over the research.

The SPEAKER—That is not a point of order.

Taxation

Mr LAMING (2.28 pm)—My question is addressed to the Treasurer. Would the Treasurer inform the House about changes to the tax system that will come into effect on 1 July? Treasurer, are you aware of any alternative policies?

Mr COSTELLO—I thank the honourable member for Bowman for his question. I can inform him that on 1 July the low-income tax offset will be increased from $600 to $750. It will apply over a greater income range to reduce tax for the lowest income earners in Australia. The lowest marginal tax rate will apply to $30,000, an increase in that threshold where the 30c rate cuts in. As a result of these changes, every
Australian taxpayer will receive an income tax cut on 1 July and that is good news.

There is a certain pattern to political life. One of the patterns to political life has been, in recent years, income tax cuts on 1 July. This is a government that cut income tax in 2000, 2003, 2004, 2005, 2006 and 2007. There is a certain pattern to Australian political life. Like the seasons, where we have summer, autumn, winter, spring, and the school year, where we have term 1, term 2, term 3, there is the political year: we have the budget, we have Fundamental Incompetence Day, we have Fundamental Injustice Day and then on 1 July we have an income tax cut. And the seasons move on.

It is an open question as to whether or not the Labor Party is going to have a tax policy at the next election. I say it will not and they say that is a myth, but they cannot actually point to what it is. At the National Press Club, the member for Lilley said this: If we are going to have something large and complex, it would obviously have to be out earlier rather than later, but I’m not making a commitment one way or the other. He said: ‘I’m not making a commitment as to whether it is large or small. I’m not making a commitment as to whether it will come out. I’m not making a commitment at all.’ In the Adelaide Advertiser on 7 June, he said: ... we would like to see tax not exceed a fixed percentage of GDP and we’d like to see it a bit below where it is now, if that’s affordable. But I can’t make any commitments on that.

I guess this is the trouble with modern Australian males: they are shy of commitments, and modern shadow Treasurers are commitment shy when it comes to tax. The people of Australia need to know whether Labor stands by their 2005 tax policy, as the member for Lilley said last week, because that is a policy which would increase the thresholds and the rates of taxation in Australia. There can be only one reason that Labor will not put out a tax policy and that is because they know it will not help them win votes. If they thought it would help them win votes, they would not mind putting it out there.

If you go through what frontbenchers of the Labor Party, who would be ministers in a Rudd government, have said about taxes, it is absolutely frightening. This includes the member for Melbourne who advocated higher taxes in this House. Listen to this: I think our overall tax take at the moment has become too low. I am quite happy to state that I think the total tax take is too low. I will read the next bit too; you will like this bit. This is the member for Melbourne, who said: ... there should be a return to the 60c in the dollar tax rate for people earning over $75,000. He wants a 60c tax rate. He is the shadow finance minister in Labor Party. Now the Labor Party has a duty to Australians. Its duty is this: get a policy, announce it so that Australians can have a look at it and let people know what the Labor Party is really about.

Liberal Party

Mr McMULLAN (2.34 pm)—My question is to the Prime Minister. Can the Prime Minister guarantee that the Liberal Party operatives running the BCA-ACCI campaign have not had access to taxpayer funded opinion poll research?

Mr HOWARD—the two people whom you have mentioned, namely Mr Textor and Mr Crosby, are not employees of the Liberal Party. They run—

Mr McMullan interjecting—

Mr HOWARD—No, they are not employees of the Liberal Party. The member is as tricky as his leader when it comes to the use of the English language. Neither Textor nor Crosby are employees of the Liberal
Party, they run a business and they are entitled to do work for clients other than the Liberal Party just as Rod Cameron, when he ran ANOP, was entitled to do work—and he got plenty of it—for clients other than the Australian Labor Party. Let me make it very clear: the taxpayer will not be funding any campaign by the business community or any campaign by the trade union movement.

Workplace Relations

Mr BROADBENT (2.35 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House how flexible employment and workplace relations systems contribute to a productive economy? Is the minister aware of any alternative policies that may threaten productivity and what is the government’s response?

Mr HOCKEY—I thank the member for McMillan for his question. I recognise his very hard work and note that in 1996 the unemployment rate in McMillan was 7.7 per cent. Today it is 4.1 per cent and that is good news. A modern and flexible workplace relations system is absolutely essential for a productive economy. As the OECD noted in its Employment outlook 2007 report, labour market reforms can have a sizeable impact on productivity levels. That is pretty explicit: labour market reforms can have a sizeable impact on productivity levels.

Those reforms could mean many things such as the abolition of the unfair dismissal laws. Small business hated those unfair dismissal laws, absolutely hated them. One of the reasons that we have seen 360,000 new jobs created over the last 15 months—95 per cent of them full-time jobs—is the abolition of the unfair dismissal laws. We have got rid of centralised wage-setting process and, most importantly, we have made it harder for union bosses to engage in frivolous strike action.

Mr Speaker, I can report to you that strike action in Australia today is at the lowest level since records were first kept in 1913, and that has had a positive impact on productivity. But, sadly, the message has not got out to some friends of the member for Hotham, including the leader of the ETU in Victoria, Dean ‘expletive’ Mighell. At around 11 am on Tuesday, representatives of Australian Paper, at the biggest paper manufacturing mill in Victoria, had all their CEPU and ETU members called out on strike by Dean Mighell, in unlawful strike action. He called the boys out on the site, in unlawful strike action, in support of an old site deal which is unlawful and which, in many cases, forces employers to pay union delegates on site and provides for compulsory deduction of union dues and paid time off for union meetings. In this case, the strike action is costing the company over $250,000 a day. Dean Mighell from the ETU—Labor Party royalty—sent a text message to the boys on site and said, ‘Come out for a meeting,’ and they are still on strike.

Even worse, the Industrial Relations Commission, which the Labor Party says they are going to abolish, ordered the workers to go back to work and Dean Mighell refused to agree to that order. He refused to consent to his members going back to work. So he is stopping work at the site to make a poor political point about a site deal which is unlawful under our reforms. How is it good for productivity to allow union bosses to, at the flick of a moment, call people out on strike? How is it good for productivity to have people like Noonan, Reynolds and McDonald in Western Australia go onto construction sites and try to intimidate the workers and close down work, all in the name of trying to build their membership and get the Leader of the Opposition into the Lodge? Real productivity is about workplace reform, making hard decisions and standing up to the
union bosses who are trying to close down hardworking businesses that are trying to make a buck and keep the economy strong. When you are in government you have to show leadership and courage, and the Leader of the Opposition has failed to show courage in standing up to people like Dean Mighell, Kevin Reynolds, Joe McDonald, Sharan Burrow and all their mates.

Liberal Party

Mr McMULLAN (2.41 pm)—My question is to the Prime Minister. Can the Prime Minister give me one simple guarantee that no taxpayer funded opinion poll research has been made available to any of the organisers of the BCA-ACCI campaign, including—

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. Standing orders preclude a member asking a question which has already been fully answered. That question has been asked—

The SPEAKER—I am listening carefully to the member for Fraser. I will hear out his question and then respond to the point raised by the member for Mackellar. The member for Fraser will come to his question.

Mr McMULLAN—Mr Speaker, I am entitled to speak to the point of order. My point is that I am asking a question to which I have not had an answer. That is why I am asking it again.

The SPEAKER—The member for Fraser will come to his question.

Mr McMULLAN—Can the Prime Minister today give me one simple guarantee that no taxpayer funded opinion poll research has been made available to any of the organisers of the BCA-ACCI campaign, including Mark Textor, Tony Barry, Peter Anderson, Brett Hogan or Lynton Crosby?

Mr HOward—in answer to the question asked by the member for Fraser, I have not authorised it. I am not aware—

Opposition members interjecting—

The SPEAKER—Members will come to order!

Mr Adams interjecting—

The SPEAKER—The member for Lyons is warned! The Prime Minister will be heard.

Mr Howard—I will start again. I have not authorised it; I am not aware of anybody else having done so; I have not authorised anybody else to do so. I shall make inquiries of my colleagues to be completely satisfied and, when I am, I will make a statement. But I repeat: I have not authorised it, I would not have authorised it, it would not be appropriate and I am not aware of anybody else having done it. But I will need to make inquiries to be completely satisfied—

Ms Gillard interjecting—

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

Mr Howard—that I have given a completely truthful answer to the House.

Trade Unions

Miss Jackie Kell y (2.44 pm)—My question is addressed to the Minister for Health and Ageing. Would the minister please update the House on union campaigns in hospitals, particularly a scaremongering campaign at the Nepean Hospital in my electorate of Lindsay? What is his response?

Ms Roxon interjecting—

Mr Snowdon interjecting—

The SPEAKER—The member for Gellibrand is warned and so is the member for Lingiari!

Mr Abbott—I do thank the member for Lindsay for her question. Let me say not only that the Howard government is the best friend that Medicare has ever had but that the Howard government is the best friend that Australian nurses have ever had. Nurse numbers are up 11 per cent since 1999; there are
Mr Byrne interjecting —

The SPEAKER — Order! The member for Holt is warned! The minister has the call and the minister will be heard.

Mr ABBOTT — Thanks to the work of the Howard government, the great work of Australian nurses is now recognised through a Medicare rebate for the first time. As far as the government is concerned, we want nurses to be nurses; but members opposite want nurses to be pawns in political campaigns run by the ACTU. The ACTU’s notorious dirty tricks manual cites Nepean Hospital as a case study in how to run a political campaign out of a healthcare institution. I cite Workers Online from last December:

Workers at Nepean Hospital, the biggest workplace in the federal marginal seat of Lindsay ... are running the first workplace-based Rights at Work campaign in Australia. With a 3000 strong workforce and hundreds of patients and their families moving through each week, the potential for campaigners is extraordinary.

I can inform the House that at Nepean Hospital nurses have been pressured into attending union meetings, and at least one worker has been threatened with losing his job if he votes Liberal. For weeks at a time walls and fences have been used as billboards for union propaganda, and for weeks at a time the hospital looked more like a polling booth for just one candidate than a proper healthcare institution. I say to the patients at Nepean Hospital and other hospitals in Australia: if some odd-looking person with a stethoscope around his neck approaches you —

Mrs Irwin interjecting —

The Fowler is warned!

Mr ABBOTT — it might be Greg Combet masquerading as a doctor. If someone approaches you acting furtively with a pill bottle it might be Sharan Burrow masquerading as a nurse. In fact, a new peril is stalking the patients of Australia—Dr Death and Nurse Ratched—just like the new peril stalking the voters of Australia: Dr Death and Nurse Ratched sitting opposite.

The real question is this: why is the Leader of the Opposition, who claims Dietrich Bonhoeffer as his mentor, supporting the union dirty tricks campaign in Australian hospitals? In fact, on that topic, why has he just put two champion dirt-diggers on his staff, including one person who put the mental health of a Sydney family at risk by fabricating stories about them?

Mr Danby interjecting —

The SPEAKER — The member for Melbourne Ports is warned!

Mr ABBOTT — I ask this question: was it Walt Secord who advised the Leader of the Opposition to claim that his productivity manual had been stolen when in fact it had been lost? June 14 was Fundamental Incompetence Day; yesterday, 19 June, ought to go down as Fundamental Dishonesty Day, with the Leader of the Opposition, advised by the dirty tricks merchants from the New South Wales Labor right, going out and peddling that blatant lie. What is pretty clear is this — move over St Kevin; the halo has been ripped off—the union thugs and the dirty tricks merchants from Hawker Britton are running this opposition.

Ethanol

Mr KATTER (2.49 pm) — I ask a question without notice of the Minister for the Environment and Water Resources. Is the minister aware that Al Gore quotes corn ethanol as a 29 per cent emissions reducer and as his first solution to damagingly high atmospheric CO2 levels and that the Brazilian and United States experience shows an
even more spectacular 160 per cent reduction from sugarcane ethanol?

A government member interjecting—

Mr KATTER—I will explain it to you later on; it is a bit difficult for you. Is the minister further aware that the New South Wales and Queensland premiers are mandating renewable fuel ethanol targets starting with New South Wales in September, and that, as in the United States, New South Wales states its main motivation to be the necessity to reduce lung disease deaths from motor vehicle emissions, which this government’s chief air quality scientist, Dr Beer, the AMA and the lung council all state are causing more deaths than motor vehicle accidents? Finally, in light of the continued statements by previous government spokesmen that people should have choice, would the minister not agree that this is a staggering hypocrisy when smoking is ubiquitously banned as is lead in petrol, which extraordinarily has been replaced by the far more dangerous PAHs—the carcinogenic aromatics?

Mr TURNBULL—I thank the honourable member for his question. I am not aware of the statement by Al Gore, but I will certainly make inquiries and come back to the member about that. In terms of biofuels more generally, the Howard government have consistently supported a commercially viable biofuels industry as a means of diversifying our fuel mix. We have backed that with more than $80 million in ethanol production grants, more than $37 million in biofuels capital grants, a commitment to ensure ethanol remains effectively excise free until 2011 and the $17.2 million Ethanol Distribution Program, which encourages petrol stations to install new pumps or convert existing pumps to sell E10 blended fuel. That investment is paying off. Production of transport ethanol grew from 28 million litres in 2005 to nearly 63 million litres last year.

Mr Katter interjecting—

The SPEAKER—The member for Kennedy has asked his question.

Mr TURNBULL—Production of biofuels more than doubled in 2006 and we are on track to meet, and most likely exceed, our target of 350 million litres of biofuels by 2010. Indeed, we expect to meet it in 2008.

Royal Australian Navy

Mr FAWCETT (2.52 pm)—My question is addressed to the Minister for Defence. Would the minister update the House on steps being taken by the Australian government to strengthen the Royal Australian Navy? What is the importance of these steps for the long-term security of Australia?

Dr NELSON—I thank the member for Wakefield for his very strong commitment to a strong economy and a strong Defence Force for Australia. Yesterday, the government made a very important decision for Australia’s future—announced by the Prime Minister this morning—to invest $11 billion in out-turn pricing to build five ships for the Royal Australian Navy. These ships will shape not only the Royal Australian Navy but the Australian Defence Force for the next 40 years. The government has decided that we will have the Australian shipbuilder and defence supplier, Tenix, work with a Navantia designed LHD—landing helicopter dock. These will be the largest ships that have ever been built in Australia. The hulls will come from Spain and the superstructure and the fit-out will be built predominately but not only in Victoria at the Williamstown dock. These ships can carry up to 2,100 soldiers, they can carry 23 Abrams tanks and more than a dozen helicopters, and airlift two armed rifle company groups. They can carry two combined armed battle groups and four, for example, landing craft medium, each of which
Those ships are extremely important for many reasons, not only because they will carry more equipment and more soldiers more quickly into our region but also because they will allow Australia, for the foreseeable future, to meet our obligations in security, stabilisation, peacekeeping, disaster relief and humanitarian assistance in our region. The government has also announced that we will build three Australianised Navantia F100 air warfare destroyers in South Australia with the Australian Submarine Corporation, at a cost of almost $8 billion. These ships will be equipped with the Aegis combat system, they will have 48 vertical missile cells and they will carry SM2 missiles and harpoon missiles, and leave us open in the future to make the decision to equip them with the SM3 missile interceptor.

The first of the ships will go into the water in 2012 and the last of the five ships will go into the water in 2018. These two projects will give jobs to 3,600 Australians. More than 1,000 contractors will receive work totalling $4½ billion out of this decision. And it is a bonanza for Australian contractors.

Mr ALBANESE (2.56 pm)—My question is to the Attorney-General. I refer the Attorney-General to the tabled list of government personal staffing arrangements, which identifies that 13 positions are allocated to him. How many of these 13 allocated positions are used to staff your ministerial office at 70 Phillip Street, Sydney? Do all the functions of the staff in your ministerial office at 70 Phillip Street, Sydney, relate directly to your role as the first law officer of the Commonwealth?

The SPEAKER—Before calling the Attorney-General, I would remind the Manager of Opposition Business that he should not use the words ‘you’ or ‘your’ in his question.

Mr RUDDOCK—I thank the honourable member for the question that he asked because it enables me to deal with a rather ill-informed article in the Bulletin today—a matter which could have been easily addressed if the reporter made an attempt to speak to me or my staff to verify the claims that were made. The simple answer in relation to the question that the honourable member asks implicitly is that there is no ‘dirt unit’ in my office in Sydney or anywhere else. There have been many people who, from time to time, have been in my office and would know and have been in a position to see that there are not six to eight extra people in my office. Like the Labor Party, I have staff who provide me with advice on issues relating to my portfolio and issues relating to my ministerial responsibilities. The people who work from Sydney in my office provide me with policy advice and the support I need to serve the Australian people. Like the Labor Party members opposite, I would expect my staff to be cognisant of current issues, to read newspapers, to listen to the radio and to watch the TV news so that they can tell me what mistakes those on
the other side are making, particularly when you read articles like that.

Broadband

Mr NEVILLE (3.00 pm)—My question is addressed to the Minister for Agriculture, Fisheries and Forestry in his capacity as minister representing the Minister for Communications, Information, Technology and the Arts. Would the minister advise the House how the government is securing for rural and regional Australians access to telecommunications into the future? Is the minister aware of any alternative policies? What is the government’s response to them?

Mr McGAURAN—I thank the member for Hinkler for his question. I am sure my colleagues will understand if I single out the member for Hinkler for special praise for the role he has played over many years in contributing to the formulation of the government’s broadband policy, released with such fanfare to largely, if not entirely, uncritical acclaim throughout the nation. The member for Hinkler will appreciate that the people in his electorate will benefit from the five exchanges being upgraded to very fast ADSL2+ broadband and from the 25 new wireless broadband sites, WiMAX, which will be built across his electorate, including in the towns of Buxton, Elliot Heads, Gin Gin, Kinkuna, Lakeside and Howard. These are just 25 towns in the electorate of Hinkler, out of 1,361 new WiMAX sites across Australia.

The member for Hinkler asked me if there are any alternative policies that might threaten the broadband roll-out of the coalition government. It may not surprise him to know that the largest threat comes from the Labor Party, not because they have a policy, but because they do not have a policy. The Labor Party are extremely skilled—at making a splash and attracting attention. But when you strip away the show and look at the substance, the Labor Party have nothing to offer, especially on broadband policy. Three months ago they released a 21-page policy document. If anyone should go to it and look beyond the assertions and the claims and the sound bites, they will find that 19 of the 21 pages are commentary. I refer to the index. The first 19 pages of the document relate to the importance of broadband—well, we all agree with that. ‘Australia’s broadband performance’—we can google that anywhere. ‘International experience’—likewise. ‘The Howard government’s missed opportunities’—don’t miss the opportunities to attack your opponent. So we are left with two pages and, if we take out the additional statement of facts and commentary, we are left with a one-page policy. That is the simple fact. What we do know from this one-page policy is that the Labor Party will spend $4.7 billion of taxpayers’ funds, the policy will not take effect until 2013, and will cover only 75 per cent of the population.

Compare that to the government’s policy, which will take effect from 2009, will not cost the taxpayer anything and, moreover, is fully tested and fully creditable.

So the Australian people face a stark contrast on broadband policy: the Labor Party’s policy of one page, which can best be summarised as ‘You pay more to get less’, and the government’s entirely creditable policy. The worst thing is that the Labor Party has abandoned 25 per cent of the Australian population; 25 per cent of the population will not benefit under Labor’s $4.7 billion proposal. I thought the member for Hunter summed it up so very well when he was asked whether there were any gaps in Labor’s broadband policy in his electorate of Hunter. He said this:

Well, those things are yet to be tested; we will roll out fibre to the node right throughout the Hunter region. Obviously, there may be some people
excluded from that. We don’t have the technical backing to make those final conclusions.

Well, here is a tip for the people of the Hunter: don’t hold your breath for the member currently representing you to tell you who wins and who loses—which 75 per cent receive broadband and which 25 per cent lose out. To help the member for Hunter and the people of his electorate, we have done a map which shows exactly how the people of the Hunter will benefit from the government’s proposals. I table that map. I challenge the member for Hunter to do likewise for the people of his electorate, showing them the supposed benefits of the Labor Party’s proposal.

Ms Owens interjecting—

The SPEAKER—The member for Parramatta is warned!

Mr McGauran—In summary and in conclusion, the Labor Party’s policy has no credibility. They are like snake oil salesmen—they roll into town with bells and whistles, sell a proposal and then get out of town at the first available opportunity. The Labor Party’s proposal does not stand up to scrutiny, whereas the government’s policy has been acclaimed by one and all, far and wide.

Liberal Party

Mr McMullan (3.04 pm)—My question is to the Minister for Workplace Relations. Can the Minister for Workplace Relations guarantee that no taxpayer funded opinion poll research has been made available to any of the organisers of the BCA-ACCI campaign, including Mark Textor, Tony Barry, Peter Anderson, Brett Hogan or Lynton Crosby?

Mr Hockey—I have not handed any government research to Crosby Textor. I am advised by my office that they have not handed any information over. All of us are saying that we have not handed any information over.

Water

Mr Ciobo (3.06 pm)—My question is addressed to the Minister for the Environment and Water Resources. Would the minister inform the House of the government’s determination to ensure better access to water for all Australians, including in my electorate of Moncrieff. It occurs to me, Mr Speaker, that that is fresh water, not salt water. Is the minister aware of any alternative policies and what is the government’s response?

Mr Turnbull—I thank the honourable member for his question. Water is the source of life. Nobody is more aware of that than the people of south-east Queensland. No Australian government, no Commonwealth government, has ever invested so much in water resources. The National Water Initiative was established by the Prime Minister, leading the states and territories into this important intergovernmental agreement. The $2 billion Australian Government Water Fund is funding innovative water infrastructure around Australia, including $408 million into the western corridor recycling project, which will deliver greater water security for all of south-east Queensland, including the constituents of the member for Moncrieff. The $10 billion plan, A National Plan for Water Security, is an example of the government’s long-term planning to deal with longstanding errors and to rectify longstanding mistakes—the vision in water policy that has been so lacking in state governments around Australia.

The honourable member asked me what is the alternative. If you look at Labor’s water policy cupboard you will find it is bare. When I last looked on their website there was a press release from 21 January propos-
ing that a meeting be held. While there is not much on the website, we know that the Labor Party have form. The Leader of the Opposition, the member for Lilley and the member for Kingsford Smith have a lot of form on water. The communities of south-east Queensland have neither forgotten nor forgiven them. Take this front-page article in the Gold Coast Bulletin under the heading ‘Dam drips’: ‘These men got us into the drought mess’. And who are these smiling creatures? Mr Goss is not smiling, but the other three are smiling—Kevin Rudd, Wayne Swan and Peter Garrett.

The SPEAKER—Order! The minister will refer to members by their title or their seat.

Mr TURNBULL—I am just quoting the newspaper.

The SPEAKER—The minister will still refer to them by their title or their seat.

Mr TURNBULL—I will do that. When the former Queensland Premier, Wayne Goss, and his then advisers—the opposition leader and the member for Lilley—scrapped the Wolffdene dam in 1989, they consigned south-east Queensland to the current water crisis. Even Labor’s environment spokesman, the member for Kingsford Smith, then in his Midnight Oil days, lobbied against the dam. Just as our water policies are determined to make every drop count, to make us efficient in our use of water, to make every drop count, so must we make every drip accountable. There they sit—drip one, drip two, drip three. Three drips. You cannot trust Labor with the economy; you cannot trust Labor with water. The three drips have form and it will be a dry time for Australia if they get to this side of the House.

Mr Ciobo—Mr Speaker, I would appreciate it if the minister would table the front page of the document he referred to.

Mr Turnbull—I table the document.

Ministerial Staff

Mr ALBANESE (3.10 pm)—My question is again to the Attorney-General. I refer to his previous answer in which he indicated that staff at his ministerial office at 70 Phillip Street, Sydney read the newspapers, monitor the news and provide advice to the minister.

Government members interjecting—

The SPEAKER—Order! Members on my right! The Manager of Opposition Business has the call and he will be heard.

Mr ALBANESE—Thank you, Mr Speaker. Can the minister guarantee that the staff in this unit do not disseminate this material to other ministers, other members of parliament and Liberal Party candidates as part of the operation of this secret dirt unit?

Mr RUDDOCK—I do not think I need to answer any part of the question asked because there is no dirt unit.

Unemployment

Mr WOOD (3.12 pm)—My question is addressed to the Minister for Workforce Participation. Would the minister inform the House what action the government is taking to assist long-term unemployed Australians into work? Is the minister aware of any threats to this assistance?

Dr STONE—I thank the member for La Trobe for his question and I congratulate him on the fact that unemployment in his electorate has gone down by 50 per cent since the John Howard government was elected. We have just celebrated 10 years of the great Work for the Dole program. Over half a million unemployed Australians have got a new life through this; 40 per cent are employed just four months after completing the program. While we have dropped long-term unemployment rates by 75 per cent from Labor’s peak in 1993, we still have 80,000 people who are unemployed for more than two years in this country. So we are not going to
rest on our laurels, even though we have achieved the lowest unemployment rate in 33 years. We know from when Labor was in power that long-term unemployment causes disadvantage, distress—a great human cost—and intergenerational welfare dependency. The Howard government are determined to give all Australians a fair go; hence our $3.6 billion Welfare to Work reforms and our recent extension of the Work for the Dole program into a longer program for the most disadvantaged.

I am asked about any threats to the future of those now being helped into work. The major threat would be the election of a Labor government. If Labor was ever re-elected, employers’ current confidence in creating record numbers of jobs would collapse as the economy faltered, as Labor rolled back our industrial relations reforms, especially the unfair dismissal laws, and as union bosses once again asserted themselves. The second threat to the unemployed and their children is the Labor Party’s failure to clearly articulate a consistent response or endorsement of any employment programs like Work for the Dole. For example, despite Labor originally voting for Work for the Dole in the Senate, they have changed their minds repeatedly. In 1997, the member for Jagajaga said, ‘Labor doesn’t think it is fair and reasonable to expect a person to work in return for an unemployment benefit.’ But just last night on ABC radio, the member for Jagajaga said that she now supports the principle of reciprocal obligation.

Mr Crean—We invented it!

Dr STONE—You invented it? Well, in 1997 the member for Jagajaga absolutely refuted the need for any mutual obligation. In the ALP’s 2001 election policy, Labor proudly proclaimed, ‘Labor is committed to retaining Work for the Dole.’ But then two years later, the member for Grayndler stated that Work for the Dole is a ‘cynical use of the unemployed for political advantage’. Flip-flop, flip-flop! So where on earth does Labor stand on assisting the long-term unemployed into work? Since Labor’s economic mismanagement actually creates record levels of unemployment, you would think they would have something to say about unemployment programs. Today, we are very pleased to see that the *OECD Employment Outlook 2007* has confirmed that our government’s mutual obligation and employment programs are key to getting people back into work. I recommend the Labor Party read that report very carefully because, for a party whose incompetence creates unemployment, they really need to get a handle on what to do about the ensuing human cost.

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

CONDOLENCES

Mr Allan Taylor

Mr HOWARD (Bennelong—Prime Minister) (3.16 pm)—I seek the indulgence of the House to briefly inform the House of the death of, and pay tribute to, a very distinguished Australian public servant, Mr Allan Taylor, who died last night after a long struggle with cancer. At the time of his retirement, Allan Taylor was Director-General of the Australian Secret Intelligence Service. He had a very distinguished career in the Department of External Affairs, which later became the Department of Foreign Affairs and Trade. He served as a high commissioner to Nigeria and to Papua New Guinea. His diplomatic career culminated when he returned to Indonesia as ambassador between 1993 and 1996—a very challenging time for our relationship—when I first met him in a professional capacity. I got to know him extremely well when he became head of the international division in my department in
1996. He served there until going to head ASIS in 1998.

He was a person of enormous personal charm. He served both sides of politics with complete integrity and distinction. He will be greatly missed by his many friends in the foreign affairs arena in Canberra and generally around Australia. I found Allan Taylor to be one of those public servants who gave quiet, intelligent and informed advice. I never doubted the integrity with which he conveyed that advice. I am very sad to know of his death.

Allan was, among other things, a very accomplished sportsman. He was regarded by many as the best cricketer the Department of Foreign Affairs and Trade had produced in many years. It is said that only a short time ago he played a round of golf with his great friend Ric Smith. In his particular style, Ric said, 'Just as well you’re not feeling too good, mate, because you might’ve really done me over.' They both returned a 43 for the first nine and, despite his great illness, Allan played to his handicap.

This morning, I had the opportunity of speaking to his wife, Carol, to convey my condolences and those of my government, and many in this House, for the wonderful life he lived and the great contribution he made to the Australian Public Service.

Mr RUDD (Griffith—Leader of the Opposition) (3.19 pm)—On indulgence, I join the Prime Minister in the remarks he has just made about Allan Taylor. Allan was a public servant of the old school. He was rigorously independent and fearless in his advice. He was respected across the Department of Foreign Affairs and Trade, as the Minister for Foreign Affairs would agree. Allan was my first branch head when I first joined the department a long time ago. He was a person who also took time with junior officers to assist them in their professional development. In his posting to Jakarta, he was a first-class representative of this country in what is always a challenging diplomatic appointment. Also, as the head of ASIS he discharged those responsibilities effectively and well in what we all in this place know to be a highly sensitive area of work.

For the Public Service at large, his death is a genuine loss because he was regarded with such admiration across the service, not just within the foreign policy and security communities. On behalf of the opposition, I join with the Prime Minister in extending condolences to his family.

QUESTIONS TO THE SPEAKER

Workplace Relations

Mr McMULLAN (3.21 pm)—Through you, Mr Speaker, I ask: can the Prime Minister indicate when he will provide the information he has promised to provide in response to my questions? Will this information cover the question of briefing on opinion poll research which the Minister for Employment and Workplace Relations so studiously avoided?

The SPEAKER—In response to the honourable member for Fraser, that is entirely up to the Prime Minister.

Mr HOWARD (Bennelong—Prime Minister) (3.21 pm)—I am perfectly happy to oblige the member for Fraser. I indicated in my answer that I have not authorised the provision of anything. I have not authorised any briefings. I am not aware of any material having been provided. I said I would inquire of the minister. The minister has indicated that he has not, his staff have not and his department have not. I will continue to make inquiries. If I find there is anything that needs to be added, I will do so publicly, but let me say through you, Mr Speaker, to the member for Fraser that the truth is I am not aware of any information having been provided. I have not provided any, I have not
authorised any and I would not think it appropriate to do so. In every respect, that is a complete, total, candid and thorough answer.

Matters of Public Importance

Mr ALBANESE (3.22 pm)—Mr Speaker, I have a question for you and it goes to your decision to choose for discussion today the matter of public importance proposed by the member for Moreton. Given that this is the first time since 2005 that a matter of public importance proposed by the opposition has not been chosen—

Government members interjecting—

Mr ALBANESE—Are you going to keep these people in order at all, Mr Speaker?

The SPEAKER—Order! I am listening closely to the Manager of Opposition Business. Members on my right are not assisting.

Mr ALBANESE—Given that the House of Representatives Practice, a book unfamiliar to the Leader of the House, indicates very clearly that the matter of public importance is usually reserved for the opposition, and given that the shadow Treasurer submitted an item on productivity and economic performance, which the government says that it wants a debate on—

The SPEAKER—Order! The member is now debating his question.

Mr ALBANESE—why was it not chosen?

The SPEAKER—If the Manager of Opposition Business is a little patient, I will give him an answer when I read out the matter of public importance.

AUDITOR-GENERAL’S REPORTS

Report No. 46 of 2006-07

The SPEAKER (3.23 pm)—I present the Auditor-General’s Audit report No. 46 of 2006-07 entitled Management of the Pharmaceuticals Partnerships Program: Department of Industry, Tourism and Resources.

Ordered that the report be made a parliamentary paper.

MATTERS OF PUBLIC IMPORTANCE

Trade Unions

The SPEAKER—I have received letters from the honourable member for Moreton and the honourable member for Lilley proposing that definite matters of public importance be submitted to the House for discussion today. As required by standing order 46(d) I have selected the matter which, in my opinion, is the most urgent and important; that is, that proposed by the honourable member for member for Moreton, namely:

The threat to Australian job security, lifestyle and values of radical trade union influence.

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

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

Mr HARDGRAVE (Moreton) (3.24 pm)—I thank members of the House for their support for this most important discussion that we need to have. Australians are fearful of the ‘no ticket, no start’ regime being offered by the Labor Party. Never before in the history of the Australian Labor Party has it been so heavily influenced by radical trade union elements. Those opposite have sat idly by while the Australian Council of Trade Unions has distributed to people around the country a device by which they mean to manipulate ordinary, everyday Australians—to put pressure on them, to telephone canvass them and to threaten to doorknock them about how they intend to vote in the next federal election. They have sat idly by and allowed this to happen. And why wouldn’t they when 100 per cent of the members of the Australian Labor Party in this place are themselves trade union members? They represent an ever declining group of Austra-
lians—just 15 per cent—who by their own choice are members of trade unions, yet 100 per cent of the Labor caucus are trade union members.

Virtually 70 per cent—that is 27 out of 40, and I am counting people who are shadow parliamentary secretaries—of the Labor Party shadow ministry are former union officials. They come from an even smaller elite within Australian society. They have, in their arrogance, satisfied themselves that union leadership, union dominance and union control of the government are what everybody in Australia wants. I know—people in my electorate have told me this—how offended they are by the threat of a ‘no ticket, no start’ regime. That will mean that you will not be able to enter a workplace, as you can now, as a private contractor to do a painting job on a building site unless you are affiliated with a union. It will mean a return to all of the daft things of 20 years ago. The Prime Minister is here. He will remember the dim sim allowance. The workers all went out on strike while building the Darling Harbour project. We will return to the time when an enormous number of days were lost in strike action in the country. At present we are at the lowest level of strikes recorded since 1913. Strikes peaked in this country in December 1992 when 104.6 days were lost per thousand in all industries. There is no doubt in the minds of the majority of members in this place that this is a matter of absolute urgency and a matter of absolute public importance.

Fifty five per cent of those opposite are also former trade union officials. The unions themselves have donated $50 million to the Australian Labor Party in the last 11 years—and now it is call-up time; now it is time for a repayment on that investment. The unions have contributed the vast majority of the Leader of the Opposition’s $100 million election campaign war chest—$100 million has been taken from workers, forced from workers, to join a union—

A government member—Extorted!

Mr HARDGRAVE—I hear the word ‘extorted’. That may be a bit harsh but in some sectors it could be right because of the thuggish way in which some of these people operate. I am very indebted to the Minister for Employment and Workplace Relations for the work that he has done in highlighting Dean ‘expletive’ Mighell—that radical, foulmouthed Victorian face of the Electrical Trades Union. We heard a tape of his address to members of his union where he boasted about coercing employers into pay rises. Maybe there is a sense of extortion. We have also heard his description of the Australian Building and Construction Commission—a commission which has got the builders of Australia working and the building projects of Australia delivered far faster, on time and more in line with expected costs, which is unlike the way it used to be. Robert Gottlieb-sen told the Australian on 10 July:

... in many cities union rorts and bad work practices were adding more than 40 per cent to the cost of commercial building.

That is the sort of unfair feather bedding to costs that you only ever see from people like the Queensland Department of Public Works. As a result, we have a very real threat to the lifestyle, job security and economic prosperity of this country.

Those opposite are very comforted by the fact that they will soon be joined by some of the acolytes of the trade union movement. I think it was the member for Blair who was correct in saying that more union bosses than ever before are set to enter the federal parliament at the next election through safe Labor seats or Senate spots. They have forced people out. They are going to join people like the member for Batman, the member for Throsby, who I see is here, and the member...
for Hotham, who are former leaders of the Australian Council of Trade Unions.

Mr Bruce Scott interjecting—

Mr HARDGRAVE—The member for Maranoa suggests that some unfair dismissals have taken place, and I am sure the member for Charlton thinks that. Greg Combet, the man who says, ‘I think it would be a good idea if the unions were running Australia again,’ is the preselected Labor candidate forced onto the people of Charlton. The people who got in the way of Combet’s preselection are people like the former member for Charlton, Bob Brown. He had 48 years of membership in the Labor Party; 48 years of dedicated service to the people of the Hunter; 48 years of dedication rewarded recently with an Order of Australia, and the Labor Party said: ‘Get out of our way. We don’t want you anymore. How dare you question our radical ambition to further take control of the Australian parliament with union officials.’

Then we have the poor member for Maribyrnong, who has been an honest toiler—particularly on behalf of the Pacific nations—and has, in fact, stood for something when it comes to the Pacific nations in this place. He has been rolled out by the AWU’s national secretary, Bill Shorten. Dougie Cameron, the National Secretary of the AMWU—he has one of those accents that we get to caricature every so often, but being part Scottish I will defend him in that regard—is entering the New South Wales Senate. I have never heard of Don Farrell, but he is from the shoppies and is entering the South Australian Senate. Richard Marles is entering Corio. The poor member for Corio, who is the only farmer in the Labor Party, the only person who has actually been on the land, will be gone because it is far more convenient for the radical concept of more trade union control in this place to have the Assistant Secretary of the ACTU in that seat. And the ETU have dropped Kevin Harkins into Franklin and it is so bad that even the poor member for Franklin is campaigning against him. The Labor member for Franklin has said: ‘Hang on, this bloke isn’t from our community. He isn’t one of us. He’s nobody who has actually been part of the community. He has been thrown in on us from Victoria. He is an ETU, Dean Mighell acolyte.’ He is now in Franklin and the member for Franklin has walked away from him.

If you look at marginal seats around the country, you will see they cannot queue fast enough. They do not want local champions; they do not want people who have actually participated in their local communities. They want people who have survived the Tammany Hall pressure points, worked their way through the union system and created an environment where they have so much power and so much control that someone now wants to take care of it. The Peter principle is alive and well in the Labor Party—promote them out, stick them into the parliament and inflict them upon the people of Australia.

Worse still, the Leader of the Opposition, Mr Rudd, the member for Griffith, is on record as saying in his address at the National Press Club on 17 April this year that he is hoping to appoint these union bosses to his front bench once they enter parliament. He is hoping to ‘get them in’, as he said, and ‘get them in early’. I do not know how the shadow ministers opposite feel about the fact that they are about to be flicked. They are doing all the work, but Combet, Shorten and Cameron, plus Farrell, Marles and Harkins, are all going to take their places.

Then we get a little bit worse because we look at the craziness of Stephen Jones of the Community and Public Sector Union. Stephen Jones’s idea is that once the Labor
Party is in government—and Australians are going to work hard to make sure that does not happen and so we on this side—they want to have a greater say in policy direction under a Rudd government. The CPSU want to make it compulsory for Commonwealth public servants to join their union. As a result, the Left will get a greater level of affiliation fee paid into the Labor Party and they will be able to hand-pick the cabinets. I do not know who the right-wing members of the cabinet are, but what will happen is that the whole make-up of the caucus and the cabinet will change and they will be in control of the CPSU. That is his ambition. They have put it off, I think, until after the election but that is their radical thinking.

One thing is missing from all of this discussion. What is in this for the average Australian? What is the average Australian actually getting out of this? Are we seeing a boost to their job security? Are we seeing an opportunity for them to earn more money? Are we seeing an opportunity for them to participate more fully in the running of their country? A democracy is where the people are in charge. It amazes me to listen to speeches of members opposite when we talk about industrial relations matters—no doubt we will hear it again through the course of this MPI—that they always talk about the unions, the union bosses and the rights of the unions. They never actually stand up for the workers; they forget about the workers. One of the reasons for that—and I am happy to be proved wrong, because I am a very generous sort of person—is that not one member opposite, despite their membership of a trade union, despite the fact that they have been a trade union official, has ever actually worked on the tools. Where are the mechanics? Where are the plumbers? I see the member for Macarthur is here. We have a mechanic over here. We have a few other people with trade skills as well, but where are the tradies opposite?

My grandfather Perce was a member of the TWU until the day he died because he thought there was a funeral benefit in it. He voted for the coalition, though. The last job of my grandfather Alan McKinnon, my mother’s father, was doing pick and shovel work for the Gold Coast City Council. He lived in the member for Moncrieff’s area. I am saying that they were workers. One was a truck driver; one was a labourer. They told me that it was all about looking after the average person and making sure their aspirations were well met. That is what we stand for on this side. This side has delivered a 20 per cent improvement in the income stream of average Australians. On the other side, their track record in government saw a decline in the amount of money that people got to take home. That is the great shame of what the Labor Party of 2007 have become. They have become so manufactured by poll groups and by this narrow and ever-narrower gene pool of trade union membership, trade union officials—to be narrowed further at the next election—that they have forgotten about Australians. They have forgotten about workers. They have forgotten about the average person who has an ambition—an ambition to own a home, to grow a family and to do better than they did before.

My father was a metal machinist by trade. I do not want medals for making these comments; I simply make the point that I know where I came from. There are no silver spoons in my family. I deliberately chose the Liberal Party because the Liberal Party showed me very plainly that, if you are prepared to put the effort in, you can achieve. That has been the ambition of those on this side of the parliament ever since I walked in here on 30 April 1996. As a government, we have stood very firmly on the side of liberating the opportunities for individual people.
On that side, they want to restrict them. They want to see a union ‘no ticket, no start’ approach. There is no sense of trust in the workplace. ‘The boss is going to do you over.’ ‘Everything you try and do, you will fail at.’ So the message is: ‘Don’t do anything. Victimhood is waiting for you around the corner.’

That is the mantra of the modern Labor Party today. They are living off the efforts of trade union officials of the past—people who actually stood for something 100 years ago, who stood for safe workplaces, who stood for better conditions and better terms, who stood for better opportunities for people. But the trade union movement of today stands for one thing: to filter as many people through its system as it can into places like this. Every parliament around Australia has trade union officials of some note promoted into it, circulating through it. That is the real reason why trade union officials appear.

I heard the health minister say today, with regard to Nepean Hospital, that there is a sense of using workers as pawns. I have to say, as the son of a metalworker, and as the grandson of a truck driver and a labourer, that it is a disgrace and it is disgusting that the Labor Party and the trade union movement have stooped as low as they have. The worst part is that after the next election, if those people that they want to draft into this place actually get up, things will only ever get worse. The people of Australia are not going to be fooled. That is why this matter is a matter of public importance today.

Mr ALBANESE (Grayndler) (3.39 pm)—Today, we have chosen to debate this topic as the matter of public importance rather than productivity and the economy, in spite of the fact that the government have said all week that they want a debate on the economy and on productivity. When the shadow Treasurer submitted an MPI for debate in this House, in order to have a proper debate between himself and the Treasurer, they cut and run. For the first time since 2005, they submitted an MPI and ensured that it was the matter that would be debated today.

Of course, we know that after they did that, they then proceeded to not actually debate the issue—to not debate the matter that is before the parliament today. And that is not surprising, given that today it was revealed, on the front page of the Sydney Morning Herald, exactly what sort of a campaign we are going to see on industrial relations in 2007.

We know that there is now going to be a BCA-ACCI campaign and that, specifically, the campaign director is the chief Liberal strategist, Mark Textor. The operations director is a former senior Liberal official, Mr Tony Barry, and the campaign committee includes former Liberal advisers Peter Anderson and Brett Hogan. Of course, we also know that Crosby Textor is run by the former Liberal Party director, Lynton Crosby. He is the person who is conducting the campaign.

Today, in parliament, we sought guarantees that this would not be a taxpayer funded through research campaign on behalf of the Liberal Party by the BCA and ACCI. Of course, we did not get any assurance of that.

Mr Richardson—Mr Deputy Speaker, I take a point of order. Could you bring the member back to relevance regarding the MPI.

The DEPUTY SPEAKER (Hon. IR Causley)—MPIs are generally wide ranging. I am sure the member for Moreton was wide ranging. I call the member for Grayndler.

Mr ALBANESE—Mr Deputy Speaker, they really do not want to have a debate on this. First of all, they choose their MPI over the issue of the economy and productivity, and next they try to gag the debate.
It is interesting that these people talk about campaigns and whether there is intimidation and what is appropriate or not. If you look at Crosby Textor, you do not actually have to look at what we say about them; have a look at what they say about themselves. I quote from their website:

CrosbyTextor then helps its clients to map values based communications strategies that are both rationally and emotionally relevant so as to be able to actually change behaviour.

I repeat: ‘so as to actually change behaviour’—to manipulate public opinion. And that is what they are using the tens of millions of dollars of publicly funded market research to do. Of course, there has been a terrific study of Mark Textor’s role in *The Hollow Men: A Study in the Politics of Deception*, by Nicky Hager, about the September 2005 New Zealand election. Textor’s role as a paid consultant to the New Zealand National Party is explored in the chapter titled ‘The Manipulators’. The New Zealand Nationals formally sought Crosby Textor’s assistance in October 2004. Lynton Crosby was in the UK—assisting the British Conservatives to lose again—so Textor took on the contract, signed in November 2004. Textor did not move to New Zealand but he travelled there regularly. He also provided telephone and written advice from Australia and was on the ground for the last two weeks of the campaign.

Textor advised the New Zealand Nationals to raise money for two campaigns in the event that the September 2005 election produced a tight result. He also recommended that they conduct benchmark research into New Zealand public beliefs. This was conducted by a Crosby Textor staffer. The research focused on embryonic perceptions about Labour that could be targeted by New Zealand Nationals in speeches, statements and campaign messages. This Crosby Textor research campaign method is described in the books as being ‘purely and openly about manipulation’.

Textor recommended that the New Zealand Nationals campaign on tax, welfare, education and immigration issues. The subsequent National Party campaign against ‘special interests’ is attributed to Textor’s influence. Textor’s techniques are described as follows:

The defining character of these techniques is that they attempt to get voters to act in ways that might not be in accord with their interests or even beliefs. The aim is not good policy, or leadership that unifies a country; the objective is manipulating enough voters, at the right time, so that their clients can achieve power.

And we know that in the past Textor was responsible for the disgraceful racist push-polling that occurred in the Northern Territory election. This is a man prepared to play the race politics card against Indigenous Australians in order to secure political advantage for the Liberal Party. It is no wonder that many businesses today are expressing a great deal of concern indeed about being associated with the campaign for which these people have been brought on board by the BCA and ACCI.

The matter of public importance today before the House speaks about threats and security. We heard talk about intimidation and who people associate with. We heard a lot about that. Coming from a Queenslander, that is pretty red hot. Coming from a Queensland Liberal Party member, particularly from the member for Moreton—but you could pick any one of them and there is a cloud over them—that is pretty red hot.

In the lead-up to the 2004 election the Prime Minister was the star attraction for a fundraising function to which a violent Brisbane pornographer, Scott Phillips, was invited. Phillips was facing charges at the time he attended the intimate fundraising function at a Queensland winery. The charges report-
edly included torture and causing grievous bodily harm. Phillips is now in jail, having pleaded guilty to a range of violent crimes. He has been described by police as a ‘highly brazen, violent psychopath’—clearly not too brazen, too violent and too psychopathic to be invited to a Queensland Liberal Party fundraiser.

These people want to slur every decent trade union, every worker in this country, because of their illogical hatred of workers. In *Hansard* of 30 May, the member for Moreton said the following:

> You do not hear anything from the members of the Australian Labor Party about workers. They don’t represent workers; they represent—I was going to say—

and he uses another seven-letter word beginning with W. That is how he described working people in this country. That is the member for Moreton’s track record when it comes to credibility.

It is not just the people they associate with; we also have extraordinary allegations of corrupt conduct, and investigations by the Federal Police. We have the member for Bonner paying back $24,000 but not saying how it was paid back or what for. We have no explanation to the parliament, no explanation of the role of the Prime Minister or of whether the money came from him or from donors. We have no explanation of that whatsoever. There is a cloud over all these Queenslanders, whether it is that example or whether it is the member for Ryan’s nine overseas trips in less than two years, funded by a slush fund, or whether it is the association with state campaigns that went on.

You would think that it could not get worse, but it may well, because coming to a parliament near you is the new candidate for Mitchell, and he is a beauty. He knocked off that hardworking member Alan Cadman, the current member for Mitchell. He’s got terrific form, this bloke. He has risen within the Liberal Party as the protege of David Clarke, the associate of Ljenko Urbancic and other fascist forces within the New South Wales Liberal Party. That is his association. This guy has not stopped at stacking out a local branch; he has stacked out an entire state branch. Now he has been rewarded with this preselection, which is quite extraordinary.

We hear a bit from the other side about loyalty. Well, the candidate that Alex Hawke beat in the preselection, David Elliott, was a staff member of the Prime Minister, the member for Bennelong, for four years. He was his campaign secretary in the 1990 and 1993 federal campaigns. He was the secretary of the Bennelong FEC of the Liberal Party for three years. And what reward does David Elliott, a decent Australian—even though I disagree with his politics—get? He gets run over the top of by Alex Hawke, this extremist who has been allowed to take the safest Liberal seat in New South Wales.

Once again, you do not have to ask us; ask John Brogden, who blamed Alex Hawke for the slurs and innuendos that led to his demise on a political level and, almost, on a tragically personal level. That was the Alex Hawke contribution to the New South Wales Liberal Party. Ask Nick Greiner; ask any of the others.

There is a fair bit of form with these people. On *Lateline* on 18 July 2006 there was a program about what these new Liberals coming in are like. It showed the Young Liberals at a conference, happy to be filmed chanting the following:

> We’re racist, we’re sexist, we’re homophobic.

And then singing:

> Glory, glory, Liberal students, in history’s page let every stage—advance Australia fair …

Not only were they prepared to say all that; they were prepared to denigrate our national
 anthem—no respect whatsoever. When they were interviewed they said the following: We will always rule, we will always be over everything. That is the mentality that is coming through here. That is the mentality that has led the New South Wales Liberal Party to being the extremist rump that it is today. More and more, just as the state preselection saw the knocking-off of people like John Ryan and Patricia Forsythe, they are coming for anyone who is not right-wing enough for them. Think about that. Alan Cadman was knocked off because he was not right-wing enough for them. John Howard’s former staffer—

The DEPUTY SPEAKER (Hon. IR Causley)—The member will refer to members by their title or by their seat.

Mr ALBANESE—and former FEC secretary was knocked off because he, David Elliott, was not right-wing enough for them. I very much fear for the sort of nation that we would become if ever the divisive elements were to gain more influence in the parliaments as opposed to just their domination in the Liberal Party machines, because they are prepared to divide Australians. That is what their industrial relations attack is about; it is fundamentally about attacking those working Australians who can least afford to defend themselves. It is not, under Work Choices legislation, the big, powerful tradesmen and people with strong union backgrounds who will suffer the most; the casual employees who are not unionised, women, particularly older women in the workplace, and people in small workplaces in our regional towns will suffer. This government is prepared to pass legislation to drag down the wages and conditions of those people and to transfer profits from workers to employers. Labor believes in uniting the nation. That is why we believe there needs to return to the social justice principles that have made this nation the greatest nation on earth, and we do not want Australia to be dragged down by the Alex Hawkes of this world. (Time expired)

Mr TUCKEY (O’Connor) (3.54 pm)—The member for Grayndler protested a little while ago about an MPI being granted to the back bench of the government. If you ever wanted a good reason why that should happen more often, just listen to his speech. It took him until the last minute to say anything about the subject, namely:

The threat to Australia’s job security, lifestyle and values of radical trade union influence.

I sat throughout the whole 15 minutes waiting for him to say that the Skilled Engineering run-through never happened, or to condemn it. When a group of women working in a workplace of which the trade union movement—Mr Johnson and Mr Mighell—did not approve, they kicked the door in and sprayed a pregnant worker with a fire extinguisher. When one of them was caught and identified—they all had disguises on—did that person rat on the other five or six? No. That is radical trade unionism, and this parliament should be debating it. Maybe before this debate is over we will hear something about those matters from the opposition in this place.

By coincidence on 26 February 1981 my maiden speech to this House was on industrial relations. I chose to select a quote from a left-wing academic, a fellow called Paul Johnson, who had written prior to that time an article called ‘Trade unionism is killing socialism: the English experience’. In part, he said:

Above all, the economic organisation of society, the way in which wealth is invested, and rewards distributed, to all of us who are its members, should have become the function of democratic governments.
But this is not what has happened. The unions have refused to recognise the limits of their historical role. They have not only rejected the idea of a progressive abdication, and the shift of their social and economic function to the political process, but they have flatly declined to allow the smallest diminution of their power to press the sectional interests they represent.

Indeed they have steadily, ruthlessly and indiscriminately sought to increase that power. In recent years, and in particular in the last five years, they have exhausted or beaten down any opposition and have finally succeeded in making themselves the arbiters of the British economy. This has not come about as part of some deeply laid and carefully considered plan. It is not part of a plan at all.

It has been, essentially, a series of accidents. Huge unions each pursuing wage claims at any cost—and most of the cost is to the worker—having successfully smashed other elements in the State—governments, political parties, private industry, nationalised boards—now find themselves amid the wreckage of a deserted battlefield. The undoubted victors.

They did not plan the victory—they do not know what to do with it now they have got it. Dazed and bewildered they are like medieval peasants who have burnt down the lord’s manor.

He stated further:

What next? They have no idea as they did not think ahead to this sort of situation, and indeed are not equipped by function or experience to embark on positive and constructive thinking. That is not their job! Here we come to the heart of the matter. The trade union is a product of 19th century capitalism. It is part of that system. Against powerful, highly-organised and ruthless capitalist forces, it had an essential even noble part to play. But when those forces are disarmed, when they are in headlong retreat—indeed howling for mercy—the union has no function to perform.

They are not my words; they are the words of a well-known and respected left-wing academic. This is what this election is about: reinstating the power of a mob of troglodytes who have been, through the proper legislative process, disarmed by this government to the benefit of workers.

In 1945, a worker could keep his wife and family on £6 a week. They were the ones who demanded more and more cash. The comparative figure today is $1,000 a week. They have done such a good turn for the workers that one family income of $1,000 a week is no longer enough. That is what the productivity argument is about. For about 13 years of the Hawke government and the accord, wages went up in large amounts, and at the end of 13 years buying power was less than when the Hawke government got elected. By trying to keep a lid on wages and trying to ensure that people are properly rewarded for their productivity, this government has delivered a 20 per cent increase in buying power. We have ads on television—and photographs, as the member for Moreton said—of the Leader of the Opposition in a bright shiny new welding helmet. I can tell you that if I have a welding helmet on, I have a MIG welding torch in my hand, because I can use it. The reality is that in this regard the Australian people are supposed to think that there is going to be a new era. ‘Trust me,’ says the Leader of the Opposition. That is the real issue.

There was a pretty interesting experience in Western Australia. I went to the north of Western Australia—close to the Pilbara—back in 1958. I saw the initial development. Because it developed under total trade unionism, every so often there would be a sudden rush of cars coming down south through Carnarvon. The question was asked: ‘What are you doing, fellas?’ The answer was: ‘The union has called a strike over the colour of the tablecloths in the mess hut and we’re going to be out for six weeks. We’re going to Perth.’ While they were out for six weeks, no ships were loaded. What did our custom-
ers—the suppliers of those jobs—the Japanese, do? They went to Brazil and they said to Brazil, ‘You’d better open up some of your iron ore mines, because we want someone we can trust.’ All the confidence up there was lost. What else went on? You did not have one driver for a bulldozer on every shift; you had two. You could not sit them both in the seat, so you had an air-conditioned shed in which all the extra blokes could play cards. If you happened to be a train driver and you took the train out to the mine site on a day trip you got a crib. There is nothing wrong with that—except that it had to include half a side of lamb. And you know where that went: straight into the family freezer when mum cut the sandwiches for the driver. That is what it was like up there, and the big investors were travelling the world trying to find other places to invest their money.

It was the Court government that brought in the first AWAs. All those fake jobs disappeared and the wages of the other blokes who stayed to drive the machinery went up $20,000 a year. They got the money—the extra $20,000 a year—and other people got real jobs. The profits of the owners—those ‘terrible people’, as they were referred to by the member for Grayndler—go into the superannuation of other Australians. That is where their profits go. You would think that they spend it all on yacht trips round the Isle of Capri the way the Labor Party carries on. But the fact of life is that when they got confidence through the Court government they started investing. When all of a sudden the minerals boom came along, the Pilbara was ready. The coal industries of the east coast were not ready.

The Gallup government came in. They were going to knock all that out. It is pity that I have not got time to read all the quotes that I have here about what happened in Western Australia the minute the Gallup government took over—no ticket, no start; the lot. But Gallup started to worry about Western Australia—as the present Premier is—and he decided that he would not change the rules that the Court government had put in. He did a Tony Blair. What happened then? The unions withdrew all their money. That is published in the West Australian. They stopped paying affiliation fees and the Gallup government rolled over. That is the future in this parliament if some time in the future the Labor Party become the government and are put under financial pressure. Where else do they get the money? If they get put under financial pressure, they will do as they are told. When they are told by Kevin Reynolds to jump, they will say, ‘How high?’

Mr McMULLAN (Fraser) (4.04 pm)—It is very unusual that we get a government backbench MPI being put forward. It is several years since it has happened. It was extraordinary what happened in the circumstances. The Treasurer had the opportunity—which he claims to always want—to come in here and have a debate about the economy. But the government decided that that was not what they wanted. They squibbed it and pretended that they wanted to talk about industrial relations. Nobody believes that they are serious; we knew all along that they were not serious about that and that it must be a diversion from something else—and I will come to that in a moment—because if they were serious they would not have given the job to the member for Moreton. What is crystal clear is that if they had been really serious they would not have given the support role to the member for O’Connor. No government that was seriously trying to mount a substantial alternative argument would use either of those people, let alone back in the quinella.

This is an attempt to distract attention from the controversy surrounding the apparent Liberal Party takeover of the Business
Council of Australia and Australian Chamber of Commerce and Industry campaign. As I have said on several occasions today, nobody should have any problem with a business organisation choosing to run a campaign during the run-up to an election. We live in a democracy and they are entitled to do that. What we should start to worry about is when we find it being taken over as a de facto Liberal Party campaign, and we know that a number of businesspeople are really concerned about that. I know that a lot of Australians would be concerned if they discovered that to be the case. Reported in the Sydney Morning Herald was the so-called secret plot to wreck the Labor Party, which is: ... alarming some business leaders who fear it will be overtly political.

One concerned business figure, believed to have been approached for support, said it read more like a Liberal Party strategy than a business campaign…

And why wouldn’t it? Look at who has written it. It has been written by all the senior operatives of the Liberal Party. It has been written by Mark Textor, Lynton Crosby and others with impeccable Liberal Party credentials.

We have even had alternative propositions, different strategies, being floated which propose running the business advertisements during the election campaign—and I quote again from the Sydney Morning Herald:

… it recommends keeping the identities of business figures involved secret.

So this is a very serious problem, and we found in question time today those same old tricky answers that we get every time we ask questions of this government about issues until they start to slowly unfold and the facts start to come out. We get people saying, ‘As I am advised,’ and ‘I did not authorise,’ and a tricky phrase: ‘I did not hand over the research,’ which does not actually mean, ‘I did not tell anybody what was in it.’ It just means, ‘I did not give them a copy.’

We are asked to believe that the senior operatives of the Liberal Party have been chosen to run a $6 million-plus advertising campaign for the business community—about which business people are complaining that it looks more like a Liberal Party campaign than a business campaign—but that they do not have a clue about what is in government funded research, even though they are also doing research simultaneously for the Liberal Party. This is the poorest chinese wall in the world, and nobody can believe it to be true for one moment.

The confidential minutes of the 6 June planning meeting for this business campaign, some of which have already been reported in the newspapers today, show that the much-vaunted business campaign that the Prime Minister has been exhorting people to do for some time will be run by Crosby Textor, the firm that works extensively for the Liberals. The file note that went to the meeting stated: ‘The group agreed to appoint Crosby Textor to project manage the campaign. This has been confirmed with Mark Textor.’ So said the file note, but when Mr Textor was approached, he said that they had not been appointed and there had been no confirmed arrangement.

The person who wrote the secret file note for the BCA and the ACCI must have been hallucinating, because they said that this has been confirmed with Mark Textor. Mr Textor did present—surprise, surprise—focus group work for the people planning this business campaign, talking about the ‘emotional perspective’. This is not the sort of background material you would expect, and that business people are entitled to expect,
for a campaign in which they are trying to run an alternative factual argument.

Of course, I will not agree with them, because they are putting forward a policy position I do not share. But lots of people run ads on television about things I do not agree with, political and otherwise. That is a perfectly reasonable thing. Who is to complain? But the reports that are becoming clearer and clearer show that, in effect, the campaign is being run by the Liberal Party. We have a question here of how many degrees of separation there are between the government on the one hand and this business campaign on the other.

Nobody will be reassured by the answers we heard in the House today that there is a legitimate degree of separation between the people running the business campaign, the Liberal Party and the government funded research. Those three things are in lock step. It will be of no surprise to anyone if they all wind up saying the same thing. We know that there is a plan for further government advertising on industrial relations—what used to be called Work Choices until some of the polling showed that it was not allowed to be called Work Choices. It might be the same research that we are talking about.

Nobody will be reassured and nobody will be surprised if there is significant harmony between this business campaign and the campaign run by the government with taxpayers’ money. The concern is that last point about taxpayers’ money. If the Liberal Party wants to pay for research and give it to somebody else, that is fine. It may or may or not be an intelligent thing to do, but that is none of my business and it is none of the parliament’s business. But the Liberal Party, more and more, finds it impossible to tell the difference between taxpayers’ money and the Liberal Party’s money and between taxpayer owned assets and Liberal Party assets—for example, thinking, ‘Kirribilli House is my house,’ and that taxpayers’ money is legitimately entitled to be used for research which has no public policy purpose but simply a party political purpose.

Any reasonable set of ministerial standards says that you should not use public resources for party political purposes or private purposes, including that which used, laughingly, to be called the ministerial code of conduct of this government but which turned out to be produced by *The Chaser*—we thought it was serious, but it was actually Charles Firth who wrote it! He is still running around trying to find a minister to abide by it. He has been going for 11 years and he has not found anybody yet. What do you reckon his chances are? They are not good.

The use of public resources for private purposes is a different matter; that is corruption. We are talking here about the misuse of public resources, firstly, to help the Liberal Party and now, indirectly, to feed in through those Liberal Party operatives to this business campaign. We are finding more and more that there is this stench. When governments have been in power for a long time, they start to get around them a sense of entitlement, a sense that the resources that are provided by the taxpayer are provided to them.

We find it extraordinary that we continue to have these allegations without disclosed investigation of the three Queensland Liberal MPs for allegedly using their taxpayer funded allowances to prop up the party’s state election campaign. There was a story today about one of them paying some money back. I do not think I will have time to refer to that, but we did have one Liberal MP criticising the police for taking too long to conclude an investigation into those backbenchers. It is in startling contrast to the period it
took the Australian Electoral Commission to investigate the Prime Minister’s activities. This government has lost its sense of proportion. It cannot distinguish between taxpayers’ money and its money, between its public responsibility and its private interest. It is time for a government with that incapacity to distinguish to go.

Mr CAUSLEY (Page) (4.14 pm)—That contribution was not surprising, because the member for Fraser rarely knows what the question before the chair is, and he certainly was not speaking to the question before the chair. There is no doubt what the question is about. This is about union thuggery. This is about workers’ rights. This is about the fact that unions will impose their will upon the workers in Australia. This is about the fact that we could have the possibility of wall-to-wall union governments in Australia. That is what the argument is about at the present time. Members opposite do not want to talk about that. We have not heard a word about trying to defend those particular positions, because they cannot. I come from a position where I used to be a rank-and-file unionist, and I know what goes on in union meetings. I have met people like the member for Gorton, who is at the table. I have met people like him—the enforcers. If you have a look across the chamber at some of these people, you might have met them in the workplace somewhere, or on the work site. Can you just imagine meeting the member for Lalor on the work site? What a fearsome sight that would be!

What these people do is that they walk into the workplace and they enforce their will. They do not ask the workers. They do not ask the people on the site what they want. These union thugs come in and enforce their will in the workplace. I have been there and seen it. They lord it over not just the workers but also the bosses. I came into the New South Wales parliament at a time when we had the green bans. Remember the green bans? The member for Brisbane was probably mixed up in them at the time, getting some of the kickbacks. I can tell you—

Opposition members interjecting—Ha!

Mr CAUSLEY—Funny, isn’t it, how some of these union bosses ended up with units in the development block—quite funny.

Mr Bevis—Mr Deputy Speaker, I rise on a point of order. I would ask the member to withdraw the assertion that I took kickbacks. I am quite happy to have banter across the chamber, but that is a serious allegation which I do take offence at.

Mr CAUSLEY—I withdraw, but that certainly brought them out of the burrow.

Mr Bevis—Mr Deputy Speaker—

The DEPUTY SPEAKER (Mr Barresi)—It is withdrawn, member for Brisbane.

Mr Bevis—Mr Deputy Speaker, with due respect, the microphone was not on. I did not actually hear what he said before the microphone came on. Certainly once the microphone was on, he was not saying, ‘I withdraw.’

The DEPUTY SPEAKER—The member for Page did indicate he was going to withdraw.

Mr CAUSLEY—The member for Brisbane is trying to waste time, because he knows that what I am saying is right. He knows what I am saying is right, because I have been there. Swimming pools suddenly appear upon the scene—the union bosses get swimming pools! That is what it is about. I am not opposed to unions; I have made this clear in this parliament. I am not opposed to unions. Unions should be voluntarily joined, and there should be secret ballots in the workplace. If you had that, you would have decent unions. That is the only way to operate unions. But these people opposite, who
have been the beneficiaries of this, are cer-
tainly not in favour of that.

We have one of the thugs in my elector-
ate—David Lyons. Mr Lyons turned up at a
workplace on a Monday morning and took
all the people out. When the boss asked,
‘What’s this about?’ he said, ‘I had a bad
weekend.’ That was the only reason he could
give the boss for taking the workforce out: ‘I
had a bad weekend.’ That is what this is
about. It is about the fact that we are going to
get this right across Australia. We are going
to have unfettered unions. We are going to
have unions walking into the workplace on
all sorts of excuses. We have it in New South
Wales. It is like the Treasurer says: ‘Don’t
look at what they say; have a look at what
they do.’ Have a look at New South Wales,
because there is legislation in New South
Wales that, under the guise of occupational
health and safety, the unions can just walk in
and they can enforce all sorts of constraints
upon the boss. Not only that, they can then
do inspections. And guess what? They say,
‘Oh, look, there is a charge for that. You’ll
have to pay, because we are here to inspect.’
That is the type of thing you get.

We even have legislation in New South
Wales which says that if the unions take
someone to court and get a settlement, they
get part of the settlement. That is the legisla-
tion. They get part of the settlement. That is
the type of government you get from the un-
ions, and if you get it wall-to-wall across
Australia, heaven help Australia. The mem-
ber for Richmond, who was in here a while
ago, is advocating that small businesses in
Richmond will have to be unionised. People
will be forced into unions and will have to
pay up to $500 a year in union fees. And
then, would you believe, those businesses go
broke, don’t they? (Time expired)

Mr BRENDAN O’CONNOR (Gorton)
(4.19 pm)—There were three government
contributors to the MPI debate, and not one
of them mentioned Work Choices. This is a
debate about industrial relations. The mem-
ber for Moreton was entitled to debate indus-
trial relations in this country but did we hear,
at even one point during his contribution, the
words ‘Work Choices’? Did we hear even
one government member defend Work
Choices legislation and the provisions
therein? Of course we did not. We under-
stand that government members support
Work Choices. They voted for Work
Choices, but their polling tells them that
Work Choices is poison, so they no longer
mention it at all. They no longer mention
Work Choices because they know it is politi-
cal poison. So what they are going to do,
between now and the next election, is pret-
tend that they have amended it fundamen-
tally. They are going to try to convince the
Australian public—spending taxpayers’
money to do it—that Work Choices legisla-
tion has now been fixed and that it is now
okay for hardworking Australians.

But the reality is this: Work Choices has
not been fundamentally altered whatsoever.
We know it has not, because of Senator
Minchin’s comments only this year that the
government want to make it worse for work-
ers if they are re-elected. We know, and most
of the public are beginning to understand,
that this Prime Minister has had an obsession
with destroying unions for 30 years and,
worse than that, hurting hardworking Austra-
lian families. That is what Work Choices is
about. When the Prime Minister found him-
self with a majority in both houses of par-
liament, upon the election of the Howard
government in 2004, he decided—even
though the policies announced during the
2004 election campaign made no mention of
the provisions of Work Choices—to ram
Work Choices legislation through the par-
liament and down the throats of every hard-
working Australian. That is what has hap-
pened in this parliamentary term, and what has happened since is that there has been polling to show that working Australians believe in a fair go.

It was Labor, not John Howard when he was Treasurer in the eighties, that decentralised the wage-fixing system and introduced enterprise bargaining. It was Labor that changed the economy fundamentally. The reforms that were made to our economy were made by Labor governments. Changes to the industrial relations system were in fact introduced by a Labor government, as was enterprise bargaining and the removal from central wage fixing to bargaining at the workplace level. The difference between Labor and this Howard government is that Labor introduced these reforms without throwing fairness out the back door. That is the fundamental difference. We made sure there was protection for ordinary working Australians so that their penalty rates would not be stripped away and their overtime would not be removed without compensation.

In the last few weeks, the government have tried to convince the Australian people that they have introduced an amendment to the act that will somehow mitigate the adverse effects of the legislation. That is of course not the case. The holes in the legislation that was put to this House only some weeks ago are so big that you could drive trucks through them. The Australian people, the workforce of this country, have had 18 months of Work Choices and now they are going to get 18 weeks of a so-called fairness test—and if the government are re-elected they will reintroduce ‘Work Choices Plus’. They will remove the entitlements from all hardworking Australians. They will continue to strip away the conditions of employment and, if they can destroy unions, they will make it even harder on hardworking Australians.

I am not going to pretend that unions always do everything well. There are occasions when unions do not work well and occasions when they do the wrong thing. No one in this world is perfect. But in a decent and democratic country, employee organisations are vital. What is the alternative? The Soviet Union? What do you want? Do you want a country without a trade union movement? It is an absolute disgrace. (Time expired)

The DEPUTY SPEAKER (Mr Barresi)—Order! The time allotted for this discussion has now expired.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 1) 2007
Referred to Main Committee
Mr BARTLETT (Macquarie) (4.24 pm)—by leave—I move:
That the bill be referred to the Main Committee for further consideration.
Question agreed to.

COMMITTEES
Treaties Committee
Report
Dr SOUTHCOTT (Boothby) (4.24 pm)—On behalf of the Joint Standing Committee on Treaties I present the committee’s report, incorporating a dissenting report, entitled: Report 84: treaty tabled on 6 December 2006.

Ordered that the report be made a parliamentary paper.

Dr SOUTHCOTT—by leave—Report 84 contains the findings of the Joint Standing Committee on Treaties on the Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation. There is an interesting irony in the treaties committee considering this security treaty between Australia and Indonesia, for it was the 1995 Agreement on Maintaining
Security, which was negotiated in secret and entered into force without reference to the parliament, which spurred the development of a specific parliamentary committee on treaties. Of course, the agreement on maintaining security was never referred to a treaties committee, as there was not a treaties committee at that time.

Over the course of this inquiry, the committee received 56 submissions and held two public hearings in Canberra and a further public hearing in Sydney. Areas of cooperation in the agreement include law enforcement, counterterrorism, maritime security and the traditional area of defence. The agreement will formalise the strong cooperation already occurring between Australia and Indonesia in areas such as transnational crime, people trafficking and illegal fishing. The committee found the treaty to be in Australia’s national interest and made five recommendations, including the recommendation that binding treaty action be taken.

I will briefly address some of the concerns that were raised in submissions and during the public hearings. Firstly, it was put to the committee that the agreement would be vulnerable to unresolved issues of the bilateral relationship. The committee acknowledges that some aspects of the bilateral relationship are stronger than others but regards the agreement as providing the basis to strengthen cooperation in areas of strategic importance to both countries. In June and July 2006 the Lowy Institute conducted a poll which showed that 77 per cent of Australians felt it was very important that Australia and Indonesia work together to develop a close relationship. However, in recognition that there are widespread public misperceptions of Indonesia, particularly on Indonesian progress towards democratisation, the committee has recommended that the Australian government engage in a campaign to increase public support for the Australia-Indonesia relationship. This campaign would have the goal of increasing awareness of the democratic reforms in Indonesia and the value to Australian and regional security of a strong bilateral relationship between Australia and Indonesia.

The inquiry revealed that there is widespread concern that article 2(3) of the agreement, which contains a commitment by both Australia and Indonesia not to support or participate in activities which constitute a threat to the stability, sovereignty or territorial integrity of the other party, would limit the activities of private individuals in Australia who wish to act lawfully to support issues such as human rights in Papua or Indonesia more broadly. Government representatives responded directly to this concern, stating clearly that the obligation is held by the Australian government and does not in any way infringe individual rights to freedom of expression or freedom of association. Article 2(3) is a reflection of government policy, and the committee is satisfied that the article will not limit the lawful expression of individuals’ or groups’ support for Papuan human rights or independence in Australia.

In relation to defence cooperation, the committee supports an approach which engages the Indonesian military, and the agreement provides the basis for cooperation which is intended to improve the professionalism of the Indonesian military. This is in both Australia’s and Indonesia’s national interest. However, many submissions to the inquiry expressed concerns about human rights abuses by the Indonesian military. To address these concerns, the committee recommends that the Australian government increase the transparency of defence cooperation agreements to provide assurance that Australian resources do not directly or indirectly support human rights abuses in Indonesia.
The committee is conscious that most of the submissions to its inquiry concerned Papuan human rights and the defence cooperation provisions of the agreement. As media access is restricted in the province of Papua, the committee is not in a position to comment directly on human rights matters, particularly where they relate to the Indonesian military. However, the committee does agree that more open access to Papua would help to ensure greater respect for human rights. For this reason, the committee recommends that the Australian government encourage the Indonesian government to allow greater access for the media and human rights monitors in Papua. The committee also recommends that the Australian government continue to address widely expressed concerns about human rights in Indonesia with the Indonesian government and in appropriate international fora.

The committee recognises the high degree of interest shown by particular groups and organisations in relation to this agreement. The committee considers the agreement to be in the national interest, as it provides a basis for further cooperation on key issues of strategic importance. The committee considers close cooperation with Indonesia to be essential to maintaining security and combating terrorism in the region. The agreement provides the basis for that close cooperation to further develop, and for this reason the committee has recommended that binding treaty action be taken. I commend the report to the House.

Mr WILKIE (Swan) (4.30 pm)—by leave—I was about to congratulate the foreign minister for being here while we discussed this matter, but I see him bolting from the chamber! The Joint Standing Committee on Treaties report 84 contains a review of the Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation. The committee supports the agreement and considers it to be in Australia’s national interest. The treaty is practically focused and provides the basis for cooperative activities between Australian and Indonesian agencies to combat terrorism and transnational crime. It strengthens commitments to cooperate on defence, law enforcement, counterterrorism, maritime security and emergency management and response. I will speak briefly on certain aspects of the agreement.

The intelligence cooperation provisions provide for cooperation and the exchange of information and intelligence on security issues between relevant institutions and agencies, in compliance with their respective national legislation and within the limits of their responsibility and also international obligations. There was some concern that the agreement provides inadequate safeguards and that the exchange of information or intelligence might inadvertently lead to the prosecution of an offence to which the death penalty applies. The committee is familiar with these concerns, as similar concerns have been raised in relation to recent mutual assistance treaties—although I must mention here that it should be recognised that the arrangements for mutual assistance operate in a different way from the type of cooperation provided for in this particular treaty.

There is value in Australia and Indonesia sharing intelligence and information, particularly as a means of combating traditional and non-traditional security threats. The committee heard evidence that it would be concerning if the agreement specifically precluded the Australian Federal Police and other bodies from sharing information in situations which might lead to the death penalty, as it would severely limit the ability of the AFP to investigate and pursue a range of security threats—in particular, threats of terrorism. The sharing of information and intelligence between Australia and Indonesia is an impor-
tant way to prevent terrorism and transnational crime.

In relation to the defence cooperation provisions of the agreement, I would reiterate the chair’s remarks that defence cooperation with Indonesia is not in itself harmful or damaging. Some submissions claimed that cooperation between Australian defence forces and the Indonesian military would lead to human rights abuses in Indonesia and, in particular, in Papua. However, defence cooperation under the agreement would focus on human rights and good governance, and training or cooperation would also not take place with known or suspected abusers of human rights.

The defence cooperation provisions of the agreement provide an opportunity to improve and develop the professionalism of the TNI and are, in principle, supported by the committee. However, much of the detail of cooperation between Australia and Indonesia will need to be worked out in future arrangements and agreements, and, as the committee acknowledges that there are concerns relating to the Indonesian military, it has recommended that defence cooperation arrangements between Australia and Indonesia be more transparent.

The agreement provides a solid basis for encouraging dialogue, exchange and cooperative activities in areas of particular strategic importance to Australia, and the committee considers the agreement to be in Australia’s national interest.

The recommendations made in this report address many of the concerns raised in submissions and public hearings. Most of these concerns have been outlined in the report. In addition to recommending that binding treaty action be taken, the committee recommended that the Australian government:

… continue to address widely expressed concerns about human rights in Indonesia with the Indonesian Government and in appropriate international fora.

… increase transparency in defence cooperation agreements to provide assurance that Australian resources do not directly or indirectly support human rights abuses in Indonesia.

… encourage the Indonesian Government to allow greater access for the media and human rights monitors in Papua.

… engage in a campaign to increase public support for the Australia-Indonesia relationship. This campaign would have the goal of increasing awareness of the democratic reforms in Indonesia and the value to Australian security of strong relations with Indonesia.

I would also like to take this opportunity to thank those who made submissions and presented evidence. In particular, I would like to thank Philip Amos, the parliamentary intern from the Australian National University, whose research into and report on this agreement was invaluable. I would also like to thank the secretariat for their work in preparing this report. I commend the report to the House.

Dr SOUTHCOTT (Boothby) (4.35 pm)—I move:

That the House take note of the report.

The DEPUTY SPEAKER (Mr Jenkins)—In accordance with standing order 39(c), the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting and the member will have leave to continue speaking when the debate is resumed.

Public Works Committee Report

Mrs MOYLAN (Pearce) (4.36 pm)—On behalf of the Parliamentary Standing Committee on Public Works I present the fifth report for 2007 of the committee relating to the proposed provision of facilities for Project Single Living Environment and Accommodation Precinct Phase 2.
Ordered that the report be made a parliamentary paper.

Mrs MOYLAN—by leave—This project, involving the provision of 3,535 single rooms at 17 Defence establishments in all of the Australian mainland states, is potentially the Commonwealth’s largest public-private partnership. The final decision as to the suitability of the project for this mode of delivery will be made when it has been tested in the marketplace. This project builds on an earlier project, Project Single LEAP Phase 1, that delivered a total of 1,295 single living-in rooms distributed between RAAF Base Amberley and Gallipoli Barracks at Enoggera, both of which are in Queensland, and Holsworthy Barracks in New South Wales.

The need for these works is largely based on a review undertaken by Defence that concluded, firstly, that the condition of the Defence estate had deteriorated to such an extent that many rooms were no longer appropriate for residential purposes and, secondly, many rooms were located on sites within bases that are now unsuitable for accommodation. In the case of the latter, Defence have acknowledged that the Defence estate has been neglected over the last decade. The review I referred to identified over 36,000 rooms that have deteriorated due to lack of maintenance. That the Defence estate has been allowed to become run-down to the extent that there is now a requirement to invest considerable Commonwealth funds in a rebuilding project is a disappointing reflection on the department.

The lack of maintenance of the Defence estate has been raised in previous reports of the committee. In the context of the current proposal, the committee has recommended that Defence ensure that, irrespective of whether the project proceeds as a public-private partnership or by traditional procurement, a maintenance plan be prepared and followed to ensure the whole-of-life viability of the project.

The second matter identified in the review of Defence accommodation relates to the location of buildings on sites now unsuitable for residential purposes. This goes to the heart of Defence planning. The committee understands the dynamics of the ADF. It recognises that the ADF, by definition, needs to be responsive to issues affecting Australia’s security—that includes new technology, improved equipment, the training of its members and so on—and that the Defence estate needs to reflect these imperatives. At the same time, Defence needs to be conscious of the requirement for adequate planning to ensure both the integrity of the operational needs of the ADF and the needs of its members, reflected in the facilities it provides. From a layperson’s perspective it is by no means clear why, in the planning process, there is no clear separation between those precincts needed for operational purposes and those precincts used for recreational and accommodation purposes so that there is no overlap between the two.

I turn to the quality of community consultation undertaken by Defence. While the department has engaged in dialogue with local councils and other interested community groups, overall community consultation is not a Defence strongpoint.

For example, issues raised in the context of this proposal and others by Randwick City Council continue to be unresolved. Of particular concern is an ongoing problem of remediation works at the Randwick Barracks site that was the subject of a committee report in 2004. There is considerable work needed to remediate that site. In regard to the current proposal, the Randwick City Council has expressed concerns over traffic arrangements, the anticipated population density of Randwick Barracks on completion of these
works, drainage of surrounding streets, and the anticipated increase in road traffic when the new accommodation is occupied. Randwick is an old estate. We know that demands on Defence are growing. I conducted the inspection of this particular site and I have to say that I was concerned about the density of the proposed development. I hope there will be further discussion about that with Randwick City Council and with Defence. It would be a great shame to see that land disposed of and then find there is a requirement for further land in the future.

The committee acknowledges that Defence has sought to address some of the issues raised by council. This is a continuing dialogue, but Defence should recognise that, while it may not share the concerns of the council, they do need to be attended to and dialogue needs to continue. The committee has recommended that in addition to addressing the concerns of Randwick City Council, Defence also follow up a range of similar matters that are of concern to other local government agencies.

In a similar vein, the committee felt that Defence had not given appropriate recognition to water sustainability. This is now a big issue in most communities. Mr Deputy Speaker, as you would be aware, the issue of water management is attracting nationwide interest and attention. Recently both federal and state governments agreed, through COAG, to formalise a National Water Initiative. Many of the bases that will be the subject of this proposal are located in rural and regional Australia in areas most affected by water shortages. Regrettably there appears to have been little or no consideration given by Defence to the impact these proposed developments will have on an already fragile water infrastructure.

The committee would urge the department to examine on a ‘good citizen’ basis how it can be self-sustainable in terms of water by elevating the priority of the National Water Initiative as these proposed works move forward. In the committee’s report, it has been recommended that, against the background of the current difficulties facing Australia, Defence seek guidance from both federal and state agencies as to how it can minimise its impact on water infrastructure.

I turn now to the method of delivery for this project. From the standpoint of the committee, it is important that it have access to all matters impacting on the final cost of this project to the taxpayer in order to effectively discharge its legislative obligations. The committee was not confident that, in undertaking its role in examining this project, it had all the information available to be in the position of concluding that the project represented value for money and should therefore proceed. Rather, in a departure from normal practice, the committee has recommended that the works proceed subject to the relevant minister being satisfied as to the overall cost of the project and that the project represents value for money. The committee is well aware of the urgency of the need for improved living-in accommodation for our Defence Force personnel and has no wish to delay this project, but it thinks there should be some ongoing scrutiny, given the limited scrutiny the committee has been able to give this project.

The committee has found itself in this position because the relevant legislation does not take into account the evolving complexities associated with the delivery of projects under a public-private partnership. This is notwithstanding the great cooperation we have had with the government and particularly the Parliamentary Secretary to the Minister for Defence, who has been responsive to calls from the committee to amend the act. We saw amendments go through in recent times which were helpful, but they did not go
far enough in allowing the Public Works Committee to properly scrutinise these large projects that are done on a public-private partnership basis.

The estimated cost of this project is $1.2 billion. However, that estimate relates only to the cost of the project were it to proceed by traditional means of procurement—that is, where the Commonwealth directly undertakes the work and assumes all responsibility for completing the project, including whole-of-life maintenance works. It does not take into account the situation where a successful bidder for the project takes full responsibility for delivering the project, including whole-of-life maintenance of the completed project and any risks that may be encountered along the way.

Under the current legislation, as I said, notwithstanding the changes that were made recently, that total figure—that is, the difference between the traditional procurement figure and the estimated project value including risk allocation—is not made available to the committee at the time the project is referred to the parliament. Similarly, the committee is not privy to any preliminary costs associated with the delivery of the project which go to the total financial commitment by the Commonwealth.

Furthermore, the committee is not privy to any adjustments to the costs of the project deriving from a public interest test, some of which I have previously referred to. In the context of water sustainability, for example, that may lead to additional costs arising from the need to implement an improved on-base water storage infrastructure. In summary, the delivery of projects by way of public-private partnerships is complex by virtue of the processes that these projects need to undergo—from inception right through to final delivery.

Further, there is the potential for the numbers of projects delivered by way of public-private partnerships to increase for the reason that the benefits they offer are attractive. However, as I have recounted, the committee found, during the course of giving consideration to the current project, that it was at a considerable disadvantage in terms of an opportunity to fully exercise its legislative responsibilities, which is an issue that should be addressed.

Finally, I should like to thank all those who contributed to this inquiry, including the deputy chair of the committee and my fellow committee members. I also acknowledge the tremendous work done by the secretariat and Hansard, and we also appreciated the cooperation and assistance of officials from the Department of Defence. I commend the report to the House.

Mr BRENDAN O’CONNOR (Gorton) (4.48 pm)—by leave—I want to concur with the comments made by the member for Pearce but emphasise some of the issues that were raised in the chair’s report, because they are worth raising. I think it is very important when we are seeking to accommodate our Australian defence personnel that we do so expeditiously and properly. There is no doubt as a result of our inquiry into this particular matter—and the evidence by Defence made it very clear—that there had not been any maintenance on these barracks. We are talking about a project of up to $1.2 billion in value. There had not been maintenance on these barracks for over the last decade. Indeed, the evidence concluded that the Defence estate had been allowed to be run down to the extent that there is now a requirement to invest considerable Commonwealth funds in a rebuilding project, which, says the Public Works Committee, is a disappointing reflection on the department. I think it is not only a reflection on the department, but also a reflection on the gov-
ernment if they are not attending to such a significant matter. I think the Public Works Committee quite rightly highlighted that concern in this report and indeed in the comments made today.

I also want to add to the matter raised by the chair of the public works committee with respect to consultation. It is important for Defence to consult with affected or potentially affected parties when there is construction or refurbishment of accommodation or other construction that involves the defence department. It is not the first time that there has been some criticism of the defence department in not consulting with councils and other bodies. I certainly think in future the defence department would be wise to ensure that consultation does occur if they believe that there is some likelihood that parties will be affected by the proposals that are put before the Public Works Committee.

I want to finally say that it is true, as the member for Pearce indicated, that we have made amendments to the Public Works Act 1969 to take into account the changing arrangements in the way in which the Commonwealth goes about these particular projects. We now have a number of methods of constructing and refurbishing buildings and we are now looking more and more at delivering the projects in accordance with public-private partnership methodology. Whilst we have made amendments, I have to agree with the member for Pearce that the amendments have not gone far enough to ensure that public moneys are properly scrutinised for very large projects. I think that there should be a review in the very near future into the operation of the act and the capacity for the public works committee to undertake its important role, which is to ensure that millions and millions of taxpayers’ dollars are spent wisely and properly and that there is value for money for such expenditure.

COMMITTEES
Communications, Information Technology and the Arts Committee
Report
Miss Jackie Kelly (Lindsay) (4.52 pm)—On behalf of the Standing Committee on Communications, Information Technology and the Arts, I present the committee’s report entitled Tuning in to community broadcasting, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be made a parliamentary paper.

Miss Jackie Kelly—by leave—On behalf of the House of Representatives Standing Committee on Communications, Information Technology and the Arts, I am pleased to present this report on community broadcasting in Australia. This is the second and final report for the committee’s inquiry into community broadcasting.

Community broadcasting adds diversity to the media landscape in Australia. The committee recognises the value that the community broadcasting sector contributes to Australian society. The committee was thoroughly impressed by the quality of programming produced by broadcasters and the dedication and commitment shown by the sector’s 20,000-plus volunteers. However, there are aspects of the community broadcasting sector that could be improved—in particular, the management and governance of stations. There were many complaints about the allocation of licences and the operation of some stations at the exclusion of others. Getting the governance right is a key step in ensuring that we maintain a robust and vibrant network of financially sound not-for-profit stations with a committed community audience rather than occupational therapy for a limited number of community members who enjoy broadcasting.
Community broadcasters transmit on valuable spectrum that could be otherwise hired out to commercial users. The public policy reasons for reserving spectrum for community broadcasting have more to do with the communities the broadcasters serve than anything done in the stations themselves. The success of community broadcasters can be measured by station ratings, financial liquidity and the ability to plan for the replacement of equipment needed to broadcast in the modern environment without waiting on uncertain government funding. Most government funding to the general broadcasting sector is ad hoc funding for equipment replacement. Stations are grateful to receive funding once or twice every three years and generally do not count on the government for station operating costs.

The focus of this inquiry has been to support the sector’s independence, promote diversity and ensure the success of community broadcasters, particularly as they face some significant hurdles in the future. The committee has made a number of recommendations addressing the need for increased government funding to community broadcasters—both ongoing funding and short-term funding for technical upgrades. However, these increases must be accompanied by a greater level of business acumen, improved management and financial accountability by community broadcasters.

The report recommends an increase of $10 million in core funding, which will primarily fund station manager positions. Although the Australian government’s contribution to the sector has been significant, the committee feels that a substantial boost in core funding, with annual indexed increases, will improve management by continuity of CEOs who do not have as a first priority the fundraising for their own salaries, allowing them to instead focus on station management, greater diversity and community inclusion rather than exclusion. The funding for paid station managers will result in better management practices and should be available to stations on a competitive grant process, which would result in some stations having a manager for two days a week, or three days a week in more remote or smaller areas, and others having two or three station managers.

The report also recommends an increase in targeted funding, primarily to assist in the replacement of station equipment and infrastructure. The committee believes that stations should not rely on funding in the long term for the replacement of equipment. Once current equipment is brought up to speed for the digital age, this funding should cease. The committee’s governance recommendations should see an increased level of effective station management, including better financial and forward planning, reducing the reliance on government for equipment replacement. A significant boost in funding for business management training will also make a great contribution to effective governance in the sector. The report makes several other key recommendations on regulation, sponsorship, transmission fees and copyright issues.

While community radio is a vibrant sector, community television currently faces a crisis with no security of access to digital spectrum or option for simulcast. These issues were addressed in the first report of this inquiry which was released in February 2007. The committee, along with the community television broadcasters and viewers, anxiously awaits the minister’s response to that report. The committee considers it will be the death knell for community television if it does not gain access to digital spectrum before the end of 2007. Again, the committee strongly urges the Australian government to implement the recommendations of the first report for this inquiry.
I thank the members of the committee for their dedication to the inquiry. The members of the committee showed unified support for the report. I also thank the committee secretariat, particularly Anthony Overs and Anna Dacre, for their counsel, assistance and patience throughout the inquiry process. In conclusion, I would like to thank the many individuals and organisations who provided evidence to this inquiry through submissions or by appearing before the committee. I commend this report to the House.

Ms OWENS (Parramatta) (4.57 pm)—by leave—Thanks to the information in this report, we can see clearly that the sheer size and independent structure of the community broadcasting sector makes a significant contribution to diversity in our media landscape, particularly given that Australia has one of the highest concentrations of media ownership and control in the world. It was good to be involved in a report which paints such a good quality picture of such an important sector.

The committee chair, the member for Lindsay, has already thanked the secretariat. I would like to agree with her remarks that the quality of the work for this report has been exceptional—as it always is with the secretariat of our committee. I would also like to thank the 131 individuals and organisations who made submissions to the inquiry and all those who attended the public hearings in Alice Springs, Melbourne and Canberra.

According to a McNair Ingenuity Research survey conducted in 2006, more than seven million Australians, or 45 per cent of people aged over the age of 15, listen to community radio in an average month. In an average week, 25 per cent of people over the age of 15, or over four million people, tune in to community radio. Of the seven million listeners who tune in each month, 34 per cent do not listen to any commercial radio at all; community radio is their only source of radio. Also, the number has increased between the two surveys conducted by McNair Ingenuity Research in 2004 and 2006. The number of people listening has risen by seven per cent.

The sector is served by 358 current community stations, 80 remote Indigenous broadcasters and 36 holders of current temporary licences, who are collectively serving a diverse audience that covers all adult age groups—although, interestingly, 55 per cent of the audience is male and 45 per cent is female. The stations, on average, receive about 12 per cent of their total income from grants—state, federal and local—excluding Indigenous grants through ATSIC. Some, of course, receive more than others.

Community radio stations are as diverse as the communities that they serve, and the issues that they raised in their submissions and at the public hearings were also diverse. But the issue of management came up over and over again in many different ways. Of the 14 recommendations made by the committee—which concern management, training, increases in funding, affordable access to transmitters, clarifying the guidelines for marketing on air, and amendments to the Copyright Act to improve services for the print handicapped—four relate specifically to management, and they are quite important for the future of the sector.

The first recommendation suggests that a guiding template for the structure of boards be created in consultation with the industry. There was considerable input from stations regarding difficulties they had had from time to time with their overarching structure. There is also a recommendation involving $500,000 per year for four years for the development and delivery of training materials that focus on management. Again, one of the
issues raised over and over again was that community radio depends very much on volunteers and that the skill in management varies greatly from station to station. Another recommendation requires that the management training be incorporated as part of the licence renewal process. Also, it is recommended that the Community Broadcasting Foundation take into account when disbursing funds the effect of management business planning and the accountability of the stations to the communities they serve.

These first four recommendations add some management burden to stations, but it is offset by a fifth recommendation which represents an increase in core funding of $10 million with indexed annual increases specifically for the funding of station manager positions. It is recognised by the committee that not every community station chooses to have paid staff—some are entirely voluntary—but others have a mix of paid staff and voluntary labour and have been talking for many years about the difficulty of focusing on longer term planning when their volunteers and their paid staff are so involved in the day-to-day operation of a station.

In addition, there is a recommendation for $5 million per year, indexed and continuing for four years, to help with the backlog of equipment that needs upgrading. Again, stations that have been in operation for many years have quite a backlog, and this $5 million per year for the next four years only is designed to help fix that backlog.

The report indicates that the expectation is that improvements in management and the additional funding for management and business planning will result in better planning of infrastructure upgrades so that perhaps in the future the backlog will not be as great. It remains to be seen whether a sector which historically serves its community to the end of its funding will in fact manage over time to put more money into the future of the station rather than the needs of the day. Mind you, I would have to say that the fact that community radio has served the needs of the day so well is one of the reasons that it has survived so well.

On the whole, there are some very good things in the report for the community sector—some much-needed additional training for management and for equipment—which the committee hopes will see the community sector remain in good stead in the future.

The DEPUTY SPEAKER (Mr Jenkins)—Does the member for Lindsay wish to move a motion in connection with the report to enable it to be debated on another occasion?

Miss JACKIE KELLY (Lindsay) (5.03 pm)—I move:

That the House take note of the report.

The DEPUTY SPEAKER—The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

MAIN COMMITTEE
Communications, Information Technology and the Arts Committee
Reference
Miss JACKIE KELLY (Lindsay) (5.03 pm)—by leave—I move:

That the order of the day be referred to the Main Committee for debate.
Question agreed to.

MIGRATION AMENDMENT (REVIEW PROVISIONS) BILL 2006
Report from Main Committee
Bill returned from Main Committee without amendment; certified copy of the bill presented.
Ordered that this bill be considered immediately.
Bill agreed to.
Third Reading

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (5.04 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (No. 1) 2007

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.

Third Reading

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (5.06 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2007

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (5.07 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

GENE TECHNOLOGY AMENDMENT BILL 2007

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (5.07 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

WORKPLACE RELATIONS AMENDMENT (A STRONGER SAFETY NET) BILL 2007

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate’s amendments—

(1) Clause 2, page 2 (at the end of the table), add:

<table>
<thead>
<tr>
<th>Schedule</th>
<th>The day on which this Act receives the Royal Assent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>7.</td>
</tr>
</tbody>
</table>

(2) Clause 2, page 2 (at the end of the table), add:
8. Schedule 7, Parts 1 and 2  The day on which this Act receives the Royal Assent.

9. Schedule 7, Part 3  Immediately after the commencement of Schedule 1.

(3) Schedule 1, item 1, page 4 (after line 10), before the definition of designated award in subsection 346B(1), insert:

business being transferred has the same meaning as in Part 11.

(4) Schedule 1, item 1, page 4 (after line 27), after the definition of industrial instrument in subsection 346B(1), insert:

new employer has the same meaning as in Part 11.
old employer has the same meaning as in Part 11.

(5) Schedule 1, item 1, page 5 (after line 24), after the definition of salary in subsection 346B(1) (after the note), insert:

time of transmission, in relation to a business being transferred, has the same meaning as in Part 11.
transferring employee has the same meaning as in Part 11.
transmission period, in relation to a business being transferred, has the same meaning as in Part 11.

(6) Schedule 1, item 1, page 6 (after line 20), after section 346C, insert:

346CA Industry or occupation usually regulated by State award before the reform commencement—extended operation of certain provisions

(1) For the purposes of a provision mentioned in subsection (2), an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by an employee are usually regulated by an award is taken to include an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employee:

(a) were, immediately before the reform commencement, usually regulated by a State award; or
(b) would, but for an industrial instrument or a State employment agreement, usually have been regulated by a State award immediately before the reform commencement.

(2) The provisions are as follows:

(a) subparagraph 346E(1)(b)(i); 
(b) subparagraph 346E(2)(b)(ii); 
(c) subparagraph 346F(1)(b)(i); 
(d) subparagraph 346F(2)(b)(ii); 
(e) paragraph 346K(2)(a); 
(f) a provision referred to in paragraph (a), (b), (c) or (d), as referred to in section 346L.

(7) Schedule 1, item 1, page 7 (after line 6), at the end of Subdivision A, add:

346DA Transmission of business—where no decision under section 346M at time of transmission

(1) This section applies if:

(a) the Workplace Authority Director is required to decide under section 346M whether a workplace agreement passes the fairness test; and
(b) before the Workplace Authority Director makes the decision, the workplace agreement becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585.

(2) Subject to subsection (4), for the purposes of deciding under section 346M whether the workplace agreement passes the fairness test, references to the employer in section 346M and in the definition of relevant award are taken to be references to the old employer.

(3) If:

(a) the Workplace Authority Director has been notified that the workplace agreement is binding on the new
employer and the transferring employee or transferring employees; and

(b) the Workplace Authority Director is required to give a notice under section 346J, 346P or 346U to the employer in relation to the workplace agreement;

the Workplace Authority Director must give the notice to both the old employer and the new employer.

(4) If the Workplace Authority Director decides under section 346M that the workplace agreement does not pass the fairness test:

(a) references in section 346R to the employer bound by the workplace agreement are taken to be references to the new employer; and

(b) to avoid doubt, if the new employer subsequently lodges a variation of the workplace agreement under section 346R then, for the purposes of deciding under section 346U whether the workplace agreement as varied passes the fairness test, references in section 346M to the employer are taken to be references to the old employer.

Note 1: The employment arrangements that have effect in relation to the new employer and the transferring employee or transferring employees are as set out in section 346YA.

Note 2: The compensation payable to the transferring employees under section 346ZD by both the old employer and the new employer is as specified in subsections 346ZD(2), (2A) and (2B).

346DB Transmission of business—where no decision on a varied agreement under section 346U at time of transmission

(1) This section applies if:

(a) the Workplace Authority Director is required to decide under section 346U whether a workplace agreement as varied passes the fairness test; and

(b) before the Workplace Authority Director makes the decision, the workplace agreement becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585.

(2) For the purposes of deciding under section 346U whether the workplace agreement as varied passes the fairness test, references in section 346M to the employer are taken to be references to the old employer.

(3) If:

(a) the Workplace Authority Director has been notified that the workplace agreement is binding upon the new employer and a transferring employee or transferring employees;

(b) the Workplace Authority Director is required to give a notice under section 346U to the employer in relation to the workplace agreement;

the Workplace Authority Director must give the notice to both the old employer and the new employer.

346DC Transmission of business—employees still employed by old employer

To avoid doubt, if a workplace agreement becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585, this Division has effect, to the extent that the workplace agreement continues to bind the old employer, and an employee or employees who are not transferring employees, according to its terms.

(8) Schedule 1, item 1, page 7 (lines 14 to 21), omit paragraph 346E(1)(b), substitute:

(b) on the date of lodgment:
(i) the employer bound by the AWA is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the employee; or

(ii) the employee whose employment is subject to the AWA is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employee are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

(9) Schedule 1, item 1, page 8 (lines 11 to 19), omit paragraph 346E(2)(b), substitute:
   (b) on the date of lodgment:
      (i) the employer bound by the collective agreement is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the one or more of the employees; or

      (ii) one or more of the employees whose employment is subject to the collective agreement is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employees are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

(10) Schedule 1, item 1, page 8 (line 33) to page 9 (line 3), omit paragraph 346F(1)(b), substitute:
   (b) on the date of lodgment of the variation:
      (i) the employer bound by the AWA as varied is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the employee; or

      (ii) the employee whose employment is subject to the AWA as varied is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employee are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

(11) Schedule 1, item 1, page 9 (lines 28 to 36), omit paragraph 346F(2)(b), substitute:
   (b) on the date of lodgment of the variation:
      (i) the employer bound by the collective agreement as varied is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the one or more of the employees; or

      (ii) one or more of the employees whose employment is subject to the collective agreement as varied is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employees are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

(12) Schedule 1, item 1, page 13 (lines 9 to 15), omit the note.

(13) Schedule 1, item 1, page 15 (lines 7 to 13), omit the note.

(14) Schedule 1, item 1, page 22 (line 27), omit paragraph 346U(4)(b), substitute:
   (b) if the workplace agreement as varied passes the fairness test:
(i) that the workplace agreement continues in operation; and

(ii) that the workplace agreement was varied by way of a variation or a written undertaking, as the case may be; and

(iii) that the employee or employees whose employment is, or was at any time, subject to the workplace agreement are, on and from the date of issue of the notice, entitled to any compensation payable to the employee or employees under section 346ZD; and

(c) if the workplace agreement as varied does not pass the fairness test:

(i) that, if the workplace agreement was in operation immediately before the date of issue of the notice—the agreement ceases to operate on the date of issue of the notice; and

(ii) that the employee or employees whose employment was at any time subject to the workplace agreement are, on and from the date of issue of the notice, entitled to any compensation payable to the employee or employees under section 346ZD.

(15) Schedule 1, item 1, page 24 (after line 38), after subsection 346Y(4), insert:

(4A) Despite subsection (2), if the original agreement is a workplace agreement that, after lodgment, becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585, this section does not have the effect of binding the new employer and the transferring employee or transferring employees to an instrument or to a designated award.

Note: The employment arrangements that have effect in relation to the new employer and the transferring employee or transferring employees are as set out in section 346YA.

(16) Schedule 1, item 1, page 25 (after line 16), after section 346Y, insert:

346YA Employment arrangements if a workplace agreement ceases to operate because it does not pass fairness test—transmission of business

(1) This section applies if:

(a) on a particular day (the cessation day), a workplace agreement (the original agreement) ceases to operate under section 346R or 346W because the original agreement does not pass the fairness test; and

(b) during the period beginning when the original agreement was lodged and ending on the cessation day, the original agreement became binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585 in relation to a business being transferred; and

(c) the cessation day occurs during the transmission period in relation to the business being transferred.

Note: If the cessation day occurs after the transmission period ends, the rules in Part 11 will have effect according to their terms.

(2) The new employer and the transferring employee or transferring employees who were bound by the original agreement immediately before the cessation day are taken, on and from the cessation day, to be bound by:

(a) the instrument:

(i) that, but for the original agreement having come into operation, would have bound the old employer and the transferring employee or transferring employees immediately before the time of transmission; and

(ii) that was capable of binding the new employer after the time of
transmission under Part 11, Schedule 6 or Schedule 9; or

(b) if there is no instrument of a kind referred to in paragraph (a) in relation to the old employer and one or more of the transferring employees—the designated award in relation to that employee or those employees, to the extent that the designated award contains protected award conditions.

(3) If, but for the original agreement having come into operation, the old employer would have been bound, immediately before the time of transmission, under a designated provision by a redundancy provision in relation to a transferring employee or transferring employees whose employment was subject to the original agreement, the new employer is taken:

(a) to be bound under section 598A or clause 27A of Schedule 9, as the case requires, on and from the cessation day, by the redundancy provision in relation to the transferring employee or transferring employees; and

(b) to continue to be so bound until the earliest of the following:

(i) the end of the period of 12 months beginning on the first day on which the old employer became bound under a designated provision by the redundancy provision;

(ii) the time when the employee ceases to be employed by the new employer;

(iii) the time when another workplace agreement comes into operation in relation to the transferring employee or the transferring employees and the new employer.

(4) If the original agreement is a workplace agreement as varied under Division 8, the workplace agreement as in force before the variation was lodged is, despite section 346ZB, capable of being an instrument described in paragraph (2)(a).

(5) In this section:

designated provision has the same meaning as in section 346ZA.

instrument means any of the following:

(a) a workplace agreement;

(b) an award;

(c) a pre-reform certified agreement (within the meaning of Schedule 7);

(d) a pre-reform AWA.

Note: Preserved State agreements and notional agreements preserving State awards are dealt with in Schedule 8.

(17) Schedule 1, item 1, page 25 (line 17), omit “section 346Y”, substitute “sections 346Y and 346YA”.

(18) Schedule 1, item 1, page 25 (line 18), before “If”, insert “(1)”.

(19) Schedule 1, item 1, page 26 (after line 4), at the end of section 346Z (after the note), add:

(2) If, because of the operation of section 346YA, a new employer and a transferring employee or transferring employees are taken to be bound by an instrument, the instrument is taken, despite any other provision of this Act, to have effect in relation to the new employer and the transferring employee or employees throughout the period:

(a) beginning on the cessation day; and

(b) ending at the end of the transmission period in relation to the business being transferred;

as if the new employer and the transferring employee or transferring employees had become bound by the instrument under Part 11, Schedule 6 or Schedule 9, as the case requires.

(20) Schedule 1, item 1, page 27 (line 16), omit “section 346Y”, substitute “section 346Y or 346YA”.

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(21) Schedule 1, item 1, page 27 (line 34), omit “became entitled under the workplace agreement”, substitute “was entitled, under the workplace agreement, and under any other applicable law, agreement or arrangement that operated in conjunction with the workplace agreement,”.

(22) Schedule 1, item 1, page 28 (lines 6 to 13), omit all the words after “period.”, substitute “worked out in accordance with the assumptions set out in subsection (2A)”.

(23) Schedule 1, item 1, page 28 (after line 13), after subsection 346ZD(2), insert:

(2A) For the purposes of working out the total value of the entitlements to which the employee would have been entitled, in respect of one or more periods of employment of the employee during the fairness test period, it is to be assumed that, during that period or those periods of employment:

(a) the employee’s employment was subject to:

(i) the instrument or instruments that, but for the workplace agreement, would have bound the employer in relation to that period or those periods of employment of the employee; or

(ii) if there is no such instrument—the designated award in relation to the employee, to the extent that it contains protected award conditions; and

(b) the employer was bound, under a designated provision, by any redundancy provision that, but for the workplace agreement having come into operation, would have bound the employer in relation to the employee; and

(c) the employer was bound under section 394 by any undertaking that, but for the workplace agreement having come into operation, would have bound the employer in relation to the employee; and

(d) the employee’s employment was subject to any other applicable law, agreement or arrangement that would have operated in conjunction with the instrument or instruments referred to in subparagraph (a)(i), or the designated award referred to in subparagraph (a)(ii), as the case requires.

(24) Schedule 1, item 1, page 28, after subsection 346ZD(2), insert:

(2B) If, because of the operation of section 583 or 585, the workplace agreement bound an old employer and a new employer in relation to the employment of a transferring employee during the fairness test period:

(a) the transferring employee is entitled to be paid compensation by the old employer in respect of the period or periods during which the employee was employed by the old employer, worked out in accordance with the assumptions set out in subsection (2A); and

(b) the transferring employee is entitled to be paid compensation by the new employer in respect of the period or periods during which the employee was employed by the new employer, worked out in accordance with the assumptions set out in subsection (2A), subject to the following modifications:

(i) subparagraph (2A)(a)(i) is taken to refer to the instrument described in paragraph 346YA(2)(a); and

(ii) a reference in paragraph (2A)(b) to a designated provision is taken to be a reference to section 598A or clause 27A of Schedule 9, as the case requires.

(25) Schedule 1, item 1, page 28 (after line 35), before the definition of fairness test period, insert:

designated provision has the same meaning as in section 346ZA.
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(26) Schedule 1, item 1, page 29 (after line 25), after section 346ZE, insert:

346ZEA Notice requirements in relation to transmission of business

(1) This section applies if:

(a) a new employer is bound by a workplace agreement (the transmitted workplace agreement) in relation to a transferring employee because of section 583 or 585; and

(b) before the time of transmission in relation to the business being transferred, the Workplace Authority Director gave notice to the old employer under section 346J that the Workplace Authority Director must decide under section 346M or 346U whether the transmitted workplace agreement passes the fairness test; and

(c) as at the time of transmission, the Workplace Authority Director has not yet decided whether the transmitted workplace agreement passes the fairness test under whichever of those sections is applicable.

(2) The old employer must take reasonable steps to give a written notice to the Workplace Authority Director that:

(a) identifies the transmitted workplace agreement; and

(b) states whether or not the old employer remains bound by the transmitted workplace agreement in relation to the employment of any employees; and

(c) specifies the date on which the transmission period in relation to the business being transferred ends; and

(d) specifies the name and address of the new employer.

(3) Subsection (2) is a civil remedy provision.

Note: See Division 11 for provisions on enforcement.

(27) Schedule 1, item 5, page 32 (line 31), after “346Y”, insert “, 346YA”.

(28) Schedule 1, item 6, page 33 (line 9), after “346Y”, insert “, 346YA”.

(29) Schedule 1, item 7, page 33 (line 21), after “346Y”, insert “, 346YA”.

(30) Schedule 1, item 15, page 35 (after line 6), after paragraph (b), insert:

(jba) for subsection 346ZEA(2)—30 penalty units;

(31) Schedule 1, item 30, page 37 (line 34), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

(32) Schedule 1, item 32, page 38 (line 20), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

(33) Schedule 1, item 33, page 38 (line 34), after “346Y”, insert “, 346YA”.

(34) Schedule 1, item 34, page 39 (line 8), after “346Y”, insert “, 346YA”.

(35) Schedule 1, item 39, page 40 (line 20), after “346Y”, insert “, 346YA”.

(36) Schedule 1, item 40, page 40 (line 30), after “346Y”, insert “, 346YA”.

(37) Schedule 1, item 41, page 41 (line 30), omit “paragraph 346Y(2)(b)”, substitute “paragraphs 346Y(2)(b) and 346YA(2)(b)”.

(38) Schedule 1, item 41, page 41 (line 38), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

(39) Schedule 1, item 41, page 42 (line 4), omit “346ZD(2)(b)(ii)”, substitute “346ZD(2A)(a)(ii)”.

(40) Schedule 1, item 41, page 42 (line 8), omit “paragraph 346Y(2)(b)”, substitute “paragraphs 346Y(2)(b) and 346YA(2)(b)”.

(41) Schedule 1, item 42, page 43 (line 26), omit “paragraph 346Y(2)(b)”, substitute “paragraphs 346Y(2)(b) and 346YA(2)(b)”.

(42) Schedule 1, item 42, page 43 (line 27), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

(43) Schedule 1, item 42, page 43 (line 30), omit “346ZD(2)(b)(ii)”, substitute “346ZD(2A)(a)(ii)”.

CHAMBER
Division 3A—Workplace Relations Fact Sheet

154A Workplace Authority Director must issue Workplace Relations Fact Sheet

(1) The Workplace Authority Director must, by notice published in the Gazette, issue a document called the Workplace Relations Fact Sheet.

(2) The Workplace Relations Fact Sheet must contain the following:

(a) information about the Australian Fair Pay and Conditions Standard;
(b) information about protected award conditions;
(c) information about the fairness test;
(d) information about the role of the Workplace Authority Director and the Workplace Ombudsman.

(3) The regulations may prescribe other matters relating to the content, form, or manner of providing the Workplace Relations Fact Sheet.

(4) A Workplace Relations Fact Sheet issued under subsection (1) is not a legislative instrument.

154B Employer must give a Workplace Relations Fact Sheet to new employees

(1) If a person becomes an employee of an employer, the employer must take reasonable steps to ensure that the employee is given a copy of the Workplace Relations Fact Sheet issued under section 154A within the period of 7 days commencing on the day on which the person became an employee of the employer.

(2) Subsection (1) is a civil remedy provision.

154C Employer must give a Workplace Relations Fact Sheet to existing employees

(1) An employer must take reasonable steps to ensure that each person who is an employee of the employer on the day on which the Workplace Authority Director issues the first Workplace Relations Fact Sheet under section 154A is given a copy of the Workplace Relations Fact Sheet within the period of 3 months commencing on that day.

(2) Subsection (1) is a civil remedy provision.

154D Penalties for contravention of civil remedy provisions

(1) The Court may make an order imposing a pecuniary penalty on a person who has contravened section 154B or 154C on application by:

(a) a workplace inspector; or
(b) an employee affected by the contravention.

(2) The maximum penalty that may be imposed under subsection (1) is 1 penalty unit.

Note: Division 3 of Part 14 contains other provisions relevant to civil remedies.

154E Penalties for contravention of civil remedy provisions

(1) The Court may make an order imposing a pecuniary penalty on a person who has contravened section 154B or 154C on application by:

(a) a workplace inspector; or
(b) an employee affected by the contravention.

(2) The maximum penalty that may be imposed under subsection (1) is 1 penalty unit.

Note: Division 3 of Part 14 contains other provisions relevant to civil remedies.

Schedule 6—Minor technical amendments

Workplace Relations Act 1996

1 Paragraph 354(1)(b)

After “but for the agreement”, insert “, a previous workplace agreement or another industrial instrument”.

2 Subsection 354(4)

Insert: industrial instrument means any of the following:

(a) a pre-reform AWA;
(b) a pre-reform certified agreement (within the meaning of Schedule 7);
(c) a workplace determination;
(d) a section 170MX award (within the meaning of Schedule 7);
(e) an old IR agreement (within the meaning of Schedule 7).
3 Application
The amendments made by this Schedule apply to workplace agreements lodged on or after the day on which this Schedule commences.

(46) Page 83 (after line 20), at the end of the bill, add:

Schedule 7—Preserved redundancy provisions

Part 1—Length of period of preservation
Workplace Relations Act 1996
1 Subsection 347(7) (note)
Omit “12”, substitute “24”.
2 Paragraph 399A(3)(a)
Omit “12”, substitute “24”.
3 Paragraph 598A(3)(a)
Omit “12”, substitute “24”.
4 Subclause 3(4) of Schedule 7 (note)
Omit “12”, substitute “24”.
5 Paragraph 6A(4)(a) of Schedule 7
Omit “12”, substitute “24”.
6 Subclause 18(3) of Schedule 7 (note)
Omit “12”, substitute “24”.
7 Paragraph 20A(4)(a) of Schedule 7
Omit “12”, substitute “24”.
8 Paragraph 21A(4)(a) of Schedule 8
Omit “12”, substitute “24”.
9 Paragraph 21D(4)(a) of Schedule 8
Omit “12”, substitute “24”.
10 Paragraph 27A(3)(a) of Schedule 9
Omit “12”, substitute “24”.
11 Application
The amendments made by this Part apply to agreements terminated after the commencement of item 31 of Schedule 3 to the Workplace Relations Legislation Amendment (Independent Contractors) Act 2006.

Part 2—Notice requirements
Workplace Relations Act 1996
12 Paragraph 603A(3)(c)
Omit “12”, substitute “24”.
13 Paragraph 6B(3)(c) of Schedule 7
Omit “12”, substitute “24”.
14 Paragraph 20B(2)(c) of Schedule 7
Omit “12”, substitute “24”.
15 Paragraph 21B(3)(c) of Schedule 8
Omit “12”, substitute “24”.
16 Paragraph 21E(2)(c) of Schedule 8
Omit “12”, substitute “24”.
17 Paragraph 29A(3)(c) of Schedule 9
Omit “12”, substitute “24”.
18 Application
The amendments made by this Part apply to notices given after the commencement of this item.

Part 3—Contingent amendments
19 Subparagraph 346YA(3)(b)(i)
Omit “12”, substitute “24”.
20 Subparagraph 346ZA(2)(b)(i)
Omit “12”, substitute “24”.

The DEPUTY SPEAKER (Mr Jenkins)—I understand that it may not be the wish of the House to consider the amendments together. I seek some clarification.

Ms GILLARD (Lalor) (5.09 pm)—Hopefully I can assist. The opposition wishes that amendment (44), which commences on page 11 and is an amendment to division 3A and entitled ‘Workplace Relations Fact Sheet’, be considered separately and that other amendments be considered together.

Dr STONE (Murray—Minister for Workforce Participation) (5.10 pm)—I move:
That so much of the standing and sessional orders be suspended as would prevent the amendments being considered together.

Ms GILLARD (Lalor) (5.10 pm)—The opposition are opposed to the suspension
motion and we will divide on it. If the government thought that this was a short route home, they should think again. What the government are trying to cover up here is apparent. They are trying to cover up the fact that this bill was brought to this parliament as part of a poll-driven cover-up. It is about polling they gave to Mark Textor, and they know it.

Dr STONE (Murray—Minister for Workforce Participation) (5.11 pm)—Mr Deputy Speaker, I rise on a point of order. I understand that the Deputy Leader of the Opposition has called for a division on my motion to suspend standing orders. I expect you to go straight to that. Now is not the time to debate the actual amendment.

The DEPUTY SPEAKER—I am willing to rule on the point of order. I have a motion before me which has not been put to a vote. We are proceeding as a debate of that suspension of standing orders, under standing order 47. The question is that the suspension of standing orders be agreed to.

Ms GILLARD (Lalor) (5.12 pm)—Of course you are entitled to debate this motion. In their arrogance, the Howard government have forgotten that parliament is a place for debate. The government wants to cover up the fact that it gave polling to Mark Textor. We saw all this during question time, with the Prime Minister and the Minister for Employment and Workplace Relations dancing around. What we know about the amendments before this parliament and the amendment we seek to vote on separately is this: it is all about propaganda; this bill before the parliament is all about polling and advertising—a shabby excuse for a taxpayer funded advertising campaign—

The DEPUTY SPEAKER—The Deputy Leader of the Opposition will resume her seat, Minister.
Question agreed to.

Original question put:

That the motion (Dr Stone’s) be agreed to.

The House divided. [5.27 pm]

(The Deputy Speaker—Mr Jenkins)

| Ayes........... | 79 |
| Noes........... | 57 |
| Majority........ | 22 |

AYES

Abott, A.J. 
Andrews, K.J. 
Baldwin, R.C. 
Bartlett, K.J. 
Bishop, B.K. 
Broadbent, R. 
Cadman, A.G. 
Ciobo, S.M. 
Costello, P.H. 
Elston, K.S. 
Farmer, P.F. 
Ferguson, M.D. 
Gambaro, T. 
Georgiou, P. 
Hardgrave, G.D. 
Henry, S. 
Hunt, G.A. 
Johnson, M.A. 
Keenan, M. 
Kelly, J.M. 
Ley, S.P. 
Lloyd, J.E. 
Markus, L. 
McArthur, S. * 
Mirabella, S. 
Nairn, G.R. 
Neville, P.C. 
Prosser, G.D. 
Randall, D.J. 
Robb, A. 
Schultz, A. 
Secker, P.D. 
Smith, A.D.H. 
Southcott, A.J. 
Thompson, C.P. 
Tollner, D.W. 
Turnbull, M. 
Vale, D.S. 
Wakelin, B.H.  
Wood, J.

Brough, M.T. 
Causley, I.R. 
Cobb, J.K. 
Dutton, P.C. 
Entsch, W.G. 
Fawcett, D. 
Forrest, J.A. 
Gash, J. 
Haase, B.W. 
Hartley, L. 
Hull, K.E. * 
Jensen, D. 
Jull, D.F. 
Kelly, D.M. 
Laming, A. 
Lindsay, P.J. 
Macfarlane, I.E. 
May, M.A. 
McGauran, P.J. 
Moylan, J.E. 
Nelson, B.J. 
Pearce, C.J. 
Pyne, C. 
Richardson, K. 
Ruddock, P.M. 
Scott, B.C. 
Sliper, P.N. 
Smyth, A.M. 
Stone, S.N. 
Tiechurst, K.V. 
Tuckey, C.W. 
Vaile, M.A.J. 
Vasta, R. 
Washer, M.J.

NOES

Adams, D.G.H. 
Beazley, K.C. 
Bird, S. 
Burke, A.E. 
Byrne, A.M. 
Danby, M. * 
Elliot, J. 
Ellis, K. 
Ferguson, L.D.T. 
Georganas, S. 
Gibbons, S.W. 
Grierson, S.J. 
Hall, J.G. * 
Hayes, C.P. 
Irwin, J. 
Kerr, D.J.C. 
Lawrence, C.M. 
McClelland, R.B. 
Melham, D. 
O’Connor, G.M. 
Pilbersen, T. 
Quick, H.V. 
Roxon, N.L. 
Sercombe, R.C.G. 
Snowdon, W.E. 
Tanner, L. 
Vanvakinou, M. 
Windsor, A.H.C. *

Albanese, A.N. 
Bevis, A.R. 
Bowen, C. 
Burke, A.S. 
Corcoran, A.K. 
Edwards, G.J. 
Ellison, C.A. 
Ferguson, M.I. 
Garrett, P. 
George, J. 
Gillard, F.E. 
Griffin, A.P. 
Hatton, M.J. 
Hoare, K.J. 
King, C.F. 
Macklin, J.I. 
McMullan, R.F. 
O’Connor, B.P. 
Owens, J. 
Price, L.R.S. 
Ripoll, B.F. 
Sawford, R.W. 
Smith, S.F. 
Swan, W.M. 
Thomson, K.J. 
Wakelin, B.H. 
Washer, M.J. 
Wood, J. 

* denotes teller
* denotes teller

Question agreed to.

Dr STONE (Murray—Minister for Workforce Participation) (5.27 pm)—I move:

That the amendments be agreed to.

I would like to thank the honourable members of the House and the Senate for their input in the debate on the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007. For the information of the opposition, all of the government is 100 per cent behind this bill, and any one of us would stand here and pass these amendments. I am pleased to note that this bill as amended in the Senate was returned to the House today for this place’s approval. In addition to parliamentary debates, this bill was the subject of a Senate standing committee inquiry, and the final report was handed down last week. I also thank the committee for their work. During the debates we have heard a range of views about a matter that is at the heart of Australian work values: fairness.

The members of the opposition whom we have heard from cannot accept that workers and their bosses will find it impossible to inject fairness into their own agreements. Quite obviously that is patent nonsense. And yet, when the government moved amendments to strengthen the information requirements so that the Workplace Authority Director must gazette a fact sheet about such things as the standard and protected award conditions, the opposition voted against them.

This government is serious about providing genuine protections and ensuring that everybody knows where they stand. Therefore, the bill leaves no doubt about what constitutes fairness and that the overriding consideration in determining fairness is the value of compensation provided to employees. Importantly, it does so in a way that maintains the flexibility for workers and businesses to reach agreements that suit their particular needs. Flexibility in the workplace is going to see our participation rise and allow all Australians to have their family-work balance needs met.

This bill reflects the fact that the government is listening to the community. We have responded to concerns about the treatment of award conditions in agreement making. We have also been prepared to address technical issues raised during the Senate inquiry. The government moved amendments in the Senate to clarify that employees in industries or occupations that were traditionally covered by state awards also have the benefit of the fairness test. The amendments also clarify what must be taken into account when calculating compensation where agreements fail the fairness test. Government amendments made in the Senate also set out how the fairness test operates when there is a transmission of a business. This means that if a workplace agreement has been lodged and has commenced then the Workplace Authority Director must still apply the fairness test, regardless of a subsequent transmission of business.
The government also accepted amendments moved by Senator Fielding. These amendments extend the length of the period of preservation of redundancy entitlements where an agreement is unilaterally terminated by the employer from 12 months to 24 months. I would like to remind the House that we amended the legislation late last year to ensure that redundancy provisions in agreements were preserved for a period of 12 months after such agreements were unilaterally terminated by employers. These amendments were not supported by the Labor Party. This bill provides important protections for employees in agreement making while ensuring that the fundamentals of the government’s workplace relations reforms remain in place.

Before finishing, I would just like to return once more to the fact sheets, which have caused Labor so much excitement and interest. When you consider ALP policy, you can see that the statements made by the opposition are in fact completely hypocritical. Under Labor’s national employment standards—in fact, on page 8, under ‘Forward and fairness’—employers will be obliged to provide all new employees with a fair work information statement, which contains prescribed information about the employee’s rights and entitlements at work, including the right of the employee to choose whether to be or not to be a member of a union and where to go for information and assistance. It is quite explicit. It is one of the minimum legislative standards that they would put in place if they were in government. The idea is that employers must supply their employees with an information statement. Our concern about that, though, is that it is in fact a disguised effort to make sure that employees end up with a lot of information about how to join a union. We would be concerned about the pressure that would go along with all of that if it was once again a union dominated workplace. I strongly recommend these amendments to the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007. I commend the amendments to the House. *(Time expired)*

Ms GILLARD (Lalor) (5.32 pm)—I would have to say that, in the handling of the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007, now I have seen everything. This was a bill conceived out of polling. It is only in this parliament because of polling. It is a crisis about taxpayer funded polling that is no doubt keeping the minister from being in parliament today to handle this bill. How laughable: the Minister for Employment and Workplace Relations not only is not here to handle his bill but was not here to vote on the divisions in relation to his bill. Since question time today, no doubt he has been spinning in crisis about his inability to rule out that taxpayer funded research has been given to Liberal Party operatives. The minister is not here competently dealing with these amendments; instead, we have—

Dr Stone—I rise on a point of order, Deputy Speaker Jenkins. We are debating amendments to a bill. The commentary from the member for Lalor is totally irrelevant to this bill.

The DEPUTY SPEAKER (Mr Jenkins)—The question before the chair is that the amendments be agreed to. I am sure that the Deputy Leader of the Opposition realises that she has to be relevant.

Ms GILLARD—Absolutely—I do realise that. The relevant point is: where is the minister? Moving on from that point, now I have seen everything. The government, desperate for a defence for its workplace propaganda sheets is now saying, ‘We’ve pinched something out of Labor’s policy.’ Did you think that you would ever see that in industrial relations—a minister of the Howard gov-
ernment saying, 'Don’t blame me; I got it out of Labor’s policy’? If you are so bereft of ideas, so stupid, so silly that you cannot think up things yourself and have to take them out of Labor’s policy then get to the dispatch box and say that.

The government has pulled a stunt here to stop Labor voting against its propaganda sheets. Let me explain to the minister why we object to these propaganda sheets when our policy includes the provision of information to people. These are propaganda sheets. If they were not propaganda sheets then the format of them would have been supplied with the legislation. But of course the government has made sure that it can draft these sheets afterwards. No doubt Mark Textor will have a very big hand in that; no doubt it will all be about the polling. Why does an employer have to get these sheets into the hands of employees within three months? Why not six months? Why not 12 months? Why not two years? Why aren’t these sheets for newly starting employees? Why aren’t these sheets for employees who may be being asked to sign an Australian workplace agreement? The reason for the three-month timetable—and let us be honest; the Australian people are not mugs—is that you want these propaganda fact sheets in the hands of Australian workers before the election. That is why you picked three months; there is no other rationale for picking three months.

Dr Stone—You want to see what is in them before the election.

Ms GILLARD—Table it now. If you reckon Labor’s view can be changed by what is in it, put it on the dispatch box now. Move amendments to the legislation that say that this legislation—

Dr Stone—You will see what is in them soon enough.
become quite desperate about the fact that employees would know what was in our new legislation within three months of them becoming employed—

Ms Gillard interjecting—

Dr STONE—If you have a problem with people getting information, you really do have a problem with democracy at work. Proposed section 154A states that it will require the Workplace Authority Director to gazette a workplace relations fact sheet setting out information about the Australian Fair Pay and Conditions Standard, protected award conditions, the fairness test and the roles of the Workplace Authority Director and the Workplace Ombudsman. We think that is information that any employee—and employer—should know.

Apparently, if you are a union boss driven outfit, you do not want people to know that. We believe that every person employed in Australia does need to know that information. So proposed section 154A(3) would allow regulations to prescribe other matters relating to the content, form or manner of providing the workplace relations fact sheet. Proposed section 154B would require an employer to take reasonable steps to provide each employee with a copy of the fact sheet within seven days of commencing employment.

Ms Gillard interjecting—

Dr STONE—You can lie all you like—

Ms Gillard interjecting—

The DEPUTY SPEAKER (Hon. BK Bishop)—Order! The minister is entitled to be heard.

Dr STONE—As a transitional measure, proposed section 154C would also require employers to take reasonable steps to provide each existing employee with a copy of the fact sheet within three months of it first being gazetted.

Ms Gillard interjecting—

Dr STONE—No, I am sorry. The member for Lalor was suggesting that we were not trying to get new employees information. I have just explained that she is being very selective, but we are not surprised by that. Proposed section 154D would also allow a workplace inspector or an affected employee to apply to the Federal Court to impose a penalty on an employer for failing to provide a copy of the fact sheet to the employee. We think that is reasonable because information is power. If you do not know what your rights are then it is possible for you to be exploited or indeed heavied by a union which is hell-bent on making sure that you are bullied into a circumstance that should not otherwise be.

Requiring employers to provide employees with a workplace relations fact sheet prepared by the Workplace Authority will not be a heavy burden for business, large or small, to bear. The Workplace Authority will gazette the workplace relations fact sheet. The fact sheet will set out information about the minimum employment standards, protected award conditions and so on that I have described. I therefore want to say that I think that all of the amendments in the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 are extremely important for the future prosperity of this country because we have to have a workplace which is flexible and which allows businesses to respond to the environment or the context within which they operate.

We have to have a situation where, if a mother with young children wants part-time work, if a semi-retired person wants job sharing or if someone wants to work from home if the industry is suitable for that, that flexibility is possible in our workplace. That is why, with the flexibility already introduced by our industrial relations reforms, we
are seeing more jobs created every week than we have ever seen created in this economy before. We are seeing unemployment rates down to a 33-year low—down to about 4.2 per cent. We are seeing Labor’s peaks of long-term unemployed drop down by 75 per cent. This is an extraordinary outcome for this economy, which, of course, we have managed so effectively. We are also making sure that we can sustain the prosperity of our economy through industrial relations reforms which allow future generations to benefit from employment and the wealth of this nation. I wholeheartedly commend this amendment to the House.

Ms GILLARD (Lalor) (5.42 pm)—I thank the minister at the dispatch box for proving my case for me. What she has just said to the businesses in this country is that if you do not hand out the propaganda sheet within three months, you can get dragged through the Federal Court and fined. Let us not hear any more nonsense from this government about being pro-business or pro-small business. This government are so desperate to get propaganda out to workers which will use the word ‘fairness’ and the word ‘test’ in a sentence that they are going to bully employers into handing out the sheet within three months, at pain of being dragged through the Federal Court and being fined. Let us not hear any more nonsense from this government about being pro-business or pro-small business. This government are so desperate to get propaganda out to workers which will use the word ‘fairness’ and the word ‘test’ in a sentence that they are going to bully employers into handing out the sheet within three months, at pain of being dragged through the Federal Court and being fined. The minister at the dispatch box has talked about bullies. Let us be very clear about who the bullies are. The bullies in this situation are the Howard government bullying business to hand out their propaganda. We know this legislation was conceived in polling. We know it has been an excuse for an advertising campaign. Now it is an excuse for a propaganda fact sheet and employers will be bullied, dragged through the Federal Court and fined if they do not hand out the Howard government’s propaganda. There is no other way of reading this legislation. It is a disgrace. It is an attack on Australian business, and there is no other way of reading it.

Of course, this afternoon the government has engaged in a procedural manoeuvre so that Labor cannot vote against this amendment without voting against the other amendments. Labor supported the other amendments. Why did we support the other amendments? There was one from Senator Steve Fielding which, while it would not fix things like the Tristar case and the fact that under the Howard government’s laws you can have your redundancy entitlements stripped off you without a cent of compensation, seeks to protect redundancy entitlements after they have been terminated or on transmission of a business for 24 months instead of 12 months, and we are prepared to support that.

The other amendments are here because of the Howard government’s incompetence, because when it drew up this bill it was spending more time with the pollsters and the advertisers than it was with parliamentary counsel. Apart from sheer incompetence, what could explain a government bringing a bill into this parliament which needed to be amended in this House the day after it was introduced? Minister Hockey introduced it on a Monday and amended it on a Tuesday. Then it went to the Senate, and there were so many defects in it that the government had to move another tranche of amendments. What could explain that sheer incompetence? Why is it that this government is incapable of competently writing a piece of legislation? Clearly it is not. Why is it that within 24 hours of moving a bill it has been amended once, and here we are, after the Senate has voted, and it is being amended again? There are technical defects, including defects about awards, littered throughout it. It is laughably bad.
This is a government that beats its chest in question time about its industrial relations record. Let no-one be in any doubt about what the industrial relations record of this government is: incompetently drafted legislation and hitherto unknown levels of industrial relations bureaucracy. This government is going to spend $1.8 billion on bureaucracy over the forward estimates—complexity, regulation and red tape for employers, to which the government is adding today. Hand out a fact sheet, a propaganda sheet, or get dragged through the Federal Court. And then, of course, there is the gross unfairness to workers which we have seen time after time, as people have lost basic conditions and not got one cent of compensation.

Labor will not oppose these amendments, because of the way the government has bundled them together, but they will stand on the parliamentary record for all time as a testament to this government’s appetite for propaganda and its sheer incompetence in being able to legislate on industrial relations.

Dr STONE (Murray—Minister for Workforce Participation) (5.47 pm)—I repeat: I find it quite extraordinary that it is seen as propaganda when a government aims to get facts about workplace rights into the hands of the employee. Perhaps it is a reflection of the philosophy of a party that is dominated by union bosses—and will be even more dominated by union bosses after the next election. I think that is quite extraordinary. Let me say to the member for Lalor, who talks about incompetent policy: as the architect of Medicare Gold, you would know that was the most incompetent, laughable policy, and it died before the ink was dry. I do not think she has much form when it comes to talking about some of the most important legislation that has been passed since Federation in terms of guaranteeing workers a flexible, fair workplace that is going to match the new era of an ageing population, more women entering the workplace, balancing families with employment and older Australians wanting to remain in the workforce long past the usual age of retirement, which was once, say, 65 for men and 62 for women. Therefore, this amendment bill is important.

Question agreed to.

AGED CARE AMENDMENT (RESIDENTIAL CARE) BILL 2007

Second Reading

Debate resumed.

Ms ANNETTE ELLIS (Canberra) (5.49 pm)—I rise this evening to speak on the Aged Care Amendment (Residential Care) Bill 2007. This bill seeks to replace the old RCS classification system with a simplified system. It also seeks to give the secretary of the department the power to stay the suspension of a service provider. It will remove the requirement to reassess aged-care residents when they have changed facilities and will also remove the requirement that residents be reassessed every 12 months. Reassessments will now be optional in these circumstances.

Almost five years after the Hogan review into pricing arrangements in residential aged care was announced, the government has finally brought to this parliament some legislation to deal with aged-care affordability and changes to the classification system. This bill is another example of this government sitting on its hands when recommendations have been made. We have seen it with climate change and with other policies, and we are seeing it again. For more than six years, we on this side of the House—I in particular—have been calling for action to be taken, particularly in relation to the RCS. The aged-care industry has called for action to be taken as well. Since coming to office 11 years ago, this government has had, amazingly, seven ministers responsible for aged care. I have not checked, but one would suspect that there could be a revolving door
on that ministerial office. In fact, I think two of the previous ministers are in the chamber at the moment. That record is appalling and it is a clear sign to older Australians about the level of importance that this government attaches to aged care and the people who are in aged-care facilities. Just how important is this portfolio that we have such a revolving door for the ministers? However, we are finally here to debate some of the changes recommended in the Hogan review.

Over many years, I have been very critical of this government regarding the RCS, or residential classification scale. The lack of flexibility under this assessment instrument has hampered aged-care facilities in delivering quality aged care specific to client needs. It could have been much easier and far less stressful for many people working in those facilities if the RCS review had occurred earlier. Furthermore, the red tape attached to the RCS has been a real impediment to aged-care providers doing what they do best—providing good patient care, not assessing and reassessing clients with reams and reams of paperwork.

Accountability is critical in the aged-care industry, and I do not debate that for one moment. After all, this industry looks after many of our community’s most vulnerable people—our aged and infirm and sometimes our younger people, who find that they have nowhere else to reside but in an aged-care facility. We need a balance where clients are protected and aged-care providers are not devoting scarce resources to comply with what has become overly onerous paperwork.

In the past we have seen some horror stories about aged care. However, I want to make it very clear that the vast majority of aged-care providers and their staff work very hard to provide the best care for their clients that the system in which they find themselves can possibly allow. Many staff choose to work in this field—and thank heavens they do—despite lower pay compared with other parts of the medical or health sector. Generally speaking—in fact, I think overwhelmingly—they do a fantastic job. Like many in this place I have personal experience to back up those claims.

Let us have a look at what the industry has had to say about this government’s pace with regard to reform in the aged-care area and what it has had to say in relation to this bill. In an undated media release that was put out following this year’s budget announcements, one of the peak bodies representing aged-care service providers, Aged Care Association Australia, ACAA, has said that it:

...remains disappointed that the Government has not listened to the advice of Professor Warren Hogan and addressed what Hogan estimated to be a $6 billion funding shortfall by financial year 2022 unless the fundamentals of the current scheme are changed. The package announced in February ... does not address Hogan’s projected shortfall and unfortunately, nor does this budget.

In my view, that is a pretty damning assessment of this government’s performance in this area. But it gets even worse. Mr Rod Young, the CEO of ACAA, went on to say:

Aged care providers across the country have been signalling to the Association that financial year 2006-07 has been the most difficult they can recall ...

That is the legacy of this government on aged care. The system of aged care has really suffered in recent years with regard to the reforms that are required. That is not me saying it; it is the peak body for the aged-care industry—an organisation that I am sure we all realise knows a thing or two about aged care. Mr Young had another couple of comments to make. He said:

...they (providers) are not prepared to make further substantial investment in the industry until Government is prepared to address the fundamen-
tals surrounding operating and capital income streams.

Surely members opposite must start to wonder what is happening in their own electorates. Do they have a shortage of beds within their own electorates? If so, why? Are sufficient new facilities opening in their local area? Are those facilities correctly geared to the needs of the people within their community? The answers are quite simple.

I am strongly of the view that the government should have responded more quickly with the reforms that were required and that have been spoken of so much by the industry and, more importantly, by the people working within those facilities and within the industry who really do have the hands-on experience of what needs to be done. I think back to a statement that I think the Prime Minister made when he announced in February the ‘securing our future’ package. Its ‘unintended consequence’ was that it ripped out nearly $300 million in capital and care to providers over the life of that package. In the budget, the government then had to fix that up by reinstating the two subsidies that they abolished only four months earlier.

This bill will replace the burdensome RCS with a new assessment tool to be known as the Aged Care Funding Instrument, the ACFI. The ACFI will have fewer basic funding categories than the old RCS and will have attached to it two new supplements aimed at better targeting funding towards those with high-care needs, especially residents with dementia and other challenging behaviours and those who have complex care needs like palliative care. Probably the most sensible reform in this bill is the abolition of the requirement to reassess residents every 12 months. Under this bill, service providers have the option of reassessing a resident after 12 months but are not necessarily required to do so. This reform will take the pressure off service providers and their staff and allow them to focus on the more immediate needs of residents. Additionally, the removal of the requirement to reassess a resident when they change facilities has been removed, with the new provider being able to accept a classification given by the previous provider of aged-care services. Again, this is a sensible change that should reduce the overly onerous paperwork burden on those hardworking health professionals.

Another sensible reform in the bill is the ability of the secretary of the department to stay the suspension of a service provider for failing to correctly assess residents in a proper manner, subject to the provider meeting certain obligations. I understand that these obligations would be remedial in nature, such as appointing an adviser at the provider’s expense or undertaking appropriate training.

One area of concern that I have is in relation to the levels of funding attached to each classification level. My understanding is that the aged-care industry itself has not yet been provided with this information, and we are debating the bill relative to it. I would ask the minister how any industry, let alone this one—which is very complex and challenging—can be kept in the dark over what levels of funding will be available to them under the new system. How can they plan for future investment, how can they conduct business modelling and how do they know that they will be able to afford to keep operating in the fullness of time? As I said, we are debating the legislation and yet I understand that information has not been made available. As the quotes from ACAA which I mentioned earlier indicate, providers cannot invest with security, they cannot conduct business modelling and many do not know if they can afford to keep operating in the way they have been. It is ironic that one of the certainties in life for many lucky ones is ageing, but there seems to be very little certainty
in the aged-care sector under this government.

In closing, I want to emphasise—and probably every member in this place would endorse what I am about to say—that the people who choose to work in the aged-care sector do so with our thanks. They do it with difficulty. They do it as virtually a calling. Many of them—and I know this from my own experience—take on what I would call extracurricular activities and services within those facilities purely because they enjoy what they do and they enjoy seeing the joy that those added services bring to residents within the facilities. I applaud every one of them for that.

Our job in this place is to ensure that the legislation that looks after the aged-care sector is open and fair, gives every possible encouragement to those care providers and relieves them of any of those burdensome bureaucratic arrangements that have been in place to date. I welcome these changes. I am sure there are many more that we would welcome if we could see them come forward. Of course, the other big question—which we are not debating today but which I make note of—is the increasing cost to people in the aged-care sector and what we can do to ensure that the aged-care sector has a full and healthy future.

Mr SNOWDON (Lingiari) (6.00 pm)—As we know, the Aged Care Amendment (Residential Care) Bill 2007 seeks to amend the Aged Care Act 1997 to introduce a new arrangement for allocating subsidies in residential aged care, the Aged Care Funding Instrument. The bill also alters current arrangements under which classifications expire after 12 months and removes the requirements for providers to submit reappraisals, but it gives providers the option to reappraise residents after 12 months. Another area of amendment allows a provider to accept a resident’s current classification when a resident moves from one home to another, rather than being required to submit a new appraisal. To me that is an eminently sensible suggestion.

The bill, in essence, is designed to reduce the amount of documentation generated in aged-care facilities which is required to justify the funding classifications for each resident. We welcome the stated objective of reducing paperwork for aged-care staff and hence liberating them for essential tasks in actually caring for residents.

The fact that our country has a progressively ageing population is well known, and in this it is similar to other Western nations. There are 2.5 million Australians, approximately 13 per cent of the total population, who are currently aged over 65. By 2051, the proportion of the population aged over 65 will represent one-quarter of the nation’s population, barring any major changes in immigration intake. Currently, across Australia there are some 3,000 nursing homes, which cater for 160,000 people. The demand for care is, as we know, increasing dramatically. It has been estimated that by 2019 there will be a need to provide care for some 970,000 people.

While the population as a whole is ageing quite rapidly, the situation is even more pronounced among Indigenous Australians, particularly in my own electorate. Earlier this year, Charles Darwin University put out some research findings on the projected rate of increase of the Northern Territory’s Indigenous population. You would know, Madam Deputy Speaker, that almost 40 per cent of the voters in my electorate of Lingiari are Indigenous Australians. According to that report released by Charles Darwin University, there are currently 62,669 Aboriginal Territorians, with 40,000 of those living in regional areas. By 2031, this number is ex-
pected to have increased to about 98,052, representing a 56 per cent jump. The research also found that the number of Aboriginal people in the Territory aged over 65 is set to increase from 1,576 in 2001 to 4,375 three decades in the future, representing a 177 per cent increase.

Whether or not we will see that increase and what factors have been assumed in getting to that figure is of interest, I think, because we know of the appalling mortality rates in Indigenous communities—the low life expectancy of Aboriginal Territorians. To see that the number of people over the age of 65 will increase by 177 per cent is a strong indication to me of an expectation that we will achieve much more than we have in terms of improving the health status of Aboriginal Territorians so that they do actually have a life expectancy beyond the age of 65, because currently that is not the case for the average Aboriginal Australian.

The Department of Health and Ageing annual report of 2005-06 provides figures on the ratio of aged-care places, allocated and operational, per 1,000 persons aged 70 and over. The figures cited for the Territory are quite high relative to the rest of Australia, partly because, recognising the demographic of the Northern Territory, they incorporate any Aboriginal Australians aged 50 years and over. In the case of Alice Springs there are 368.6 allocated places per 1,000 persons aged 70 or over if they are non-Indigenous and 50 or over if they are Indigenous. In the Barkly region—and, as you would know, Madam Deputy Speaker, the major centre for the Barkly is of course Tennant Creek—the number of allocated places per 1,000 persons is 516.9. In East Arnhem Land there are 532.1 allocated places per 1,000 persons, and that reflects the significantly high proportion of that population who are Aboriginal Territorians. Again it goes to the point that these places are allocated for Aboriginal Austra-

lians aged 50 and over, and the number of allocated places rises dramatically as a direct result. For the Territory as a total, there are 244.8 allocated places per 1,000 persons, again reflecting the demography of the place, whilst the average across Australia is 117.9 allocated places per 1,000 persons.

I have had difficulties with census data in the past and I still question the accuracy of some of the data that is used to calculate some of these figures; I do wonder whether or not they give an accurate picture of the situation in remote communities. It raises a significant question about whether elderly Australians—in this case, primarily Aboriginal Australians—living in isolated areas are getting the proper level of care that they require. I think that is very open to question, and a little later I will talk about some of the facilities that exist in the Northern Territory through which services are being provided in remote communities. But, significantly, in many major Aboriginal communities across the Top End of Australia, aged-care services are extremely limited.

The aged-care funding package Securing the Future of Aged Care for Australians was launched by the Prime Minister in February this year. On face value, at the time it did seem that the government had finally dealt with the underfunding of residential aged care. However, it was quickly ascertained by the aged-care sector that the proposals were seriously flawed. Mr Wayne Belcher, the Chief Executive of Churches of Christ Homes and Community Services Inc. in Western Australia, said that the package ‘lacked clarity, substance and equity for residential aged-care providers’. He continued: The level of funding can no longer support the development of accommodation required to provide appropriate residential care. It fails the test of reasonableness. He went on to say:
The Australian government has failed to meet its reasonable commitments to residential aged-care funding through these recent announcements ... Even the former minister came out and admitted that some facilities could be worse off because of unintended consequences. The recent budget did patch up this flawed securing the future package to some extent. However, it is does not provide an answer for aged care into the future, least of all for aged care in the bush. It does little to reverse the slow and steady decline of aged care under this government. In 11 years the Howard government has turned a surplus of 800 aged-care beds in 1996 into a shortfall of 2,735 beds in 2006. In 1995, there were 92 aged-care beds for every 1,000 persons aged 70 years and over. In December 2006, there were only 86.6 beds for every 1,000 persons aged 70 years and over.

In the Northern Territory, it is true that there are issues to deal with the provision of aged care. It could be argued that there is a question of the concentration of population and the lack of critical mass, which make it difficult for the provision of aged-care places, particularly being spread across the region in small communities. But that raises a serious question of a danger of an ‘out of sight, out of mind’ mentality developing—because you cannot see people, because you do not visit them, you do not understand they are there and you do not provide them with the services that they require. There is a need for places in communities, because people have a right to live in those communities and be close to their country and loved ones.

I had a recent visit to Docker River, a small community in my electorate with an aged-care facility that has been there for at least a decade or so. It is not an accredited aged-care facility; however, it is funded and provides a socially and culturally sensitive aged-care service for people who live within that region. The community and the staff are highly motivated towards providing an appropriate service which meets the needs of clients, provides some respite facility for people who live in adjacent communities, who might be some hundreds of kilometres distance from this particular place, and, at the same time, provides the possibility of high-care service for particular clients.

If you looked at the standards in this place in the context of what might be provided in aged-care facilities in some of our metropolitan areas, you would say, having visited this particular facility, ‘This is a bit rough.’ While it is true that the buildings could do with some additional resourcing, the fact is that the service which is supplied by the people who are responsible for doing it appears to suit the needs of the client group and is most sensitive to their cultural needs. That to me is a very major test for any service which is provided to remote Aboriginal communities.

I am most concerned that there are probably many individuals who would qualify for aged-care services in the bush who have not been identified. I do know that aged care in Lingiari has not been considered as an area of priority by government because there are many non-Indigenous Territorians who on reaching retirement have historically left the Territory—although I am pleased to say that that trend is changing. Many have left the Territory at the end of their full-time working life. This leads to a catch-22 situation because many of those people leave the Territory or have left in the past because of their concern about the level of aged care and medical services for seniors. On the other hand, because they leave, governments often apparently do not see the need for services because most working Territorians may factor into their retirement plans that they will not be permanently living in the Territory once they retire.
In my electorate, mainstream services are provided in Alice Springs, Tennant Creek and Katherine. In Alice Springs, the two major providers of aged-care services are the Old Timers Homes and the Hetti Perkins Home for the Aged. The Old Timers Homes are operated by the Uniting Church Frontier Services and have been in operation since the late 1940s. I recently visited the opening of a new wing. It currently has 68 nursing home places plus a number of cottages. One of those cottages is currently occupied by a 94-year-old good friend of mine whose name is Peg Nelson. Peg is a significant Territorian in her own right but she is also the wife of a former member of this place, Jock Nelson, who served in this parliament between 1949 and 1966 and was later to become the Administrator of the Northern Territory. Peg is a wonderful woman. She lives in pretty well idyllic surroundings. She is a woman of great capacity and has as her neighbour another great friend of mine, Frances McKechnie.

Frances was a member of the Uniting Church and operated in a ministry in the Uniting Church for many years. She is someone who has chosen to come to live in Alice Springs in this aged-care facility. They live independently but within the facility. I know that they are very comfortable where they are. It is a great tribute to Frontier Services that they are able to provide the level of support and care required not only to Mrs Nelson and Ms McKechnie but also to those people who are their clients in the nursing home and the hostel.

The other facility in Alice Springs is provided by Aboriginal Hospitals. Hetti Perkins is a hostel which has over 30 places and largely provides services for people from the bush. Up the track in Tennant Creek, there is the Pulkapulla Kari Hostel, which is also operated by the Uniting Church’s Frontier Services. Further north in Katherine there are two aged-care facilities. There is the Katherine Red Cross Centre operated by the Red Cross NT Division and the Rocky Ridge Hostel operated by the Uniting Church’s Frontier Services. All of these places provide an excellent level of service with limited resources. Often the demand for places outstrips supply, but I have to give great credit to those people who work in these places for the care they give to their clients and to the organisations for taking on what is a very difficult task. It is a high-cost exercise delivering these services in the bush and they do it very well.

There are other services which are provided in remote communities. There is one at Yuendumu which is—as you would know, Madam Deputy Speaker Bishop, with your extensive knowledge of the Northern Territory—some four or five hours drive north-west of Alice Springs up the Tanami Road. It is a pretty corrugated road, I have to say. But again it is a service which is supplied as a result of funding from this government, one which was most needed and which provides support and care for a great group of people. Again the carers need to be recognised. There is another facility in Nguiu on Bathurst Island and it too provides an excellent standard of services. But these facilities are too rare.

The problem we have is that, with a very large population dispersed over a very great area, the resources for looking after the aged are extremely limited. As the demographers tell us, an increasing proportion of the population is reaching the age of 70. In the Aboriginal community, hopefully we will see a far greater proportion of their population age so that they can die gracefully in their 80s and 90s, as we would like to do. Hopefully we will be able to provide them with the standard of service that they require. We need to know that for Aboriginal Territorians, unlike some of those I referred to earlier who, once they finish their working life in
the Territory, relocate to the coast to another community, the Northern Territory is their home and they will not be leaving. We have to make sure that we provide them with the services that they need as they get into their latter years. Again I make the point that it is extremely important that aged-care workers are sensitive to their cultural values.

I want to acknowledge the work of the Northern Territory Aged Care Planning Advisory Committee, the chair of which is Lee Oliver, in providing information and advice to the Department of Health and Ageing on the appropriate distribution of aged-care places across the Territory. I do want to commend all of those people who are involved in the aged-care industry across the electorate, but I say that they do so with a great deal of goodwill. I forgot to add that there is also a very good aged-care facility at Maningrida.

Labor’s policy development process is well underway in the lead-up to the federal election. The policies which we will take to the election will encompass the views of older Australians, service providers and representatives of the aged-care workers. A Rudd Labor government will ensure that older Australians enjoy the prosperity which they helped create for all of us. I am pleased to support this legislation.

Ms HALL (Shortland) (6.19 pm)—At the commencement of my contribution to the debate on the Aged Care Amendment (Residential Care) Bill 2007, I would like to acknowledge many of the statements made by the member for Lingiari. I have visited quite a few aged-care facilities in the Northern Territory. I have been to Docker River and I understand the problems that they have out there. The thing that really impressed me the most about the way aged care is done in the Northern Territory is that the people involved in the industry try to be creative and culturally aware of the needs of the Territorians, particularly Indigenous Australians. I would have to say that the member for Lingiari has really got his finger on the pulse when it comes to aged-care issues in the Northern Territory.

I believe—and I suspect, Madam Deputy Speaker Bishop, that you might share my belief in this area—that aged care and ageing generally within Australia is probably one of the most important issues facing us as a society. Today we are looking at issues surrounding aged care but I do not necessarily believe that ageing per se is all a negative for our community. I think there are a lot of positive things that we as a parliament and a nation can do to improve the situation in relation to ageing. I note that Madam Deputy Speaker is nodding in agreement. I have had the pleasure of hearing her speak on this topic on a number of occasions, and on a number of things we have very similar views—although, of course, not on all.

We on this side of the House are supporting the legislation before us today. I am actually quite pleased about some of the changes included in it. Over a long period of time, providers within the aged-care industry have experienced a number of difficulties. I have a very close relationship with a number of facilities within my electorate. They have been forced to cut costs in order to survive. This has led to staff being cut and there have been a number of problems experienced by aged-care providers.

The issues that have been raised with me time and time again by aged-care facilities and providers include the fact that they feel like they are drowning in a sea of red tape and that they constantly face bureaucratic hurdles. I see that this legislation will assist in addressing some of the issues surrounding red tape. In the last parliament, I was a member of a House of Representatives
committee on ageing and we looked at a number of issues surrounding aged care and ageing. One of the issues that came up time and time again was red tape. But, unfortunately, one of my worst experiences in this parliament was associated with that committee’s report, because we did not table a full report before the election in 2004. It was very hotchpotch and only a draft report was tabled. I do not think it homed in on all the issues.

The bill before us today introduces a new arrangement for allocating subsidies in residential aged care. It is designed to reduce the amount of documentation—in other words, red tape—that is being generated in aged-care facilities. That red tape is about justifying classifications. In the 2004 budget the government said it would implement a new funding system for residential aged care in response to a recommendation from the review of pricing arrangements that was conducted by Professor Warren Hogan. The new funding model draws partly from work undertaken in the RCS review of 2002-03 and projects arising from the review of pricing arrangements that was conducted by Professor Warren Hogan. The new funding model draws partly from work undertaken in the RCS review of 2002-03 and projects arising from the review of pricing arrangements that was conducted by Professor Warren Hogan. The new system will have fewer basic funding categories. That will be much welcomed by providers. Time and time again, the committee I was involved in was told that the number of categories and the burden that that placed on the staff in facilities was far too great. The new system will also include two new supplements. The new supplements are intended to better target available funding towards the highest needs—in particular, residents with dementia and challenging behaviours, and residents who have complex health and care needs, including palliative care needs.

Stepping away a little bit from residential care, the extension to the number of EACH places that are now available is a positive innovation. I visited an elderly person who was a very active community worker prior to becoming quite frail. He had an EACH package and was able to live in his home on his own and everything was designed around him. I think that we should be doing whatever we can to enable people to stay in their own homes for as long as possible, but the fact of the matter is that some people need to have residential aged care. The health of the constituent I was talking about a moment ago finally deteriorated to the extent where he had to move to a high-care residential aged-care facility. That is why it is so important that we do the right thing in the area of aged care, not only because of my constituent but because of the needs of all older Australians.

All government funded aged-care facilities were invited to participate in the trial that was run by the government. It is my understanding that some 678 homes participated in the collection of data, and that concluded at the end of October 2005. Based on the trial data and feedback from participants, amendments were made to the ACFI, the Aged Care Funding Instrument, in place now. I really hope it works. Some providers in my area had some concerns about the way it would work, but I think that having fewer categories can only work in favour of the residents because it will allow the staff to do what they are employed to do: spend time with residents in the aged-care facilities—the people who live there and whose home it is. Reducing the number of funding levels in residential aged care and providing subsidies for the care of residents with complex needs, including palliative care, is definitely a move in the right direction.

There are changes to the arrangements whereby classifications expired at 12 months, and the requirement for providers to submit reappraisals is removed. One of the areas that I received the most complaints about from aged-care providers in my area was the fact that they are constantly sub-
jected to reappraisal. They feel that this is very time-consuming and that, quite often, the way it is carried out is inept. I think that that is a positive move too. A very positive move that should be embraced by this parliament is that this will allow a resident's current residential classification to move with them from one facility to another. It will remove the need for that person to undergo another assessment. I think that is in the interests of the resident and the facility. We must never forget what aged care and these facilities are about: to provide quality care for all older Australians, whether they live in a residential care facility—a hostel or a nursing home, as they were once called—or whether they can benefit from the aged-care package, which is a very positive initiative.

One issue that I am not so happy about is that, in Shortland electorate, the number of aged-care beds we have is disproportionate to the requirement of the area. Shortland electorate falls both within the Central Coast of New South Wales, which on the last audit had a shortfall of 596, and within the Hunter region, which had a shortfall of 390 aged-care beds. Shortland electorate has the 10th highest number of people over the age of 65 in Australia. I see the member for Paterson sitting in the House. His electorate has the 13th oldest population in the country. Also in the Hunter we have Newcastle electorate, which has the 16th highest number of people over the age of 65. Charlton sits 50th on that scale, Dobell is 29th and Robertson, on the Central Coast, is fifth. So I am putting before the House that this is an area with a very old population, and we have a high need for beds both in high care and low care. We have a large number of facilities applying for beds within those areas, and I have a number that are being knocked back. Sometimes I question the way those beds are allocated, when quality facilities that are operating in the area have their applications declined and out-of-area, privately owned organisations are given beds. But that is another argument, on a different topic.

The other issue that relates very much to this shortage is the fact that a number of beds are phantom beds—in other words, they exist on paper but they are not operational. I believe that the government needs to revisit the way those beds are allocated. There is a definite argument for reforming the allocation process. There is a definite argument for changing the process. I have put my ideas on this to the government, but to this day it has not embraced them. I think that the whole planning process is flawed and the government really needs to revisit that process.

In the time that is remaining, I would like to refer to the government’s securing the future package. In doing so, I am going to refer to correspondence I have had from the Aged Care Association Australia. They point out, in this letter to me, a number of shortcomings in the package. First of all, they point out that they initially welcomed the release of the package, but once they had a look at it they found that maybe it was not quite as good as they had thought it was. That is quite often the way when you look at anything that the Howard government puts before you. On first impressions, things look a lot better than they really are.

My understanding from reading the correspondence I have before me is that the package removes the operating care supplements—the additional basic care fee and the pensioner supplement—from the care funding pool and transfers them to the capital scheme. It applies these two supplements to the capital pool as part of the additional funding, and therefore it is removing them from the provider’s service budget. That means a lot when you are operating a residential care facility. It really impacts on the ability of the provider to care for its resi-
The overall financial impact of this has been estimated as a reduction in care financial support for residents, in the first year of the scheme—this is just the first year of the new scheme—of $50 million, and it is going to rise to $350 million in the year 2012-13. From March 2008—that is what we initially thought it was going to be, but now there is some thought that it may be July 2008—aged-care providers will be forced to adjust their care service, and that will lead to a reduction in staff numbers to accommodate that change. A reduction in staff numbers means a reduction in care to those residents living in the facility.

The package does not address an adequate aged-care funding index and maintains the existing COPO index. I have raised issues surrounding COPO on numerous occasions in this House. COPO is a very unfair index. It does not take into account all the costs that are experienced by residential care facilities: workers compensation, rising electricity—you name it. The COPO index is inadequate and does not work well for aged-care providers. How does this affect the residents in aged-care facilities? It means that those facilities have less money for staff, which in turn affects the care that the residents receive. The additional index provision of 1.75 recommended by Hogan and accepted by the government in the 2004-05 financial year ceases on 30 June 2008. What then? That is my question: what then?

The package makes an assumption that the construction cost in the industry is $105,000 per residential bed. I know for a fact that that is not true. I have spoken to providers in my area and they have told me that that is not the case. The ACAA has highlighted this and said: The actual cost ... is currently estimated at $170,000.

I feel that this is going to impact once again on the quality of care received by frail and aged people. The ACAA also said:

The accommodation supplement of $26.88 to which the industry will gradually move from— in March 2008—will service a borrowing of $109,000, well short of the average construction cost outlined above.

I have already touched on that and the fact that in all probability it will be in July 2008. The Aged Care Association is less than happy with what the government has done in this area.

The other peak group is the Aged Care Industry Council. In a press release, they have said:

Australia’s aged care sector is facing a looming crisis and will not be able to deal with the demands of a rapidly ageing population ...

And it goes on to state:

At the start of the 20th Century just four per cent of Australia’s population was 65 or over and that figure will increase to 21 per cent by 2040.

I argue very strongly that the government is failing older Australians and has constantly failed older Australians. The government has bumbled its way from one disaster to another in aged care. It has overseen a system that has forced aged-care providers to cut costs in order to survive. What we are going to see is more of the same. It has led to reductions in staff. It has led aged-care providers to have to cut corners in order to be able to survive. It is a system overwhelmed with bureaucracy and red tape. The good thing about this legislation is that it will go some way towards cutting that red tape. I support very strongly the changes to the resident classification system. I will be supporting this legislation, despite the failures of the government in the area of aged care. *(Time expired)*

Ms BURKE (Chisholm) (6.39 pm)—I also rise to speak on the Aged Care Amendment (Residential Care) Bill 2007. The Aged
Care Funding Instrument will clearly reduce the amount of documentation generated in aged-care facilities that is needed to justify the funding classification for each resident. The reduction of paperwork for aged-care staff is welcome and long overdue, and will allow staff to get back to doing what they are actually employed for and wish to do: caring for the residents in their nursing homes. However, there are a number of problems with the bill as it stands and that is why Labor has proposed amendments.

We all have a duty and a responsibility to get the provision of aged care right in this country not only to respect the dignity of older Australians and the contribution they have made to our nation—indeed, through wars and through depression—but also to make sure that current and future generations of older Australians are able to be supported. Australia has an ageing population; and while the aged sector—citizens who are 65 and over—currently makes up 12 per cent of the Australian population, this figure will rise to 18 per cent by 2021 and to 26 per cent by 2051. By 2020, the number of people aged over 65 will have doubled to four million. Aged care is therefore a vitally important issue and that is why we need to start planning and investing for the future now.

My electorate of Chisholm has a significant aged population and aged care is an important issue. The percentage of people aged 65 years and over in Chisholm is 17.8 per cent. This figure has increased by three per cent in just the last four years and is higher than the national average, which is 13.1 per cent. I receive many phone calls and letters from people who are dealing with aged-care services for themselves or for their loved ones. Deciding to move into an aged-care facility or helping a loved one to find a place at a facility can be difficult for many people. It is often a very stressful process and often people do not know where to begin or are not aware of the choices that are available to them. Many people are also not aware of how to access support services which may help them to remain in their own homes. Due to these numerous inquiries, my office produced a guide to aged-care options for my constituents because the aged-care sector is complex and not easy to understand. We have 14 terrific aged-care facilities in Chisholm and they do a great job with the limited resources that some of them have. But I am very concerned that the Howard government’s reform package, Securing the Future of Aged Care for Australians, falls well short of the mark in terms of providing enough high-care beds and securing the future of aged care in this country.

In the immediate future, we know that the rapid growth of the population aged 80 years and over will put enormous pressure on aged-care programs and facilities. Most of us see people come through the doors of our electorate offices who have to face this problem every day and know how desperate the situation is. We know what the situation will be for the population in the immediate and long-term future. There are no surprises. The policy challenge is to prepare for these changes. The Treasurer released his much vaunted Intergenerational report some time ago, but we still have not seen great action on this front. The government has conducted numerous reviews into aged care, but we still have not seen a great deal happen over the last 10 years. While I welcome the government’s announcement of $1.5 billion in funding for aged care over five years, we have had to wait 10 years or until the sector is at crisis point—indeed, beyond crisis point—for it to happen. It has taken the government far too long to act, and it is a burden for the community and for those people who are sitting in acute care hospital beds, and for the families who are trying to care for them.
I have recently had this experience, having to move my father from hospital into respite care. Indeed, I have now had to place him into a nursing home. I can speak from firsthand experience about the traumas of trying to achieve this. I am currently in the process of selling my father’s flat so that I can raise the bond for the low-care bed that he needs. This needs to be put into perspective: my father is only 70, so it is a rather daunting task for him and for all concerned. Even though I understand and can deal with bureaucracy, I found this a very trying and fraught experience. It got to the stage where I had to explain to the social worker at the hospital, ‘Indeed he is my father, but he is your patient,’ and that at some stage somebody had to try and give us all a hand in relieving this situation because he certainly could not go home. Indeed, the medical advice is that he cannot, unfortunately, return to his own home on his own. This is a very stressful time, and many people have to cope with this very complex environment.

What the Securing the Future of Aged Care for Australians package did not provide was the impetus for the aged-care sector to address key capital-raising issues. It has also meant some aged-care facilities will lose funding from March next year. This is because two key supplements—the $6.32 pensioner supplement and the $7.40 non-pensioner daily-care fee rate—are being withdrawn. This will impact significantly on some aged-care facilities. Some aged-care facilities will lose money, and the industry considers this to be counterproductive when the nation needs to encourage investment in aged care.

On top of this, the Howard government has ignored the needs of the sector and just has not done enough planning or investment in facilities. In fact, you could say the sector is crying out for attention from the Howard government because it is facing a looming crisis. In 10 years the Howard government has presided over a serious decline in the number of aged-care beds available. When Labor left government in 1996 there were 92 beds for every thousand people aged 70 and over, compared with only 85.6 now. In 1996 there was a surplus of 800 beds, compared with a shortage of nearly 5,000 now.

For the last 10 years the aged-care industry has been waiting for a decision to be made by government on funding arrangements. Since 1987 there has been a deep concern in the sector about whether they will be able to continue to provide aged-care services with the government funding arrangements that they have been receiving. Three years ago Professor Warren Hogan, in his review of pricing arrangements in residential aged care, said that funding increases had to happen. Three years ago Professor Warren Hogan, in his review of pricing arrangements in residential aged care, said that funding increases had to happen. The government has only just acted now. The Howard government has created this aged-care funding mess.

Bronwyn Bishop, who was minister for the portfolio in 1997, planned to introduce bonds for all aged-care residents, but, faced with a backlash from voters, who did not want to sell the family home for this purpose, the government retreated. Since that time we have had review after review, but no action has been taken to fix the problem. We have ended up with a patchwork funding system that does not work, and we are still waiting for a response to the Hogan review in respect of pricing.

While I welcome additional community aged care, because most people want to stay in their own home and services in homes are greatly needed, the truth is that when people need a residential aged-care bed they need it straightaway and generally cannot wait. The government has consistently failed to provide sufficient residential aged care for frail and elderly Australians, and this continues with the latest measures announced by the
government. While government members can wax lyrical about the progress that has been made in this area over the last few years, I can safely say that it has been too long coming and it is just not good enough.

There are still huge problems in the sector. The 2005-06 Productivity Commission report on government services, released in January, shows that waiting times to get into residential aged-care beds have increased significantly over time. Over 28 per cent of people who have been assessed as requiring a bed wait three months or more to actually receive one, compared with 15 per cent in 2000. So, even though the Howard government continually claim that they have provided more aged-care places, they have failed to keep residential beds in proportion to the increased number of frail elderly in Australia. Many government reports have indicated that there is a crisis and a shortfall in places.

We have also seen the lack of provision of funding and skills within the area. We have seen numerous reports of exploitation of care workers who have been brought from overseas to work in nursing homes because we simply have not provided enough aged-care nurses within the sector. Nor is there pay parity for those individuals. Attracting and retaining staff in aged care is one of the biggest issues facing the aged-care providers. Under the Howard government, aged-care workforce planning is non-existent and aged care is being compromised by the lack of trained aged-care workers. Consider this statistic: over the next 10 years, the Australian workforce will grow by eight per cent, but the aged-care workforce will have to grow by 35 per cent to meet demand. That gives you an idea of the aged-care crisis we are facing.

The outbreak of gastritis at Broughton Hall nursing home earlier this year represented a failure of federal government policy. Five elderly residents died because the facility had inadequate infection controls, a fact established too late after the event by an audit by the federal government authorities. In the six-day audit, it turned out that the home failed key standards, including clinical care, nutrition and hydration, continence management, infection control, staff training and regulatory compliance. Instead of accepting responsibility for the crisis, the Minister for Ageing tried to blame the state government, when it is clear that the operation and standards of Australian aged-care facilities are a federal responsibility—his responsibility. It is the Minister for Ageing’s responsibility to ensure there are proper standards in federally funded and regulated aged-care facilities in Australia. In fact, it took the Commonwealth agencies a staggering 10 days to investigate the circumstances around the outbreak, which is completely unacceptable. The minister should have accepted responsibility and given an assurance that the systems were now in place so that the situation could not be repeated. Instead all we got from the minister was a cowardly attempt to pass the buck to the Victorian Minister for Health.

The Broughton Hall crisis also showed the inconsistencies in the aged-care accreditation process—another Howard government policy failure. It emerged that an audit of Broughton Hall’s standards by the Aged Care Standards and Accreditation Agency following the crisis showed the facility was non-compliant on 12 out of 44 accreditation outcomes, even though it had passed all 44 accreditation outcomes a year earlier. ‘How could standards at Broughton Hall have deteriorated so rapidly within a year?’ you may ask. It was because there is inconsistency in
the way the standards are applied, which is a view shared by the aged-care sector.

The minister needs to assure the public that systems are in place to ensure standards are consistent and reliable. But a big part of the problem is that the Minister for Ageing does not really have his heart in the job—he is not really interested in his portfolio. In fact, according to the Age, at a Liberal Party fundraising breakfast attended by aged-care providers in May he described caring for the aged as an ‘unenviable industry’ and went on to tell the audience that he preferred to avoid aged-care events because he was ‘young’. Unbelievably, the minister told the Menzies 200 Club that he would rather not open aged-care facilities or attend meetings about them. ‘I’m young and have a young family, and it’s an election year,’ he said. He also cited his marginal seat and big workload as a reason to cut down travel to attend industry forums. ‘I have waited a long time for promotion,’ Mr Pyne is reported to have said. He then admitted he was less interested in aged care than in his ‘passion’ for foreign affairs. What he is saying is that aged care is not ‘sexy’ enough—that it is a portfolio that he does not welcome. It is a very serious portfolio. These comments show the minister is not really interested in his portfolio or the welfare of the 2.6 million-plus Australians over the age of 65 that he represents. This is a disgrace.

If the Minister for Ageing is not interested in doing the right thing by the senior citizens of this country, Labor certainly are. We want to fix the residential aged-care mess that the Howard government has presided over for the last 11 years. The Howard government is still not providing enough high-care residential care beds, despite the figures showing that this is exactly what is needed in Australia. A report on residential aged care released last week by the Australian Institute of Health and Welfare shows the frail elderly are still getting a poor deal from the Howard government. According to the report, 69 per cent of residents as at 30 June last year required high care; however, the government’s own provision ratio was 48 low-care and 40 high-care beds for every 1,000 people aged 70 years or older. This was recently amended to 44 low-care and 44 high-care beds—but it still does not reflect the needs in our community. In fact, the number of aged-care residents needing high-level care has jumped by almost 19 per cent in less than a decade.

Over the same period, the number of people requiring low levels of aged-care supervision has dropped from 38 per cent to 31 per cent, which coincided with a significant expansion in the aged-care package designed for the same group. There is a trend for our elderly to stay in their own homes for as long as they can before they enter residential care—something we welcome and something the community wants. As our population is ageing our elderly are also living longer, so when they finally go into residential care they are older, frailer and generally need higher levels of care. By not providing enough high-care beds, the Howard government is failing to provide for their needs. The recent budget failed to look at the bed allocation system and failed to introduce new measures for capital raising to build new facilities and keep others up to standard. This is a big issue in my electorate of Chisholm, where land is very expensive and is very built out. People want to go into nursing homes within their area so they are still accessible to their community and so their families can visit them easily.

The recent situation in the Blackburn Nursing Home, where we saw the oldest Australian having to be driven away in an ambulance because of the bungle of the previous minister for aged care, highlighted most significantly for me and my community that the aged-care industry is in crisis. Blackburn Nursing Home ended up in an
absolutely disastrous situation where the owner of the building was refusing to let the licensee continue. Indeed, the minister granted to the owner of the building an aged-care licence provider number even though the man who owned the building had never ever been involved in the aged-care industry and had some dubious business dealings in the past. The licensee—who was in the nursing home providing service, who had been in the aged-care industry for many years and whose wife was the nurse in charge—had to leave the residence. By virtue of that, all the residents had to leave. It was an absolutely shocking day when the oldest living Australia, a woman of 113 years of age, was bundled into an ambulance and taken away to another nursing home. It was scandalous, and demonstrated that the various ministers who have filled this portfolio do not care about this very important issue.

If we want to properly provide for the aged-care needs of our ageing society, the allocation of bed licences needs to be backed up by rigorous analysis of care needs. A Rudd Labor government will ensure there is equitable access to aged-care beds, using thorough research and analysis of the needs of our elderly. We should be providing the greatest benefit to our elderly Australians, who have looked after us in our greatest times of crisis. The elderly within my community are Australia’s great backbone, and we should respect them. The measure of society, it is often said, is judged by how you care for the young and the elderly. On both counts under this current government we should hang our heads in shame.

Mr JENKINS (Scullin) (6.55 pm)—I am pleased to rise to speak to the Aged Care Amendment (Residential Care) Bill 2007. As has been indicated in earlier debate, the amendment to the Aged Care Act 1997 is to introduce new arrangements for the way in which subsidies will be allocated for residential aged care through what is to be called the Aged Care Funding Instrument, ACFI. This is designed, quite appropriately, to reduce the amount of documentation generated within the facilities that is needed to justify the funding classification of each resident.

Anybody that has visited an aged-care facility would have heard the concerns expressed by those delivering care to our elderly about the bureaucratic burden that is placed upon people who would rather be involved in the professional care of those in their charge. Any extent to which that administrative burden can be reduced is to be lauded. The trials of the ACFI have been very positive in reducing administrative problems. It is a much more efficient system in getting agreed classifications between the provider and the department and has, therefore, led to fewer reviews of classifications. Simply put, there appears to be, on the basis of the trials that were undertaken, a great deal of hope that this will deliver what was promised by those that formulated it.

Regrettably, this is only part of the story. Those that have listened to this debate can see that aged care continues to be an area of public policy that is characterised by ideological debate. Those opposite who have entered into this debate have simply indicated their belief that the government’s ‘success’ in aged care is based on the amount of money that has been spent in this area. I often decry the way in which the Howard government has continually thought that the way to solve anything is to just throw a bucket of money at it. If members opposite indicate that the Howard government has achieved something in aged care simply on the basis of the amount of money that has been spent in this area, I often decry the way in which the Howard government has continually thought that the way to solve anything is to just throw a bucket of money at it. If members opposite indicate that the Howard government has achieved something in aged care simply on the basis of the amount of money that has been allocated to it, we have a long way to go to get proper public policy formulation. I tried to get an indication of what the government thinks it should be achieving in residential aged care. As has been indicated earlier in
the debate, the best indicator—and the indicator that is used—is the number of places per hundred thousand of the population aged 70 and over. As indicated, the objective that the government has set is 88 places per 100,000 people aged 70 years and over.

In the second reading speech we did not hear mention made of that by the Assistant Minister for Health and Ageing when he introduced the bill, and throughout the whole of this debate I have not heard those opposite mention it. Mr Deputy Speaker, you might well ask: why is that so?

Simply put, the real problem is that if we use the census of 2006 as a basis for looking at what has been achieved we find that, based on the 88 per 100,000 aged 70-plus, there is a shortfall throughout the nation of 2,735 operational places. The target is said to be 174,289; there are 170,416 operational places. There has been no mention in this debate or in the budget papers of how far the government expects to move towards that target as a result of this year’s budget. As of the December 2006 census, it stands at 86.6 places per 100,000 aged 70-plus. There is an obligation when we are debating important areas like aged care to be up-front in explaining to people why that bucketload of money does not equate to a result nearing an outcome that the government has set. If you go to the budget papers and the portfolio budget statements for the Department of Health and Ageing, you find that they do not mention the 88 places per 100,000. On page 93 of Budget Related Paper No. 1.12, under the indicator ‘provision of operational aged care places’ in the column ‘reference point or target’, it says that there has been progress towards meeting the target of 113 aged-care places per 100,000 persons aged 70 years and over, with the provision of 108 operational places nationally by 30 December 2007. They have that lower target for the midpoint.

As has been indicated in the debate, because we have high-care and low-care places—the old nursing home and hostel places—all banded into one, there has been a bit of an out for the government in the way in which it has allocated those places. If we look at the Australian Institute of Health and Welfare report that was made public last week, we find that 69 per cent of residents as at 30 June 2006 would have been classified as requiring high care. The government’s ratio for their 88 residential places at that point in time was 48 low-care places and 44 high-care places. Recently, acknowledging that they have problems because they are well over that ratio with 69 per cent requiring high care, they have amended that to 44 low-care places and 44 high-care places. But that clearly does not reflect the requirements of older Australians for particular types of residential aged care. These classification tools are reflecting that need.

In fact, when the new ACFI is put in place it is agreed that we will have more accurate knowledge of what is really required. Is there to be a fudging of the way in which new places are made available so that they are not available on the basis of need? There is a difference between having a funding requirement attached to the person who is going to be using the service and the capital requirements of those who will be providing the service. That should be something integral to the way things are explained in a debate like this. If a hymn sheet is going to be handed around to all those coalition backbenchers for them to come in here and praise the government on the basis of how much money is being spent, they really should be asking of those who provide that information: ‘What outcomes will these measures deliver?’ When we look at this new classification tool, one of the missing ingredients is how much each classification level is going to attract. When we have problems like that
in important areas like this, I find it very strange for the government to expect providers to make important business decisions.

This is a government that comes in here and says that it is only the coalition that understands business, that it is only the coalition that knows about the way that those things are run. You do not have to have great knowledge to know that if a business is not going to be told its expected income, it is going to have great difficulty in forward planning. So, at this stage, if the bill goes through the House, those providers will still be awaiting the detail that the department has indicated will be provided soon.

The other aspect is that we have had the benefit of the inquiry of the Senate Standing Committee on Community Affairs. The report of the inquiry made a suggestion of three amendments to this bill. The Labor Party have indicated that we would expect that the government would agree with the need for amendments in these three areas. The first area, whilst it is only minor in its application, is the high-dependency care leave, where there is the ability for more than one residential care subsidy when a resident is moved temporarily—usually from low care to high care and the like. There are only about 20 applications of this ilk a year, and this is a very minor thing, but the fact that this is not going to continue under the new classification is a cause for concern. Labor believe that it should be reinstated.

The second matter is the lack of clarity about what the circumstance may be in applying this new classification tool. People within the sector might have a significant loss of funds. Labor believe that an amendment should be implemented that requires the minister to determine a reasonable level of reduced subsidy. As in all things, it is proper in public policy implementation that there be a transition that allows those affected to make adjustments. The other aspect is that whilst we are hopeful, on the basis of the evidence arising out of the pilot, that this new Aged Care Funding Instrument will deliver results that lessen the amount of administrative effort and more accurately indicate the needs of the older person receiving the service, this should be reviewed in 18 months time. Labor indicate that we will require a formal review within the 18 months of implementation. Those three suggestions are not things that the government should really be in opposition to, and I hope that they will see their way clear to agree to those amendments. That will assist in the way that the new aged-care instrument is implemented.

I spoke earlier about the problems that we have with the actual outcomes. The electorate of Scullin is part of the northern metropolitan area of Melbourne. The electorates of Batman, Calwell, Jagajaga, Melbourne, McEwen, Scullin and Wills—or parts thereof—are also part of this region. There is a shortfall of 257 beds in the northern metro area. What has to be remembered—and I do not mind reminding those opposite because we have to put up with the Treasurer reminding us, based on his Intergenerational Report—is that there is an ageing of the population. I understand the government have got a bit of a problem because, as each six months of their census goes on, there are a lot more people who are getting into the age group of 70-plus. So there has to be catch-up based on that demographic shift which will not produce a movement in the ratio, and those are the things that we have to be careful of.

If we study the decline from when this government inherited an oversupply of places, based on that ratio, to there now being well under enough places, we see there is a problem. I must say—and I try not to be too churlish about this—that there comes a
time, when they have been in office for over a decade, that a government simply cannot blame the opposition for the lows and say that they inherited a system that had deficiencies and the like. We can have the debate about whether that is the case. I think that we are on pretty solid ground and can indicate that that is a debatable point that they would put. But, if they are going to put that in the coalition backbenchers’ kits, let us get realistic—11 years down the track, the situation is all of the government’s making if they have had a problem keeping a steady eye on this portfolio.

I think that earlier in the debate the member for Gorton indicated that there has been a revolving door method of selecting ministers, and many of my colleagues have said that about the public attitude of the present minister. I would like to hope that it is not really true. But, basically, it is believable that, having reached the ministry, which he strove so hard to achieve, now, when given this portfolio, he thinks it is a bit beneath him. One of the other things that I think characterises this debate is that there is perhaps no area of public policy where members of this place can be so attuned with those whom they represent than aged care—in discussions and, as the honourable member for Chisholm indicated, because so many members of this place have been involved through family in placing people into aged-care facilities or thinking of a way in which they could appropriately look after elderly relatives, whether it be through aged care or community packages.

The other nonsense that I heard during the debate was that because we on this side were concentrating on the matter that was before us, which was residential aged care, we saw that as the only appropriate way of looking after elderly people. People who are fair judges of the way in which there were movements under the Hawke-Keating years on aged care know that there was a rapid movement into programs that enabled older people to stay at home and there was a rapid movement to understand that ageing ‘in place’ was the appropriate way to go with aged care. So when the Howard government put that policy in place, there was no disagreement.

So let us not have this nonsense that this side of the place thinks that residential aged care is the only way to go. Remember that it was Victoria, through its state programs, that led the way with the HACC Program. The member for Gorton, because of his experience with municipal employees, knows that it was the Victorian local government that was closely involved in the way in which HACC Programs came into place, and Victoria led the nation. In the Hawke-Keating years, the success of what was happening in Victoria was very much borrowed. That has now moved on to the types of community packages, and the HACC Program, that are available to assist older Australians to stay at home or to not have to be shuffled between institutions and the like.

The other thing that I have to say in the context of this debate is that I get a little tired of the dismissive attitude towards Medicare Gold. There has never been a debate about the fundamental principle that was being put forward by Labor with that policy. People can have their arguments about the way that it might have been presented or the fact that they thought that the figures were not there and things like that, but aged care and the way in which it impacts on primary health care right through to tertiary health care of old people and their residential requirements begs for governments at both federal and state levels to come together to make the provision of services for older Australians that go to their health concerns seamless. That is what Medicare Gold was about.
Even people on the coalition side in this debate have indicated their understanding that some people have been classified as requiring residential aged care but, because places are not available and because of the waiting lists, are in hospital in acute beds. Regrettably, people describe these people as bed-blockers, and, emotionally, I know that that is wrong. But the simple fact is that having a person awaiting a residential aged-care place in an expensive acute bed does not make sense. It is not good public policy, and anything that can be done to avoid that situation is worth consideration and debate. Before people say, 'There goes the member for Scullin; he wants Labor to have a Medicare Gold policy,' I say that what is required is a proper debate—(Time expired)

Mr NEVILLE (Hinkler) (7.15 pm)—I am pleased to speak to the Aged Care Amendment (Residential Care) Bill 2007, because I believe that the provision of aged-care facilities and services is one of the most fundamental responsibilities of government. Australia has an ageing population, which clearly means that we have to alter the way we think and react to the challenges of caring for older Australians. The coalition are rising to that challenge by boosting the number of fully funded aged-care beds available via community, residential and flexible care services. We are also regulating the aged-care sector to ensure that the highest standards apply, to ensure funding for training of the aged-care workforce and to ensure that there are respite services for carers.

In 2007-08, the coalition government will implement the first stage of the $1.6 billion Securing the Future of Aged Care for Australians reform package, which will see a significant increase in the number of community care places available and will mean even more respite opportunities for carers. The government will also provide extra capital funding and payments to support people going into residential aged care. But the initiative that will perhaps help aged-care providers the most is the introduction of a simpler fee system.

I have earned a reputation as a member who vigorously pursues additional aged-care beds and services in my electorate. I make no apology for that fact. In the old Hinkler electorate—in Gladstone, Boyne-Tannum, Bundaberg, Bargara—we had 24,000 people in the Burnett Shire and no aged-care facility. I pursued that relentlessly, and now two facilities have been approved. In the redistribution I will inherit Hervey Bay—and that too has challenges. The new look Hinkler will incorporate popular retirement centres. These attract people who come for lifestyle and climate, and eventually we will have quite a deal of old people in Bundaberg, Hervey Bay, the Burrum coast, the Coral Coast and individual centres like Woodgate. This means that the electorate will necessarily experience the associated pressure on its aged-care facilities.

Earlier in the year I wrote to ACPAC to provide input into the upcoming aged-care assessment round. My conversations with local aged-care providers highlighted just how pressing the issue will become, particularly in Hervey Bay. Hervey Bay’s rapid development has led to a significant backlog of council approvals and completions allocated to aged-care places. Nevertheless, the region’s demographics indicate the current and ongoing need for more aged-care places in the Hervey Bay subregion, even beyond those actually needing completion. A quick perusal of the ABS figures indicates that in 2006 more than 7,500 Hervey Bay residents were in the 70-plus age bracket. That equates to approximately 15 per cent of all residents. However, the projections put the population of this group at 9,500 by 2011—a little over three years away. There is a big challenge there to pick up that slack. Even more tell-
ing, according to the ABS, the 80-plus age bracket for residents of Hervey Bay is projected to grow by 32 per cent, or nearly 800 people, in that time frame—another big challenge.

In my letter to ACPAC I also raised the matter of an alarming drop in the number of people working in the health services sector in Hervey Bay. I examined the various categories of all the employment sectors of Hervey Bay. Given that Hervey Bay has only one public hospital and two day surgery hospitals, and the medical and allied workforce of Hervey Bay is fairly stable, the proportionate drop in health and community care services would seem to be pointing towards aged care. Of course, I hear from the aged-care community itself about the problems of retaining certain staff. Obviously, if the proportion of facilities to population is up to scratch, the employment level will rise in response. So there is a plus factor for Hervey Bay if we can get aged-care facilities right up to scratch. When I say ‘up to scratch’ I am not talking about standards so much as numbers. I have no doubt that, in the very near future—if it is not already the case—Hervey Bay will experience a serious shortage of aged-care beds, which could develop into a chronic problem if we fail to keep pace with this extraordinary growth not only in the city itself but also in those sectors of the senior population.

As a case in point, let me talk about Fraser Shores Retirement Village. It would like to develop a complementary aged-care facility in its current retirement facility. This two-stage retirement village has an extraordinary 760 independent living units, which is quite remarkable, and every year has 30 to 40 of its residents moving into other aged-care facilities, hostels or nursing homes. That is the equivalent of one medium-sized nursing home or hostel every year from that one facility. There are great synergies in developing a stand-alone aged-care facility at such a massive retirement village. I understand that the proprietors are already well advanced in planning the project and intend to apply for a significant number of aged-care beds in future rounds. I stress that that is just one example. As you know, Harvey Bay has some really nice retirement villages. Imagine how many who come through their doors every year go into hostel and nursing home facilities. So we can see that there is a great challenge—a challenge that we must meet soon.

I note that under this year’s regional distribution of aged-care places, the Wide Bay statistical region, which includes the Wide Bay electorate and the Hinkler electorate, or parts thereof, is one of only two to have its projected bed allocation more than double between 2007-08 and 2008-09—going from 110 places to 230 places. I doubt that even that is going to be enough. I applaud that commitment to providing more aged-care beds for the Wide Bay region. It sorely needs them. When more beds become available, I encourage providers to apply for stand-alone facilities near these retirement villages.

Of course, another challenge for many aged-care facilities is operating in rural, regional and remote areas. I do not think the problems there are always appreciated. One such facility in my old electorate is the Ridgehaven Retirement Complex in Monto. Monto, I might say, has been in and out of my electorate a number of times. Earlier this year, the Deputy Prime Minister and I had the honour of turning a sod on the home’s new extension, which will give it six more low-care residential places and therefore help it to cope with the shire’s ageing population. In the past two years, Ridgehaven has received around $2.75 million to help with capital works, in recognition of the difficulty it faces in providing a high-care/low-care facility. The overriding priority when allocating funds to such facilities is to allow local
people to stay in their own community and receive the care they need surrounded by their family and friends. It is a tragedy to see people having to live 100, 120 or even up to 200 kilometres away from where their family lives and where their roots are. It is a very lonely existence. No matter how nice the facility is, that loneliness really impacts on a lot of people.

I consider Ridgehaven to be one of the best aged-care facilities in regional Queensland. A lot of that comes down to its board—they are all volunteer community people—its excellent management and staff and the support of the wider Monto community. I can honestly say that I think equally highly of the vast majority of aged-care homes in my electorate, and I make a point of visiting every one of them at least once a year—which I find a salutary experience. You can tell a good nursing home the second you are in the door. Good schools and good nursing homes are instantly obvious when you walk through the door.

I also try to canvass every existing aged-care facility in my electorate when it comes to getting the ACPAC figures together, because that is the pool to which they can apply later in the year. This year I touched base with close to 30 different aged-care facilities in the current and new areas of Hinkler and what became clear was the exponential growth in administration requirements for each facility. Proprietors told me that they had no issue with complying with the new quality, care and compliance standards that the Australian government has introduced, but, nevertheless, these requirements add further to the workload of the professionals caring for residents in their facilities.

I welcome this bill because it will continue the government’s agenda of streamlining the administration of the aged-care system. The one complaint that I invariably get from any facility is the amount of paperwork. Ministers know my view on this. I think we really have to seriously work on that issue. The bill will cut the number of funding levels in residential aged care without compromising standards and provide supplements for residents with complex health-care needs, including palliative care, and residents who have mental or behavioural conditions, including dementia.

In recent years the government has worked hand in hand with the residential aged-care industry to produce an assessment and a funding instrument that can reduce the administrative burden and costs for aged-care providers. The new system that has been developed for the aged-care sector went through a thorough national trial in 2005, resulting in the government having a better insight into what was required. The bill will also reduce the number of times residents have to be assessed for funding purposes. As it now stands, a resident’s classification expires after 12 months, which has meant that staff have had to go through this reassessment process every year. The bill removes that requirement and will cut at least 60,000 instances of reappraisal every year which invariably result in no change to the amount of funding. To make sure nobody falls through the cracks, the bill will also allow residents moving to an aged-care facility from a hospital to be reappraised after six months in residence to make sure that their needs have not changed. In cases where people move from one aged-care home to another, the bill will give the new service providers the power to either accept the classification based on previous appraisals or submit a new appraisal.

So, all in all, it is a good bill, a bill that I hope will be beneficial to both the Hinkler electorate that I have represented in this term and the one that I hope to represent in the
next term. Both have remarkable challenges
and I am up to them.

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Hon. IR
Causley)—Order! It being 7.30 pm, I pro-
pose the question:

That the House do now adjourn.

**Men’s and Fathers Family Friendly Policy Forum**

Mr BYRNE (Holt) (7.30 pm)—I rise to-
night to talk about my impressions of a fo-
rum that I actually addressed the Main
Committee about this morning. I was so im-
pressed by what I experienced in that forum
that I thought I would share with the House
my experiences and those of the other mem-
bers of the opposition who attended. This
was the Men’s and Fathers’ Family Friendly
Policy Forum. There were 33 delegates from
around Australia—academics, authors and
people that provide social services—and the
function was under the auspices of the Fa-
therhood Foundation, whose director is
Warwick Marsh. As I said in the Main
Committee, the spirit behind the fathers’
movement, the men’s movement, is ex-
pressed in the foreword to the policy forum
document, where it talks about the goal of
the Fatherhood Foundation:

... to promote excellence in fathering and in-
crease the number of children growing up with an
involved, committed, responsible and loving fa-
ther. For this reason the Fatherhood Foundation
is a strong supporter of marriage and the importance
of increased pre-marriage education and marriage
counselling. It is easier, and more sensible, to
build a rail around the top of the cliff to prevent
people falling over, than it is to run an ambulance
service for those who fall to the bottom of the
cliff.

That is the predominant sentiment that pow-
ers this organisation and powered this forum.
I was incredibly impressed by some of the
insights that I got from some of the people
that addressed the forum. It struck me, in
terms of some of the feedback that I got, that
if I was looking for a general impression of
what this forum was about—because the
men’s movement sometimes gets character-
ised in a certain way—I would quote what a
prominent politician said when he partici-
pated in the launch of this movement in
2003:

We don’t want a men’s movement that blames
women, we want a men’s movement that works
with men and women to develop better identity,
better relationships, a stronger fathering role in
our society and to develop win-win outcomes,
where as a society across both genders, we can
make advance and make successful change.

I tell you one thing: we in this place should
all reflect on the cost of fatherlessness to the
community. In fact, as the forum document
says:

Dr Bruce Robinson estimates the cost of father-
lessness to Australia to be in the vicinity of 13
billion dollars ...

But those are numbers. They are not about
what people experience—the conflict—or
what young males need. They need positive
male role models, male mentors, or strong
father figures, if you want to use that particu-
lar term.

Before I go on to briefly describe what we
experienced in the breakout groups, I would
like to acknowledge that the members of the
federal opposition who attended this incredi-
ably important forum were Lindsay Tanner,
the shadow minister for finance; Wayne
Swan, the shadow Treasurer; Jenny Macklin,
the shadow minister for family and commu-
nity services; Tanya Plibersek, the shadow
minister for human services, housing, youth
and women; Joseph Ludwig, the shadow At-
torney-General; Roger Price, our whip; John
Hogg, Deputy President of the Senate; Jennie
George; and me.
We were all incredibly impressed with the insights that we gained, particularly those of us in breakout group 1, including Roger Price, Jennie George, John Hogg and me. The issues that we dealt with in that breakout group were education, health, family and community, birth rates, demographics, and general issues concerning boys, men, fathers and grandfathers, all in the context of families. We had four people address this breakout group: Maggie Hamilton, who spoke on ‘Boys, men, fathers and grandfathers’ and is the author of *What Men Don’t Talk About*; Judi Geggie, Director of the Family Action Centre at the University of Newcastle; Professor John McDonald, who spoke about men’s health and suicide, and is the Foundation Chair in Primary Health Care and the Co-director of Men’s Health Information and Resource Centre at the University of Western Sydney; and Greg Andresen, who spoke about ‘Demographics, birth rates, fathers and families, the marginalisation of men and the need for change’, and is the Research Officer for the *Dads on the Air* radio program in Liverpool.

There were incredibly moving insights that I got out of each of those presenters, and the other members of the opposition present did too. They showed that as a consequence of activism and of a profound need for change born out of experiences such as colleagues committing suicide because of a marriage break-up, things are moving forward. We have achieved legislative change. But what I gained was great hope for the future in terms of relationship change—for example, teaching young boys who have come out of a conflicted family how to relate to women. I was incredibly impressed with the forum and I wanted to share that with the House. *(Time expired)*

**Northern Territory: Greek Community**

Mr TOLLNER (Solomon) (7.35 pm)—In my electorate, we have a large Greek population. It is estimated that there are between 7,000 and 8,000 Greeks living in the Top End of the Northern Territory. Only recently I joined with thousands of other Territorians in Darwin to celebrate the annual Greek cultural festival known as Glenti. Glenti is the time when people of whatever origin gather to help Territorians of Greek descent celebrate all things Greek. Glenti offers an opportunity to give thanks for the gifts that the Greeks have brought to the Northern Territory and to Australia. The rich cultural contribution of the Greek community, like that of so many other migrant groups, has helped make Darwin and the Northern Territory a bigger and better place for us all.

It was a historic few weeks for our Greek community leading up to the Greek Glenti Festival. It marked the first official visit to Australia by a Greek Prime Minister, Kostas Karamanlis, who signed a landmark bilateral social security agreement with our own Prime Minister, John Howard, during his stay here in May. It was a great honour for me—along with my colleague the member for Indi—to meet the Greek Prime Minister in Canberra and then to have him come to Darwin, which was also a first. During his visit, he told the children at the Greek Orthodox School of Darwin, ‘Keep Greece always in your heart.’ The Greeks of the Northern Territory organised a fantastic reception for the Greek Prime Minister, and I pay tribute to them for that.

The Prime Minister’s visit was followed by a visit of the Lord Mayor of Kalymnos, Georgios Roussos, whose official delegation departed Darwin last week. Kalymnos was one of Darwin’s first sister cities, and with many Kalymnians living in Darwin the two cities have developed a close friendship over
the years. It is estimated that around 80 per cent of the Greeks living in Darwin are Kalymnian.

Every Tuesday night, Darwin’s Radio Larrakia becomes the voice of Greece, broadcasting the first hour of its Greek program live to Kalymnos, symbolising the 25th anniversary of the sister city relationship between the Greek Island and Darwin. The majority of Territorians, as I said, of Greek ancestry are descended from the Kalymnian migrants. The local Greek community, which according to the 2001 census was around 4,500 people, has a proud history in the Northern Territory, from the early pearling days to the reconstruction effort after Cyclone Tracy to the present.

The first influential Greeks came between 1910 and 1915. Among those settlers were families whose names are prominent among the citizenry of Darwin and Palmerston today: Harmanis, Kailis, Liveris, Paspaley, Paspalis, Margaritis and Haritos, just to mention a few. They mostly settled in Greek Town, as it was then known, along what is today’s esplanade, the site of the Glenti festival. It is recorded that, in the period from 1914 to 1919, some 1,400 Greeks arrived in Darwin, but, after the closure of Vestey’s meatworks at Bullocky Point in 1920, the Greek population was much reduced.

The second wave of Greek settlement was after World War II. Their arrival was prompted by the search for divers in the pearling business led by Haritos and Paspaley. Kalymnos was, of course, a good place from which to recruit, as many Kalymnians earned their living from sponge diving in their home country. It was not long before the new arrivals undertook other ventures, particularly in construction, hotels, retail and property development, prospering as Darwin grew, and building the major retail landmarks of central Darwin. Many went into the Public Service. John Anichtomatis, the Greek Consul General, is a former Administrator of the Northern Territory. (Time expired)

Welfare to Work

Ms VAMVAKINOU (Calwell) (7.40 pm)—I say to the member for Solomon: yasu and well done. This evening I want to bring to the attention of this House some of the concerns local constituents in my electorate of Calwell have raised with me over the government’s Welfare to Work reforms and the impact these reforms have had on individuals receiving the disability support pension.

In 2005, we will remember, the Howard government introduced a number of changes to disability welfare in Australia. These changes were announced under the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and were ostensibly meant to encourage people with a disability to look for work. When it introduced the bill, the Howard government promised that these changes would not be retrospective and would not affect people already on a disability support pension. However, I am aware of a number of cases in my electorate where exactly the opposite has happened. These cases involve individuals who have lost their disability support pension as a result of changes to the rules surrounding job capacity assessments, or JCAs, which are now mandatory for individuals on a disability support pension who voluntarily visit a Job Network provider seeking help to find work.

Under the government’s Welfare to Work reforms, a recipient of the disability support pension who voluntarily decides to visit a Job Network provider to get help looking for work must first undergo a JCA before being able to access any of the services a Job Network provider offers. Very few of these individuals are told that, by agreeing to undergo a job capacity assessment, they automatically...
run the risk of losing their pension if their job capacity assessor decides that they can work 15 hours or more a week. In such cases, an individual’s disability support pension is automatically suspended and they are moved directly onto Newstart allowance with its stricter regime of mutual obligation requirements and penalty breaches.

Not only are people not told about the risks they run when agreeing to a JCA; there is also a growing amount of evidence to suggest that, in cases involving individuals with a severe mental disability, the people who are hired to assess whether they can work 15 hours or more a week rarely have any prior experience or expertise in the area of mental health. Instead of seeing a psychologist or a psychiatrist, someone undergoing a JCA who has a mental disability is far more likely to be assessed by a nurse or an exercise physiologist, for example, both of whom lack the formal training to be able to realistically carry out a proper mental health assessment.

Under the Howard government’s Welfare to Work reforms, it is left to a job capacity assessor, who has no formal qualifications or any professional experience in the mental health field, to decide whether an individual with severe mental disabilities can work 15 hours or more a week, and thus decide whether that person still qualifies for the disability support pension. And their decision holds even if the findings of a JCA contradict the advice of an individual’s doctor.

For someone who has lost their disability support pension as a result of a JCA, the stricter regime under Newstart allowance and the heavier penalties for noncompliance often cause enormous stress. The end result can be devastating. Whether intended or not, this situation is unacceptable. It comes at an enormous cost to those who have lost their pensions and it demands that we change the legislation accordingly. As it stands this is a system that trades in decency and compassion for the sake of saving welfare dollars, and as such it is a system that I imagine few of us in this place could ethically support.

The other issue I want to briefly bring to the House’s attention concerns minimum wage arrangements for people with a disability under the supported wage system. Under the government’s JobAccess initiative, an employer can hire a new employee with a disability for a trial period of 12 weeks, with the option of extending that period to 16 weeks, paying a minimum wage of only $64 a week. Again, examples have been brought to my attention of people with a disability being hired for a trial period of 13 weeks under the government’s supported wage system. Working an average of 16 hours a week, they received the minimum wage of $64 a week—that is, they were paid only $4 an hour. At the end of their trial period, their employer did not necessarily take them on.

Australians with a disability have as much a right as anyone else to be treated fairly and with dignity. Whilst I support initiatives aimed at encouraging employers to hire people with a disability, instances like these necessarily force you to question just where the boundary lies—(Time expired)

Surf-lifesaving Movement

Mrs MAY (McPherson) (7.45 pm)—The year 2007 has been recognised as the International Year of the Surf Lifesaver—100 years of heroes, 100 summers of surf lifesaving. The year of the surf-lifesaver is a time to honour those who volunteer and patrol our beaches. I am very privileged to be vice patron of Surf Life Saving Queensland for the 2006-07 season. The Surf Life Saving Queensland Association endeavours to provide the community with the safest beaches in the world, as well as positively contributing to the social and economic wellbeing of Queensland.
Surf-lifesavers have rescued more than 520,000 people across Australia since 1907. In 2005-06 across Australia 12,746 people were rescued and 541,641 actions were taken to prevent people getting into difficulty by surf-lifesavers and Australian Lifeguard Services. Despite these impressive intervention statistics, 64 people drowned around the coast. That all of these victims were swimming outside patrolled areas is a testament to the success of surf-lifesavers. Not only do clubs set up and patrol flagged areas; they educate youngsters through Nippers programs and provide a supportive community for older beachgoers.

Public education is also a priority of Surf Life Saving Queensland as they are convinced that preventing a rescue has much greater value than effecting one. Also in a time where health is a great concern to many Australians, including young Australians, surf-lifesaving clubs offer a great choice of physical fitness activities. At the annual surf-lifesaving championships, talent and fitness are on display with teamwork and mateship.

Of the 305 clubs across Australia, 59 are in Queensland, and I am proud to say 13 are in my electorate of McPherson. These are: Bilinga Surf Life Saving Club, Burleigh Heads/Mowbray Park Surf Life Saving Club, Coolangatta Surf Life Saving Club,Currumbin Beach Vikings Surf Life Saving Club, Kirra Surf Life Saving Club, North Burleigh Surf Life Saving Club, North Kirra Surf Life Saving Club, Pacific Surf Life Saving Club, Palm Beach Surf Life Saving Club, Rainbow Bay Surf Life Saving Club, Tallebudgera Surf Life Saving Club and Tugun Surf Life Saving Club. The Tweed Heads and Coolangatta Surf Life Saving Club at Greenmount Beach is close by our border with New South Wales and has the honour of being the oldest in Queensland, being established in 1911.

Also in my electorate is the headquarters of the Point Danger Branch, the most southern branch of Surf Life Saving Queensland. Point Danger Branch was established in 1924 and is located on Currumbin Creek Road on the beautiful waters of Currumbin Creek. Surf-lifesaving officials and examiners assist in the instruction and examination of awards and annual proficiency tests. Regular patrol inspections and courses assist the clubs in their standards of patrols. The Point Danger Branch supports the clubs with the necessary administration to maintain the highest standards of surf-lifesaving. I would here tonight like to pay tribute to Kerrie Barnes who is always on hand to help with administration for those southern Gold Coast clubs.

The 59 clubs in Queensland have in excess of 23,000 members. That is a lot of people doing their bit to help their communities. Pascal Axmann is a young volunteer lifesaver in my electorate who spends most of his summers down at Burleigh Beach. Whether he is patrolling or competing he shows a passionate interest in surf-lifesaving and, in his way, a passionate interest in his own community.

Members of Surf Life Saving Australia began conducting trials of defibrillators for use on our beaches in 1997. During the trial, they performed a successful defibrillation on a beach on a heart attack victim, becoming the first volunteer surf-lifesavers in the world to do this. Defibrillators are now used widely by surf-lifesaving services around Australia. In this year of the surf-lifesaver, I would encourage members of this House to support their local clubs. The Gold Coast is known worldwide for its beautiful beaches and I would like to thank our surf-lifesavers for keeping them safe for our locals and our international tourists.
Commonwealth State Territory Disability Agreement

Ms ANNETTE ELLIS (Canberra) (7.45 pm)—Next week the current Commonwealth State Territory Disability Agreement, the CSTDA, which is the third agreement, will come to its end. This is the funding agreement by which accommodation, respite, community access and employment services are provided to some of our most vulnerable people, people with a serious disability, around the country. It is the funding agreement between the Commonwealth and the state and territory governments. Given that the third agreement is due to end next week, at the moment we do not have a final agreement. There is an impasse, a stall, a face-off, whatever we might call it, between the federal minister, Minister Brough, and his state and territory counterparts.

I believe during this third agreement the states and the territories have spent somewhere around $2 billion more than budgeted over the five years of the current agreement in providing the services that they do within the states and territories. The minister, I understand, is refusing to say how much the Commonwealth will actually commit into the new agreement but I understand, and I think I recall from the minister’s statement in question time here last week, that he was saying he was considering or had offered a figure around $400 million as additional funding into the new agreement.

However, the current budget papers show that an increase of only $58 million annually is what that actually represents. That fails dismally in reaching an acceptable indexation level. When I mention the word ‘indexation’, it brings me to the Senate committee inquiry into the funding and operation of the Commonwealth State Territory Disability Agreement of February of this year where some detail was gone into in relation to the question of indexation. I note that the information in that Senate committee’s report shows that, in the year 2006-07, the federal government level of indexation on a multilateral agreement, which is the primary wish for a Commonwealth State Territory Disability Agreement, is a mere 1.8 per cent.

I remember that, when the minister mentioned the $400 million in this place, I said quite loudly to myself—probably against standing orders—‘What is the level of indexation that that actually represents?’ My understanding is that it represents 1.8 per cent—a very low level of indexation. When you look at all of the funding arrangements across all of the states and territories, excluding the Commonwealth, the average indexation level is 2.96 per cent—well above what the minister is proposing. Here in the ACT, the level of indexation being offered is 3.7 per cent—again, much higher. I understand that the Australian Institute of Health and Welfare issued a new report this week. It highlights how the demand for services will continue to grow as the disability population grows and ages. Back in 2005, the same Institute of Health and Welfare reported on unmet demand and found that 23,800 people went without needed accommodation and respite services. They admitted—and other people did too—that that was probably a very conservative figure. Mr Deputy Speaker Causley, as you are probably aware, I have spoken on this issue many times in this place, and I feel compelled to continue to do so. I understand that the minister is calling for the states and territories to supply data about unmet need and the outcomes that they expect to reach.

I would like to put a question to the minister, if I may, through this adjournment debate. It is a question to him about some data. I would like him to tell us—and this is only one example in one part of the disability sector—how many older parents in Australia
care for an adult child with a disability in their own home? That data would be available through Centrelink or other sources of information. That is only one small part, but an enormous number of people are desperately affected by the need for funding to come through for accommodation services. Of course, there is the impact of all of this sort of neglect on the carers, the families of carers and the people involved in looking after these people. I understand that an extension beyond next week has now been put in place for the Commonwealth State Territory Disability Agreement—I think for about six months. While that is fine, that means that nothing will change for six months. The unmet need will continue to grow and the status quo level of funding will remain. This happens in every cycle of the CSTDA with the government. It happened last time and it is happening again. I implore the minister to be honest about the situation facing these folk in Australia and do something about the agreement—(Time expired)

Community Crime

Mr FAWCETT (Wakefield) (7.55 pm)—I rise to draw the attention of the House to the impact that antisocial behaviour, crime, even things like graffiti, and the pervading presence of drugs has on families in the communities in Wakefield and, I dare say, all around Australia. This is a problem that will only get worse because of the increase in the use of amphetamine type stimulants. That use has increased substantially over the last five years. The number of clandestine drug laboratories detected has gone up from some 150 in 1999-2000 to 381 in 2004-05. These are particularly dangerous and harmful drugs because of their effects on people, leading them to violence. In fact, on that point, I welcome the Howard government’s Tough on Drugs policy because there is no such thing as a so-called recreational or party drug. They are illicit drugs—they are dangerous and harmful—and we must send a consistent message.

The South Australian police—particularly people like Superintendent Ferdi Pitt and the police in the Elizabeth LSA—are doing a fantastic job, but governments need to support them. The South Australian government needs to put more resources into supporting the police. I notice that this year’s budget identified a staggering 82 per cent underspend in the police recruiting program at a time when constituents in Wakefield are consistently telling me that they need to see more police patrols, more police presence, more police on the streets. The problem is not going to get better. According to SAPOL annual reports, over 40 per cent of their members are aged between 40 and 54 years of age, which means that with the ageing of the population a large number will retire in the future, so recruitment really needs to be addressed.

It is not all bad news. I am pleased to say that the Australian government is increasing the size of the Australian Federal Police and is particularly putting a focus on amphetamine type stimulants, which are the cause of so much of the crime and fear in our communities. As recently as January this year, some 1,900 litres of a key ecstasy precursor was seized in Sydney. The amount that was seized would have led to some $540 million worth of tablets going onto the streets. But for them to continue to have that sort of success, cooperation with state police forces is essential, which means that, in this case, the South Australian police force needs to have the resources to do the job.

Federal efforts to reduce the amount of drugs have been recognised by the United Nations Office on Drugs and Crime. The executive director, who is currently visiting Australia, has noted that Australia’s success in curbing addictions for all kinds of narcot-
ics is remarkable. This initiative will continue. It has been consistent over the last 10 years. The Howard government has put a total of some $1.4 billion into reducing the demand, supply and effect of drugs. It is not just stopping there, though. We also seek to partner with local communities to empower them to the maximum extent possible to address crime in their local communities. The Community Crime Prevention Program provides funding for projects that are aimed at reducing crime or antisocial behaviour, improving community safety and security, and reducing the fear of crime.

Some of the comments that I have heard from people include that they are concerned about things like the lack of values, the lack of respect and the behaviour of young people. The government have funded two projects in Wakefield. One is in partnership with Anglicare and the City of Playford: $499,000 to go to a series of projects for eight to 18-year-olds, operating between 4 pm and 6 pm, targeting young people at risk of offending. Activities are run across a number of sites in Elizabeth. There is Good Beginnings Australia, and some $498,000 was granted to the Elizabeth Connect Turn Around Program, which is a program targeted at young children and students that extends beyond the boundaries of the classroom. A small grants program is now open so that small community groups can apply for funding for security equipment: security lights, window bars et cetera. Councils can apply for funding for graffiti awareness. Up to $150,000 has been given to councils for things like graffiti awareness education campaigns. I encourage the community in Wakefield to partner with the Australian government. We are prepared to put in more resources. We look for those opportunities to work with you to reduce the impacts of crime in our communities.

The DEPUTY SPEAKER (Hon. IR Causley)—Order! It being 8 pm, the debate is interrupted.

House adjourned at 8.00 pm

NOTICES

The following notices were given:

Mr Ruddock to present a Bill for an Act to amend the Classification (Publications, Films and Computer Games) Act 1995, and for related purposes. (Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007)

Mr Andrews to present a Bill for an Act to amend the Migration Act 1958 and the Taxation Administration Act 1953, and for related purposes. (Migration Amendment (Sponsorship Obligations) Bill 2007)

Mr McGauran to present a Bill for an Act to amend the Telecommunications (Consumer Protection and Service Standards) Act 1999, and for related purposes. (Telecommunications Legislation Amendment (Protecting Services for Rural and Regional Australia into the Future) Bill 2007)

Mr Nairn to present a Bill for an Act to amend the law relating to superannuation, and for related purposes. (Superannuation Legislation Amendment Bill 2007)

Mr Robb to present a Bill for an Act to amend the Higher Education Support Act 2003, and for related purposes. (Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007)

Ms Julie Bishop to present a Bill for an Act to amend the law relating to the provision of benefits to students, and for related purposes. (Social Security Legislation Amendment (2007 Budget Measures for Students) Bill 2007)

Mr Pearce to present a Bill for an Act to amend certain laws relating to the financial sector, and for related purposes. (Financial
Mr Pearce to present a Bill for an Act to amend the law relating to banking, insurance, superannuation and other matters in the Treasury portfolio, and for related purposes. (Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007)

Mr Lindsay to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Robertson Barracks redevelopment, Darwin, Northern Territory.

Mr Lindsay to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Airborne Early Warning and Control Facilities, RAAF Base Tindal, Northern Territory.

Mr Lindsay to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Refurbishment of staff apartments, Australian Embassy Complex, Tokyo, Japan.

Mr Lindsay to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Provision of facilities for Project Single LEAP-Phase 2.

Ms Hall to move:
That the House:

(1) notes that in a world of great wealth, hundreds of millions of people experience terrible poverty and that:
(a) more than 800 million people are malnourished;
(b) 30,000 children die every day from preventable disease;
(c) 500 women die every day from treatable pregnancy-related complications; and
(d) more than one billion people live on less than one dollar per day; and further,

(2) believes that Australia should make a greater commitment to the achievable targets set out in the Millennium Development Goals in an attempt to eliminate world poverty. (Notice given 20 June 2007.)

Mr Martin Ferguson to move:
That the House:

(1) notes that:
(a) legal deposit is a statutory provision found in the legislation of most countries requiring producers of publications to deposit gratis copies of their works in libraries, unusually the National Library;
(b) in Australia, the Copyright Act 1968 requires Australian publishers to deposit one copy of every publication with the National Library of Australia;
(c) the National Library Act 1960 mandates the National Library of Australia to develop and maintain a national collection of library material relating to Australia and the Australia people and that legal deposit is a major factor enabling the National Library to meet this requirement;
(d) legal deposit has ensured that an outstanding collection of Australian publications in print form has been acquired by the National Library on behalf of the nation;
(e) the National Library is seeking revision of the legal deposit section within the Copyright Act 1968 to encompass publications in non-print form due to the impact of new technologies and the Inter-
net on the creation, publication and dissemination of information which has been profound in recent years;

(f) a significant amount of our documentary heritage is now published in electronic form and unless the National Library is given a mandate through legal deposit to collect non-print publications, many of these works will be lost to future generations, especially as many electronic works have a very short life-span on the Internet; and

(g) the National Library is collecting a very small proportion of Australian electronic publications, as this endeavour requires seeking permission on a publication-by-publication basis, which is very resource intensive and unsustainable into the future;

(2) calls of Government, as a matter of urgency, to legislate the extension of legal deposit to non-print publications, as such legislation is of strategic importance to the National Library’s future collecting and preservation role; and

(3) recognises that other countries have already recognised this and legal deposit legislation has been amended in the United Kingdom, Canada, New Zealand, South Africa, France, Japan and the Scandinavian countries.
STATEMENTS BY MEMBERS

Condolesences: Mr George Burarrawanga

Mr SNOWDON (Lingiari) (9.38 am)—Today I pay respect to George Burarrawanga, the charismatic former leader, advocate and character who passed away recently. My comments draw on the moving and appropriate tribute of Chips Mackinolty published in the Sydney Morning Herald on 12 June, which I commend to the House.

George was best known as a frontman for the Warumpi Band. He brought a raw vitality and stage presence to the music, earning the apt name of the Mick Jagger of Aboriginal music. With his Warumpi Band mates—Gordon and Sammy Butcher and Neil Murray—he took Aboriginal rock music from the bush right to the national stage using Aboriginal language. The band formed in the early eighties in the Aboriginal community at Papunya. The name Warumpi is derived from the honey ant dreaming site located near Papunya. Mackinolty describes the band’s formation:

Burarrawanga was an unlikely frontman for a desert-based rock band. Born at Galiwin’ku into the Yolngu Matha-speaking Gumatj clan, he broke the rules as a saltwater man and worked as a linguist at Yuendumu, a Warlpiri language stronghold in the southern Tanami in 1981. Luritja men Sammy and Gordon Butcher, along with a white teacher, Neil Murray, were forming a band at Papunya, 100 kilometres away. They had heard “there was this bloke at Yuendumu who was doing Mick Jagger covers”. Burarrawanga moved to Papunya, learnt yet another Aboriginal language, and Warumpi was born.

The band wrote, recorded and released what was the first rock song in an Aboriginal language, Jailanguru Pakarnu, or Out From Jail. The article goes on:

Over the next 15 years Warumpi toured extensively in Australia and overseas, releasing two more albums, Go Bush (1988) and Too Much Humbug (1996).

Warumpi is perhaps best known, and indeed George is best known, for the anthem My Island Home. George rewrote this song and would only perform it in his mother tongue of Gumatj. In 1986, Warumpi Band inspired and accompanied Midnight Oil on a month-long tour of Aboriginal communities. Peter Garrett, of former Oils fame, commented earlier this week on George’s passing and described him as one of the world’s best stage performers, up there with the Rolling Stones and INXS. He said:

If you think of Mick Jagger or James Brown or Michael Hutchence or you know any of the sort of really charismatic performers that just sort of take over a stage, whether they are on the back of a flat-bed truck in a dusty community or whether they’re in a theatre in Sydney or Melbourne, this bloke had it and he had it in spades.

In 2004, George was recognised for his lifetime achievement at the inaugural Northern Territory Indigenous Music Awards. The Warumpi Band was similarly honoured at the 2006 awards. George’s 25-year career emphasised reconciliation and the importance of sharing knowledge in a quest to unite not to divide, and to bring happiness not conflict. It is fitting that he passed away on his island home of Galiwinku, surrounded by his loving Gumatj family. A public memorial service will be held on Friday in Galiwinku. He will be sadly missed.
We need to know that this man never allowed bad experiences to colour his wonderful music or his emphatically Aboriginal politics. As I said, his 25-year career was to emphasise the importance of sharing Aboriginal knowledge in a quest to unite not divide, and to bring happiness not conflict.

**Broaband**

**Mr VASTA** (Bonner) (9.41 am)—The government’s launch of Australia Connected this week is a major step forward in the delivery of fast, affordable broadband to the residents of Bonner. I note that the centrepiece of Australia Connected is the immediate rollout of a new competitive state-of-the-art broadband network that will not only extend high-speed services to 99 per cent of the population but provide speeds of 12 megabits per second by 2009. This landmark funding initiative will enable blanket high-speed broadband coverage across the entire electorate of Bonner, so that everyone living and working in the electorate will, over the next two years, have access to fast affordable broadband for the first time. I commend the government on committing $958 million to this new network and I am pleased to note that this funding will be complemented by $917 million from the network builder OPEL—a joint venture between Optus and Elders.

In addition to the new high-speed wireless broadband network, Bonner households and small businesses will also enjoy the benefits of a world-class optic fibre network. At 20 to 50 megabits per second, this new fibre network is dramatically faster than anything currently available and will be rolled out through Australia’s capital cities and major regional centres. I believe that all residents in Bonner can benefit from the Australia Connected initiative, including those working in our hospitals, schools and families who use the internet to keep in touch with loved ones and our businesspeople, who are increasingly reliant upon fast broadband to connect their customers and suppliers and to find new markets for their product.

Australia Connected is a three-part proposal and it includes the Australian broadband guarantee, a program that offers significant benefits to Bonner residents in areas such as Tingalpa, Litton, Burbank and Mansfield, who will be able to access increased subsidies of up to $2,750 per connection. This is a five-fold increase in the subsidy. The announcement of Australia Connected is a further demonstration of this government’s real commitment to ensuring fast, affordable broadband services for all Australians, regardless of where they live. The Broadband Now service, a one-stop shop consumer help centre with telephone and web information, is another practical initiative that I believe will help consumers understand the technology options available to them and provide ready information about how to get connected.

Australia Connected is the Howard government’s nationwide broadband solution that will revolutionise communications in Australia. It provides that which Australians need tomorrow not today.

**Men’s and Fathers Family Friendly Policy Forum**

**Mr BYRNE** (Holt) (9.44 am)—I rise today to raise in this place a very important forum that is going to be held in Parliament House today—and it is well known to the member for Throsby—and that is the Men’s and Fathers Family Friendly Policy Forum. They are going to be meeting politicians from all parties throughout the day, and the object of this forum is to turn the tide of fatherlessness in Australia. In the words of Warwick Marsh—and he is going to be talking to us later on today—fatherlessness can be defined as the absence of an active,
positive father’s influence in the lives of children. Fatherlessness is both a natural and a spiri-
tual problem in the community.

We in the community have seen the impact of fatherlessness on a generation of young
males. I do not need to document this here, but people such as Dr Bruce Robinson have esti-
mated the cost to the community to be in the order of about $13 billion per year. But this fo-
rum, facilitated by the Fatherhood Foundation since 2003, has sought to find answers to the
problem. This forum in 2003, by the way, was attended by men’s groups, family law reform
groups, education and training people, institutions, academics and journalists—a cross-section
of the community. At this forum it was agreed there would be a 12-point plan launched in a
bipartisan fashion. Many of the points raised in this forum were the driving points for some of
the reforms and legislative changes that we have seen, particularly in the area of child sup-
port.

I was particularly impressed by the 14 strategies adopted by this group in 2003 to address
the concept of responsible fatherhood. Some of these were: mentoring for men and boys; tran-
sition to manhood; marriage and relationship training, which is incredibly important, particu-
larly I think for young males; funding for fatherhood services; positive education on father-
hood; an increased level of male teachers; and positive men’s health and wellbeing services—
and funding for those services is vital.

In closing, I would like to reflect on the moving spirit behind this particular forum—and
they are constituents of the member for Throsby—Warwick and Alison Marsh. Warwick
Marsh, basically by dint of sheer will, has been raising the level of awareness about father-
lessness in an appropriate way. Some will be saying that in some organisations it is not raised
appropriately, but this gentleman and the forum that he facilitates raise this issue in an appro-
priate way—in a way that seeks to find solutions to problems that are troubling our commu-
nity. He puts the onus not just on the legislative system but on men themselves. I would like
to commend Warwick in this chamber today for the service that he provides to the community,
because we have seen as a consequence of his untiring efforts changes to legislation that have
helped improve relationships between men and women and also, most importantly, access to
children. Long may Warwick’s endeavours continue.

Fisher Seniors Forum

Mr SLIPPER (Fisher) (9.47 am)—Since the year 2001 I have held the annual Fisher Sen-
iors Forum in conjunction with the Fisher Seniors Council, a peak group of seniors organisa-
tions which I established in 2001. The seniors forum enables me to receive advice from sen-
iors groups and also enables the senior members of the community in Fisher to attend an en-
tertaining event which conveys information to seniors which is of particular use.

The 2007 Fisher Seniors Forum was actually hosted by radio legend Graham Webb, and
guest presenters were Lindsay Webb, a comedian, and Senior Constable Mark Readman of the
Queensland police—he spoke on seniors security. We had Dr Chris Davis, who is a doctor
specialising in seniors; Mr Malcolm Izzard, a financial adviser; Mr Gary Hopkins, a solicitor;
and a speaker and sponsor from the St George Bank, Mr Tristan Scott. We manage to attract
close to 300 people each year for the Fisher Seniors Forum, and I must say that the event held
this year at the Lake Kawana Community Centre was a resounding success.
It is important that people who have worked so hard to make sure that Australia is the wonderful country that it is do in fact receive advice on the array of services available to them in our community. The purpose of the seniors forum is to provide senior residents of the Sunshine Coast with friendly and informal access to free information about issues that affect them. This year’s topic was seniors and the law. It is important when one looks at how the law affects seniors to make sure that they are aware of the tremendous assistance that is available in so many areas.

We also had quite a few organisations with displays at the seniors forum, and information was able to be disseminated. This year there were 22 exhibitors and they were able to provide useful advice on a wide range of issues. Each year the Fisher Seniors Forum grows more and more popular, as word spreads of the value and convenience of this information event. Those who attended the forum this year said that it was again a resounding success. Indeed, people in the past have commented that the forums have always been of tremendous value to the seniors community. We intend to hold the Fisher Seniors Forum next year. We look forward to an interesting array of speakers and another large attendance.

Ms GEORGE (Throsby) (9.50 am)—My community will be very disappointed that the government’s recently announced broadband plan will deliver only a second-class service in the electorate I represent. As we know, the Prime Minister’s plan will deliver high-speed fibre networks only to the inner areas of the five major capital cities. So we will see people in the metropolitan area getting high-speed broadband, capable of delivering speeds of up to 50 megabytes per second, and people in regional Australia and in electorates like mine having to struggle in the main with an inferior wireless service, which the government hopes will supply just 12 megabytes per second. It will end up being a two-tier, two-speed system: high speeds for the inner areas of capital cities and lesser speeds—and no-one can dispute it will be lesser speeds when the system is established—in regional areas like mine.

Unlike Labor’s high-speed fibre-to-the-node national broadband network, which does not discriminate between cities and regional areas, wireless broadband, as we know and as our constituents know, suffers from a range of technical problems. My electorate is scheduled—to receive only one exchange upgrade to very fast ADSL2+ broadband and eight new wireless broadband sites, which will be built at Albion Park, Dapto, Minnamurra, Port Kembla and Warilla. Interestingly enough, the one exchange upgrade—the only one I get—covers only a small part of the existing electorate of Throsby, around Shell Cove, but picks up areas currently in the neighbouring seat of Gilmore including Minnamurra and Kiama Downs, which I will hopefully, if I am re-elected, take over after the election. It will be interesting to see just how many exchange upgrades are provided for the neighbouring seats of Gilmore and Hume—and I will be keeping an eye on that to make sure that decisions about exchange upgrades are not being made on a party political basis.

It is very hard for me and for my constituents to understand why centres of huge population growth and new housing developments around the centres of Horsley and Albion Park are to be denied access to very fast ADSL2 and why the exchanges there will not be upgraded to meet the needs of constituents and businesses. It is the case, as we know, that the performance and reliability of wireless suffers because of distance, bad weather, hilly geography and con-
gestion. The Howard government’s broadband policies are a quick political fix in the lead-up to the election and are not really about delivering first-class services to regional Australia.

**Water**

**Mr HUNT** (Flinders—Parliamentary Secretary to the Minister for Foreign Affairs) (9.53 am)—I want to respond to the Victorian government’s water plan and, firstly, look at the lost opportunity in relation to recycling as opposed to the plan to steal water from stressed rural communities in the Goulburn Valley and the Eildon district; secondly, look at the inability to provide an ultimate solution for the Gunnamatta outfall, even though I am pleased that there is an interim upgrade, which is of critical importance; and, thirdly, express my support for the desalination plant proposal, which may well be within my electorate. If that is going to help with Victoria’s and my electorate’s water supplies then that is a good thing.

Firstly, in relation to the lost opportunity, there was a plan on the table, which has now been indefinitely sidelined, for replacing with recycled water the drinking water which is being used in the Latrobe Valley for pulp and paper mills and for power stations. That is the way of the Western world. That is the way of the future. That is what should have been happening in Victoria. It is what will not happen in Victoria.

Instead, desperate needed fresh water supplies are to come from Lake Eildon, which at present, I am informed, is at about seven per cent of its actual water volume capacity, and from the Goulburn Valley river system. Ultimately, because of the channel which will be dug connecting the Goulburn Valley with the Murray River system, water will be taken and piped to Melbourne. In other words, vitally needed country water will be taken from country people, placing further stress on rural producers and communities, and siphoned through to Melbourne. I do not think that Melburnians want to be stealing from the countryside, which desperately needs that water.

Secondly, there is an alternative—and that is recycling and cleaning up that water. It has been on the table for a long while. There is now finally a commitment to clean up the Gunnamatta outfall by 2012, which will be a decade after the initial state promise. That will take it to A-grade water. But that water should now be used for recycling and should now be used to displace the fresh water which is being consumed by the pulp mills and power stations of the Latrobe Valley.

The third thing that I want to say is that there is a proposal for a desalination plant and that, whilst I think this could have been avoidable if early action had been taken, it is now necessary. I am not going to stand against it in my area. I do think that the first two billion litres have to be used for topping up the Candowie Reservoir, but beyond that I support the desalination plant but believe the whole thing has been a lost opportunity— *(Time expired)*

**Mr Brendan Keilar**

**Mr DANBY** (Melbourne Ports) (9.56 am)—In the 1980s I had the opportunity to visit New York City many times. I used to enjoy my visits to this great metropolis. One of the things that used to unfortunately characterise one of the downsides of New York before Mayor Giuliani cleaned it up was the attitude of people to each other, particularly when incidents of crime happened. When terrible things would happen in the street, no-one would stand up for the victim of crime—the person who was being assaulted or worse.
I contrast that with the actions in my city of Melbourne in the last few days of a very brave man, Brendan Keilar, the father of three children—Phoebe, Lucy and Charlie. They and his wife, Alice, have lost him because he did precisely this: he represented that Australian spirit, that optimistic naivety, that sees people intervene when confronted with a violent incident of the kind that he witnessed on William Street. Brendan Keilar thought it was not like New York in the streets of Melbourne. I share the sentiment of nearly everyone in Victoria—and indeed Australia—in agreeing with the *Herald Sun* editorial which was published yesterday, which said:

[we] ... mourn the passing of lawyer Brendan Keilar, the good Samaritan whose bravery cost him his life, who fell at the hands of a man not worthy of sharing the same footpath as him.

I think I express the great sorrow of all the Australian people, including all the people who live in Melbourne, for his children and his wife. His tragic death emphasises the point about not allowing the easy availability of handguns in Australia. While our regulations are already tighter than those in the United States and lead to obvious differences in the murder rate, we need to remain very strict as to restrictions on handguns. It is disgraceful that the person who apparently killed this good Samaritan had access to a handgun. The *Herald Sun* concluded in its editorial:

... there may come a point when it will be seen as folly to try to assist others at risk. Perhaps we reached that point yesterday. We’re all poorer for that.

I certainly would bemoan that development if the case is that we have reached that point of fear.

I was going to express my anger and the anger of the community towards the individual responsible, but I think the reaction of my tradition to a person like that is better: that his name and memory should be obliterated—whereas we remember Brendan Keilar and his intervention and the spirit of Australia that he represents. We particularly remember his family. Let us hope that his death is not an epitaph for the spirit represented by his intervention, by his optimism, by the kind of public spiritedness that we saw. I read something that I think is a fitting tribute to him. It was this:

> What we do for ourselves dies with us. What we do for others and the world remains, and is immortal.

Queensland: Roads

*Mr HARDGRAVE (Moreton) (10.00 am)—I continue to update the House on the southern Brisbane bypass, the Gateway and Logan motorways and the tollway, which the state government of Queensland have implemented over the past decade. The Queensland government has in its recent budget increased the toll at Kuraby and Stapleton roads, the Paradise Road interchange and Loganlea by 10c. Members may think that 10c does not mean a lot, but, in the end, residents in my electorate have the only toll roads in the state of Queensland. We are paying 1.2 million cents a day—$120,000 a day—in tolls. Over the course of a week, that is the best part of $1 million in tax. Let us call it what it is. It is a tax that the state government of Queensland imposes on residents of the southside to access the best road that exists in that part of the world.

The consequence of this is that heavy vehicles in particular, but also many passenger cars, go around the tollbooth, particularly the one at Persse Road, Runcorn. If the Queensland gov-
ernment would just meet me halfway on this—I have called for a complete end to the toll on the motorways—and get rid of the tollbooth at Peresse Road at Runcorn then we would see fewer cars on Warriegal Road, fewer cars on Gowan Road and fewer cars going around that particular tollbooth. The Queensland government in its wisdom in the most recent budget has lifted that toll to $1.80 per vehicle per journey. So, if you talk to people in Runcorn, as I have—people with three cars in the family, travelling towards the port of Brisbane—you find out that they are spending the best part of $50 a week just to get to and from work along a road that nobody else in Queensland pays a toll for.

So I again call on local state members—they are very important people; they are ministers—to take some action. Judy Spence is the member for Mount Gravatt and Stephen Robertson is the member for Stretton. One is the police minister; one is the health minister. I do not know what unions they belong to. I think Stephen Robertson was once the federal president of the firefighters association, but every firey I have ever met said that, if he ever got on the end of a fire line and the water was turned on, he would get launched into deep space. He is just another one of those professional apparatchiks that the Labor Party put into parliament to get them out of the union movement. I think Judy Spence is probably a teacher. She is probably a member of the teachers union. As we know in this place, you have got to be a member of a union to be elected as a member of the Labor Party anywhere in Australia. Judy Spence does not realise that the Australian government’s big trucks, no bucks trial—costing $1.7 million—has taken 221,000 trucks off roads in my local area between 10 o’clock at night and five o’clock in the morning. There are no toll roads for trucks while that continues. The Queensland government stands condemned. (Time expired)

Mr Brendan Keilar
Calder Highway

Mr BRENDAN O’CONNOR (Gorton) (10.03 am)—Before I refer to some of the issues I have to deal with in my own electorate, I associate myself with the sentiments expressed by the member for Melbourne Ports about the tragic death of Brendan Keilar and pass on my heartfelt condolences to his wife, his three children and other family members and friends. It was an awful shock not only to those close to him but also to people who live in Melbourne and indeed people across the country. We should certainly not forget his heroic efforts in seeking to assist somebody who was clearly in great peril.

I draw the parliament’s attention to a concern I have about the failure of the Commonwealth to construct three flyover intersections on the Calder Highway. The electorate of Gorton has two major transport spines. One is the Western Highway, which runs from Melbourne to Ballarat. The other is the Calder Highway, which runs from Melbourne through my electorate to Bendigo and beyond—a very important transport link. Unfortunately there are three intersections that have been waiting for some time to be upgraded so they are not at ground level with the freeway. We have intersections less than 15 and 20 kilometres from the CBD that are at ground-level intersection with a freeway. These ground-level intersections not only cause danger; they ultimately cause the loss of life because of the awful accidents that have occurred with traffic coming off those roads onto the freeway, in most instances, and being hit by oncoming traffic.

I am hoping that we can actually see the end to these fatalities and injuries and I think it is now very important for the Minister for Transport and Regional Services to consider applying
the money that was promised. We have the state government already committing to half the cost, although it is a Commonwealth responsibility. All we now require is the Howard government to commit to the second half and we can have those intersections built in a reasonable period of time, which will of course mitigate the likelihood of injury or death on the roads in this area.

I also make this call to the Minister for Small Business and Tourism, Fran Bailey, who is in an electorate close to Gorton—her constituents travel through my electorate. They of course are potential victims of this problem, and I do call upon her in particular to ask the Howard government to fund the construction of these very important intersections. (Time expired)

People with Disabilities

Dr JENSEN (Tangney) (10.06 am)—I rise to speak on behalf of people with physical disabilities. In recent years quite a number of these men and women have been able to overcome some of their mobility problems by having wheelchairs and cars which permit them to drive themselves to work, to the shops and so on instead of relying on others. This is a huge improvement to their independence and quality of life and this obviously should be supported and encouraged.

One such disabled person, a constituent of mine, spoke to me regarding the extreme difficulties he has refuelling cars at petrol stations. He is wheelchair bound. These days very few filling stations actually have driveway service, so there is no-one there to help him. You can imagine the difficulties that these disabled drivers face getting out of their vehicles and into wheelchairs or, at the very least, onto crutches. There is also increased danger for these drivers if the service stations are very busy, with cars whipping in and out of fairly restricted spaces.

My constituent made what I think is an excellent suggestion and one that I hope will be adopted by more socially responsible oil companies and petrol station managers. He suggests that two or three times a week, the morning or afternoon shift changeover could be extended by half an hour so that there is a period where there is a spare person who can assist disabled people to fill their cars, check oil and water, clean windscreens and so on. This is obviously also a safety issue. The days and times of this special service should be advertised. For example, there could be a sign in the window so that people will know when they can benefit from this service. These signs could be similar to the roster signs which displayed when petrol station hours were rostered. This would be a very small additional cost for petrol companies but would have an enormous benefit for some people with disabilities. I wish to encourage all companies and managers to support this excellent idea.

The DEPUTY SPEAKER (Hon. IR Causley)—In accordance with standing order 193 the time for members’ statements has concluded.

MIGRATION AMENDMENT (REVIEW PROVISIONS) BILL 2006

Debate resumed from 8 May.

Second Reading

Mr ANDREWS (Menzies—Minister for Immigration and Citizenship) (10.08 am)—I present the explanatory memorandam to this bill and I move:

That this bill be now read a second time.
The Migration Amendment (Review Provisions) Bill 2006 amends the Migration Act 1958 to allow the Migration Review Tribunal and Refugee Review Tribunal flexibility in how they give procedural fairness to review applicants.

The Migration Act currently states that the tribunals must give the applicant particulars of adverse information ‘in the way the tribunals consider appropriate in the circumstances’ and invite the applicant to comment on those particulars. What I mean by the expression ‘adverse information’, is information that would be the reason, or a part of the reason, for the member affirming the decision under review.

The current provisions also state that the particulars and invitation to comment must be given by one of the methods set out in the act. These methods involve the tribunal sending a document to the applicant.

The full Federal Court and the High Court have strictly interpreted the latter provisions to mean that the tribunals can only discharge their procedural fairness obligations by providing applicants with particulars of adverse information and the invitation to comment on it in writing.

The cumulative effect of the court decisions is creating serious operational difficulties for the tribunals, including delays in finalising decisions.

The proposed amendments seek to resolve these difficulties. Specifically, they provide that where an applicant is at a hearing before one of the tribunals, the tribunal member will have a discretion to either (1) tell the applicant about any adverse information before it at the hearing, and invite him or her to respond, or (2) write to the applicant about the adverse information, and invite him or her to respond.

Whether they opt for the written or the oral method of providing procedural fairness, the proposed amendments will require the tribunals to do their best to ensure that the applicant understands why the adverse information being put to them is relevant to the review. They must ensure that the applicant understands the consequences of the tribunal relying on that information to affirm the decision that is under review.

If a tribunal chooses to tell the applicant at hearing about any adverse information, the member must also tell the applicant that he or she may ask for more time to respond to that information. If the applicant then asks for more time, and the tribunal considers that this request is reasonable, the tribunal must adjourn the review.

As has long been the case, interpreters will be available to applicants who need them for review proceedings so people who have difficulty with English will in no way be disadvantaged.

The tribunal’s choice as to whether they provide procedural fairness to an applicant orally or in writing will depend on what is appropriate in a particular case and with the tribunal bearing in mind the guiding principle, which is stated in the act, that it endeavour to provide a review that is fair, just, economical, informal and quick.

The bill will also provide that the tribunals are not obliged to provide an applicant with information already given by the applicant to the department, as part of the process leading to the decision under review.
The current requirement to give an applicant particulars of adverse information is subject to an exception in relation to information that has been given by the applicant for the purposes of ‘the application’.

However, the courts have strictly interpreted this exception to apply only to information provided to the tribunals, and not to information provided by the applicant to my department during the process leading to the decision under review.

The bill will insert a new exception for information given by the applicant to my department during the process leading to the decision that is under review. This exception will not extend to information that the applicant orally gave to my department, such as information provided during an interview with a departmental officer for a visa application. Such information is typically not recorded verbatim, and the tribunals will still be required to give the particulars of that information to the applicant for comment.

Since the full Federal Court and the High Court decisions I referred to earlier, the tribunals have operated under a very technical application of the law. The tribunals advise that this is seriously hampering their efficient operation and is causing unnecessary delays in finalising cases.

For example, take information such as passport details and details of a person’s movements—information that is frequently before the tribunals. If a tribunal was to rely on such information to affirm a decision, it must put particulars of it to the applicant in writing for comment before making the decision, even if the tribunal had orally put that to the applicant at the hearing, and the applicant had an opportunity to comment on it at the hearing and so had, in substance and effect, been given procedural fairness.

The bill will also insert new provisions into the act, expressly requiring the tribunals, when applying the requirements and procedures set out in relevant divisions of the act, to act in a way that is fair and just.

These amendments will uphold the fundamental right of all review applicants to receive procedural fairness during review proceedings, while at the same time giving the tribunals flexibility in how they meet their procedural fairness obligations.

These amendments will allow the tribunals to conduct reviews more efficiently, with less unnecessary process and paperwork. This will help the Refugee Review Tribunal to comply with its statutory 90-day time limit for finalising decisions. It will also lead, in many cases, to the faster completion of cases, which will benefit review applicants who no doubt experience stress and uncertainty in waiting to hear of a decision.

I commend the bill to the House.

Mr BURKE (Watson) (10.14 am)—The Migration Amendment (Review Provisions) Bill 2006 will not attract a whole lot of attention. That is probably partly why we are up here in the Main Committee. Notwithstanding that, it is actually a very important piece of legislation because it shows a policy direction which is of great importance, a commitment to which is shared by both the government and the opposition. It will ensure that decisions are streamlined and that a final answer can be given at the earliest possible opportunity.

One of the saddest things that I think we find in the portfolio of immigration is when somebody is being returned to their home away from Australia after seven years when the answer actually could have been given much earlier. It is an ongoing legislative battle to be
able to come up with the correct processes to streamline it and to make sure that, if the answer is going to be no, that answer be given at the earliest possible opportunity. During the long delays, people are often encouraged by migration agents who know that a case has very little hope and also know that once the people leave Australia they lose a client. I see this in my own electorate from time to time—migration agents give people false hope and get them into endless litigation.

While it is easy to jump up and defend the fact that we want everybody to be able to assert their legal rights at every opportunity, we also cannot get past the human cost of litigation that runs on forever. In that situation, after lengthy periods of time, people lose all contact with the country from which they originally came. That would not be the case if their return had occurred earlier. Their children have grown up knowing only the language of this country and having made friends in the schools that they attended in this country. If the answer is going to be no, the earlier that answer can be given the better.

This piece of legislation is an attempt to streamline and allow that answer to be given at an earlier opportunity than is currently given.

About four years ago, with respect to refugee claims, the Labor Party adopted a policy of being able to process 90 per cent of claims within 90 days. At the time, we were ridiculed by the government for adopting that proposal. The minister in his second reading speech has just referred to the fact that, a couple of years ago now, the government actually adopted a statutory principle that claims should be processed within 90 days. It is good that they did so and it is a shame they did not acknowledge the earlier ridicule of this earlier policy—but that is just life in this sort of business, I guess. It is good that they did so and that they acknowledged the public policy importance of the same decision—the exact same decision which would have so much more justice attached to it in terms of dignity in the lives of individuals if it had arrived at an earlier time.

This bill deals specifically with two areas where the streamlining can be done a whole lot better. In each it would not be fair to blame the drafting of the legislation by the government of the act prior to this bill being introduced because, in all fairness, no-one expected the courts to interpret the provisions as narrowly as they have.

It is ludicrous to have the current situation where a court has to put back to somebody the material in writing that person has just provided in writing. It is also an extraordinary situation where information like passport details, family composition and statutory declarations, which have been provided and which the tribunal is seeking to rely on, have to be put back in writing to that applicant, in the same way as information which is being covered exhaustively during the tribunal hearings and which the applicant is clearly 100 per cent aware of has to be put back to them again in writing. It creates further opportunities for endless litigation and that is something which we do not want.

I do acknowledge the presence of the member for Kooyong in the Main Committee right now and acknowledge the work that he did in bringing the government to provide the statutory limit of 90 days for the processing of claims. I acknowledge his role in that.

The bill, in bringing about those changes, has to make sure people’s rights are not trampled. We want a decision to be made quickly. We want it to be finalised at the earliest possible
opportunity. We also want the procedures to be handled in a manner which can only be described as fair. The Senate committee report made the quite reasonable recommendation:

It is almost certain that the provisions will invite litigation challenging whether the Tribunals:

• considered that the applicant understood the information;
• reasonably formed the view that the applicant did not require more time to respond to the information; and
• met the overarching requirement to apply the provisions in a fair and just manner.

This raises a legitimate fear. While there is no doubt about the good intention of the legislation, we do not want to see our attempt to close off one end of endless litigation actually open up a new path of endless litigation. For that reason, the Senate committee in its report unanimously recommended that there be an amendment to the effect that, when the tribunal determines that the information will not be provided in writing and that it will actually be provided orally, the applicant consent to the process. Getting the applicant to consent would obviously close out the likelihood that the applicant will seek litigation and complain about an outcome that they themselves had actually agreed to during the tribunal hearing.

That amendment, which was supported by the government members in the committee report, was opposed by those members when it came to the vote in the Senate. Labor supported that amendment and supported it for the same reason that the government put forward this bill—because the policy objective is a good one. Some people will say it is a bad thing whenever you try to put any extra limitations in the way of people’s appeals. I do not believe that is the case for a minute. We want decisions to be made fairly and in a streamlined manner—as fast as is possible—so that people know if their future lies in Australia or in another country and can get on with that decision and its implications for them before they lose touch with that other country. That is a good policy objective. There is a genuine fear that, by not seeking the consent of the applicant, this legislation could well have the opposite impact to what is intended by the government, I believe, in good faith.

We had a go with that amendment in the Senate. Given that we did not win it in the Senate, I reckon odds-on we are not going to win it in the House of Representatives so we will not be moving that amendment again. But I do put on the table the concerns from the opposition. We want to make sure that we do not unintentionally end up with this bill, which was aimed at reducing litigation, actually closing off one path and opening up a whole new path. That is in nobody’s interests. Whether it will turn out that way remains to be seen, but it is a concern that came out of the Senate inquiry and it is a concern that the opposition view as being quite genuine.

While we believe that amendment could have made the bill better, we certainly hold the view that this legislation nonetheless is an improvement on the current act. No-one could have foreseen that we would end up in the situation where it would be insisted upon that something that was covered exhaustively would be given to an applicant again in writing. Certainly we never expected we would be in the situation where information which the applicant had provided to the tribunal would have to be provided by the tribunal back to the applicant in writing. I do not think anyone foresaw that that would be an outcome. To have a more streamlined process involves correcting anomalies such as those.
For those reasons the opposition support this bill. We believe that there is a risk that could have been closed out. The government sought to go down this path. I certainly hope history shows that we ended up with a positive outcome and that this did play a small role—it will not play an earth-shattering role—in making sure that the determination of someone’s claim to stay in Australia is made fairly and at the earliest opportunity.

Mr GEORGIOU (Kooyong) (10.25 am)—The Migration Amendment (Review Provisions) Bill 2006 proposes changes to the conduct of the review process of the Migration Review Tribunal and the Refugee Review Tribunal. These are the administrative bodies responsible for reviewing decisions on visas, decisions made by the Minister for Immigration and Citizenship or his delegates. The sections the bill proposes to amend were introduced by this government back in 1998 as part of an extensive process of legislative change. This was part of an ongoing attempt by this government and also its predecessors to restrict the courts’ ability to review decisions of the tribunals.

In presenting the case for the changes, Mr Ruddock said that the most corrosive actions against an effective and fair immigration program were taking place in the courts and that these administrative decisions should have administrative review dealing with merits and that the courts can have a supervisory role in relation to whether they follow procedural fairness. He added, ‘That is why we set out what procedural fairness will involve but they’—the courts—‘will not use that as a basis for going in and putting their views on the merits.’ To this end, sections were added to the act that spelt out: ‘An exhaustive statement of the natural justice hearing rule’. This exhaustive statement was specified by the act as being contained in division 4 and sections 416, 437, 438 and division 7A. To put it simply: the tribunals are required to give the applicant information for affirming the decision that was under review to ensure that the applicants understand the relevance of the information and be invited to comment on it. That information and the invitation had to be in writing in a document delivered by a variety of prescribed methods.

In the event, the tribunals did not comply with this legislation. The full Federal Court decision in MIMA v Al Shamry made it clear that adverse information provided by an applicant to the department as part of their visa application or in response to a possible visa decision was not covered by the exemptions, provisions and subsections 359A(4) and 424A(3). Accordingly, tribunals are required to put the information to the applicant and invite them to comment.

Following Al Shamry, the tribunals complied with this decision by orally providing any such adverse information to the applicant for comment during the hearing. In May 2005, in SAAP v MIMIA, the High Court made it clear that the requirements in section 359A and 424A to provide the information in writing were not procedural and had to be strictly complied with by the tribunals. In February 2006, the Federal Court in SZEEU v MIMIA found that Al Shamry should be followed.

In 2005-06, more than 500 cases were returned to the tribunals for reconsideration because the High Court and the full court of the Federal Court ruled that the tribunals had not met their obligations regarding the hearing rule. In the High Court case SAAP v MIMIA, the dispute centred on the means by which applicants to the RRT were informed of information adverse to their appeals that had been considered by the RRT. The majority found that applicants must be informed of adverse information in writing. The majority reasoned that, firstly, the act had
been breached; secondly, that without full compliance with the act there is no procedural fairness; and, thirdly, that in the absence of procedural fairness an RRT decision may be erroneous and can be set aside.

The Federal Court in SZEEU v MIMIA upheld Al Shamry concerning the scope of section 424A. In this case the dispute centred on a description of the type of information required to be disclosed under the adverse information rule. Section 424A(3)(b) exempted information tendered ‘for the purpose of the application’ from the requirement of the invitation to comment on adverse information. SZEEU affirmed that the term ‘application’ has the narrow meaning of ‘application to the RRT’ and this meant that only adverse information furnished as part of the RRT application, not the overall visa application, is subject to the exemption from written notice.

Mr Justice Weinberg’s statement on the case underlined the degree to which legislative requirements regarding procedure have overshadowed the matter of fairness itself, forcing judges to overturn decisions because of procedure even where no actual unfairness had resulted. He said:

Henceforth any decision based on information adverse to the applicant where such information does not fall within any of the exceptions in s.424A(3) is likely to be set aside irrespective of whether there has been any actual unfairness.

Mr Justice Weinberg said that the appeals illustrate ‘the problems that can arise when the legislature embarks upon the course of establishing a highly prescriptive code of procedure for dealing with visa applications and subsequent applications for review instead of simply allowing for such matters to be dealt with in accordance with well developed principles of common law’. While doubting that ‘the legislature ever contemplated that section 424A would give rise to the difficulties it has’, Justice Weinberg attributed the problems directly to the ‘attempt to codify, and prescribe exhaustively, the requirements of natural justice, without having given adequate attention to the need to maintain some flexibility in this area’. It is the situation created by such legislation that the bill before us seeks to correct.

In introducing the bill to the Senate, Minister Ellison pointed out that the requirements imposed upon the tribunal by the courts have made the process slower and more impractical for the tribunal. The process is, I think rightly, said to be burdened by cumbersome reiteration in writing of unimportant information such as passport details. The tribunal’s principal member, Mr Steve Karas, observed that the judgements have had an impact on the efficiency of the tribunals and on the time lines for reviews. It does need to be noted however that the judgements actually do flow from the legislation, and the attempt by successive governments over the years to curtail the discretionary power of the courts in matters of procedural fairness has created a situation where courts are forced to send back cases because of procedural issues irrespective of whether the original decision had been fair or unfair. Given the gravity of the decisions made by these tribunals—as well as the case of the RRT, which assesses whether a person is a refugee under the United Nations convention—and our obligations under international law, we must take every effort to ensure that decisions of the MRT and the RRT are fair and just.

I think it is worthwhile reiterating that what is at issue here is not a lack of justice in a substantive sense but rather a legislative provision which relates to the giving of notice in circumstances in which it may not matter at all whether such notice was given. This bill will
make it a statutory requirement that the tribunal must act in a way that is fair and just in conducting its review. This gives pre-eminence to fairness and justice as guiding principles for discretion and as the criteria upon which discretion itself may be judged.

Section 424A will give tribunal members the discretion to choose whether to advise applicants of adverse information orally or in writing. It obviates the need for time-consuming and unnecessary reiterations of materials in writing and clarifies this aspect of the process to relieve a technicality from the burden of judicial scrutiny. We must take care, however, to ensure that the option of an oral presentation of adverse material does not mean that people will be rushed in their consideration of matters that may take some time to process. To this end, the bill introduces a new safeguard. Members will be required by law to ask whether the applicant has had enough time to consider the information before responding. If they have not had sufficient time, and if the member agrees, the hearing must be adjourned.

There is an inherent tension between the guiding legislative directive of the tribunal that their decision making should be both fair and quick. The legislative objective of dealing with applications for review efficiently—and I am a very firm believer in that efficiency and that speed—should not be allowed to detract from an obligation to deal with people fairly. The reforms initiated by this bill allowing members to present adverse information orally but requiring them to ask applicants whether they have had sufficient time to consider the information presented, I believe, strikes the right balance between the competing demands of justice and efficiency.

The vast majority of people speaking before the tribunals do not speak English as a first language. This is why it is required by law that interpreters be made available not only on request but also if and when the tribunal member perceives a need. In 2005-06, interpreters were required in 66 per cent of MRT hearings and 90 per cent of RRT hearings. Under the new conditions of oral presentation, it is also important that members are sensitive to applicants’ needs for interpreters and act on their obligation to suggest an interpreter if they perceive a need.

Let me move to the question of the type of information that the members are required to present to applicants. Under section 424A(3)(b) information tendered for the purpose of the application is exempt from the fair hearing rule. As I have indicated, there has been an issue before the courts about whether the term ‘application’ should be taken narrowly to refer to the application for review before the tribunal or more broadly to also include the visa application that is the subject of the review.

In SZEEU v MIMIA the full court of the Federal Court determined that the nature of the adverse information should, in the interests of fairness to the applicant, be broadly defined. To this end, the meaning of the term ‘application’ in section 424A(3)(b) should refer only to information tendered as part of the application for review by either of the tribunals. As I have said, this issue brought the courts to the unhappy situation of having to overturn decisions, regardless of fairness or otherwise, based on an interpretation of a word—a situation in which fairness is only marginally relevant, as Justice Weinberg characterised it.

The bill clarifies the matter by defining ‘application’ as ‘any document tendered during the visa application’. This will save the tribunals from wasting time sending out duplicate copies of uncontroversial routine documents such as passports. Importantly however, oral statements are exempt from this practice and any statement an applicant gives orally as part of their visa
application process, if it is found to be adverse information, will need to be brought to the applicant's attention in writing.

The bill introduces legislation which attempts to break through the impasse that has been created by an overly prescriptive approach to procedural fairness. It will restore an important measure of discretion and flexibility to members who, in applying this division, will have to act in a way that is fair and just. In terms of process, I have highlighted the new safeguards introduced by this bill—the exemption of oral statements from section 424C and the requirement for members to ask whether an applicant has had sufficient time to consider the adverse information put to them. I commend this bill to the House.

Mr SLIPPER (Fisher) (10.39 am)—I am pleased to rise in the Main Committee today to support the Migration Amendment (Review Provisions) Bill 2006 [2007]. As honourable members would be aware, this bill amends the allowable task of the Migration Review Tribunal. Australia is a desirable country in which to live and every year about a million people from around the world apply to join our Australian family. We must of course, as we do, have a system of migration administration with integrity, and the Migration Amendment (Review Provisions) Bill 2006 updates and refines the provisions which are currently the law.

The Migration Review Tribunal, as outlined in the Migration Act 1958, has the purpose of reviewing visa related decisions made by the Minister for Immigration and Citizenship or by staff of the Department of Immigration and Citizenship who are acting as delegates of the minister. Its main role is to ensure that the original decisions are made in line with the requirements of our laws and available information. Over the years, Australia has done much to ensure that our system of migration is open, transparent, fair and equitable. While from time to time there might well be disagreements over whether the right balance has been reached, successive governments—and this government in particular—have sought to have a system which is fair, transparent, open and equitable.

The Migration Review Tribunal has jurisdiction over visa decisions involving those who are not citizens of Australia and also those who wish to travel here. Decisions that are reviewable include those related to a refusal to grant a visa, visa cancellations, decisions not to automatically cancel student visas, cancellations of previous approvals of business sponsors, the imposing of security conditions on a visa application and the like. Despite at times being called upon to do the impossible, the tribunal does not have any additional discretion than the discretion exercised by the initial decision maker, and any reviews of decisions must be made within the bounds of the same policy and legislative framework as has been applied in coming to the original decisions.

Honourable members would know of many cases where somehow the individual circumstances do not come within a particular category, yet it is really a moral thing that such a person ought to be admitted to Australia. While making sure that we have a system that is appropriate, it is important to have flexibility and it is also important to have ministerial discretion.

A former Labor immigration minister told me some time ago that governments had progressively sought to remove discretion away from the minister and pass that discretion on to the bureaucrats but that, ultimately, it is the minister who has to wear a bad decision, even if the minister had no part in reaching it. So I suppose what you also need as part of the balance is a balance between flexibility and a system where people know what is permissible and what is not.
This bill gives the Migration Review Tribunal and the Refugee Review Tribunal the ability to verbally give an explanation to applicants as to why a particular decision by the Department of Immigration and Citizenship has been upheld. Part of the reason for this bill is to overcome difficulties created by the full Federal Court and the High Court when they have interpreted provisions—as the minister said in his second reading speech:

... to mean that the tribunals can only discharge their procedural fairness obligations by providing applicants with particulars of adverse information and the invitation to comment on it in writing.

This bill will permit the explanation to be given in a verbal and not necessarily a written way.

The bill clarifies that an invitation to a visa applicant to comment on a decision does not extend to information that has already been lodged with the Department of Immigration and Citizenship and that has already been taken into account to make the initial decision, except for information that may previously have been given to the department by verbal means.

With regard to information that carries significant weight in those cases where the tribunal affirms a decision previously made by the department, it is important that the tribunal makes certain that the applicant has understood why that information has been seen as particularly relevant. The situation in which an applicant has received additional information at the review hearing and is given the option to seek additional time to consider the new information before making any comment in relation to that information is, I think, an equity measure, and I do not think any reasonable person would dissent from that proposal. With regard to the point I have just made, if the applicant does request more time to consider the new information and the tribunal sees that request as reasonable, the tribunal would adjourn proceedings to give the applicant sufficient time to review the new information. That is another instance of how we try to make sure that our legislation is as equitable and reasonable as possible.

As I said earlier, with respect to migration and the decisions made pursuant to the laws regarding migration and visas, people will always say that there ought to be a balance. The difference occasionally is on where the balance should be, but I think the Migration Amendment (Review Provisions) Bill 2006 is an important step forward, and I am very pleased to be able to commend it to the chamber.

Mr ANDREWS (Menzies—Minister for Immigration and Citizenship) (10.46 am)—May I thank the members for Watson, Kooyong and Fisher for their contributions during the second reading debate on this bill. As members have pointed out, this review provisions bill strikes a practical balance between continuing to ensure that review applicants receive procedural fairness, on the one hand, and ensuring that the tribunals are able to provide procedural fairness in a way that is sufficiently flexible to be appropriate in each individual case, on the other hand. This is achieved by providing a discretion to the tribunals to deal with adverse information orally at a hearing. The bill also clarifies that adverse information which has already been provided by the applicant other than orally for the purposes of the decision under review does not have to be given to the applicant for comment or response.

Reference was made in the debate to the recommendations by the Senate Standing Committee on Legal and Constitutional Affairs, which handed down its report on this bill on 20 February this year. I record my thanks to the committee for the valuable work it has done throughout its inquiry into the bill. I also thank the people and organisations who provided thoughtful and considered input to the committee. The committee recommended that the bill be passed with an amendment so that adverse material may only be provided orally at hearing.
at the election of the applicant. However, the government supports the passing of the review provisions bill in its original form. This is because the recommendation would, to a large extent, nullify the objective of the bill to allow the tribunals flexibility in how they give procedural fairness to review applicants.

The committee’s proposed amendment would remove the ability of the tribunals to control a process by which adverse information is provided to applicants. Those applicants who wish to deliberately delay the review process could simply refuse to respond to adverse information put to them orally at hearing, even where they are perfectly capable of doing so. The government’s longstanding objective of maintaining the integrity of the migration review process could be undermined because the committee’s proposed amendment has the potential to be open to such abuse. In addition, the committee’s recommendation would add an impractical process and introduce greater complexity in the conduct of tribunal hearings. I also remind the House that this bill does not affect an applicant’s right to seek judicial review of a tribunal decision. Access to the courts remains intact. I therefore commend the bill to the House.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (No. 1) 2007

Second Reading

Debate resumed from 10 May, on motion by Mr Nairn:

That this bill be now read a second time.

Mr TANNER (Melbourne) (10.49 am)—The Financial Framework Legislation Amendment Bill (No. 1) 2007 is designed to reform the arrangements whereby government agencies are able to treat revenue that they receive as a result of their ordinary activities, or indeed sale of surplus items, as revenue that does not have to be accounted for in the wider appropriation process; but they can get authority from the Minister for Finance and Administration to deal with that as their own ordinary revenue and therefore to disburse the proceeds in the ordinary course of events for the purposes for which they are set up.

The idea of the legislation makes sense in order to liberate the process from existing arrangements which require the finance minister to give a specific exemption or reach an agreement with the particular agency, empowering them to treat these moneys in a certain way. It was revealed about a year ago, courtesy of an Auditor-General’s report, that this arrangement was being widely ignored or breached. Clearly, that raised questions about whether it was a sensible way to do things. The new arrangement put forward by the government does significantly liberalise this process and allows agencies dealing with these revenues and spending the proceeds of these revenues to be dealt with by regulation and in a more sensible way.

The opposition supports the legislation. We do, however, intend to keep a watching brief on how this unfolds. We are concerned on a number of fronts that the degree of decentralisation of financial decision making that the government has introduced into the government sector at the federal level is excessive and that that has a number of negative consequences—for example, on the front of purchasing, where there is virtually no across-agency coordination, which
would deliver significant savings. So there are a range of reasons why we do have some general concerns about these structures. However, at first blush we believe that what the government is proposing here appears to be sensible. We certainly reserve the right subsequently, based on our own evidence of what is occurring in practice, to take a different view. We will be watching with interest, particularly if we are in government and I am the finance minister, which we hope will occur in the near future, to see how this arrangement works. But, on the face of it, it appears sensible and the opposition supports the legislation.

Mr CIOBO (Moncrieff) (10.52 am)—It is certainly a delightful surprise to have the opportunity to speak on the Financial Framework Legislation Amendment Bill (No. 1) 2007. This is an important bill because it goes to the core of this government’s absolute commitment to ensuring that, when it comes to the financial management of the Commonwealth of Australia, we manage it in an appropriate and guided way. In that respect, it is important to take time to pause and to consider this government’s financial performance and the various legislative safeguards and initiatives that this government has taken to ensure that there is a suitable financial framework in place, and contrast that with the performance of previous federal governments which perhaps have not been quite so diligent when it comes to financial frameworks or, importantly, when it comes to the management of the Australian economy.

In this respect, I note that the bill primarily amends division 3 of part 4 of the Financial Management and Accountability Act 1997. There are five sections in the division, each of these relating to an appropriation authority. There are also a number of consequential amendments contained in the bill to the Auditor-General Act 1997, as well as to the Legislative Instruments Act 2003. I am also pleased to note that this bill clarifies other matters within the FMA Act with respect to delegations.

From my perspective, if you look at it in a collective sense, the amendments that are before the chamber today will reduce red tape when it comes to Australian government administration, will provide a simpler financial framework and will ensure that the administration and management of appropriations are simplified when it comes to Australian government decisions. This underscores the fact that there is continuing evidence of an ongoing incremental set of improvements to the financial framework. This is in fact the third financial framework legislation amendment bill, with financial framework legislation amendment legislation having been passed in the previous years, 2005 and 2006. Each of these has evidenced ongoing monitoring and review. This demonstrates that incremental improvements to the financial framework will continue on an ongoing basis.

I have basically touched upon all the key initiatives in this bill as I see them. I commend the bill to the House.

Mr CAMERON THOMPSON (Blair) (10.54 am)—Going through the various aspects of this bill reminds me of the complexities within government administration. I suppose to the average layman, when we talk about the complexities of government administration, the best example was that old series Yes, Minister. I recall the celebrated occasion in that series when Sir Humphrey was banned from the minister’s office and he appeared at the window of the minister’s office, tapping on the window and wanting to get in. As a member of this House I believe that we have to remember that vision of the Public Service with Sir Humphrey tapping at the window wanting to get in, because inevitably that is what happens in relation to overly bureaucratic practices. They will be tapping at our window, wanting to get in all the
time. It behoves the government to be constantly aware of those sorts of things and when they hear the tapping at the window from Sir Humphrey they need to block that out. Do not let Sir Humphrey in. Avoid the temptation to allow the overly bureaucratic tendencies that sometimes flourish within the Public Service. Stamp them out and seek always more effective ways of doing things.

That is the purpose of this bill. This is a conscious effort by the government to continue to refine the framework within government administration to make it more efficient, more effective, more transparent, more accountable to the public and more accountable to the parliament. I commend the parliamentary secretary and the others involved in drafting this piece of legislation because, dull though it might be and difficult and convoluted at times, it is important that we continue to put ourselves into harness and fight the forces of gravity that drag us down always towards more bureaucracy and more opaque reasoning and language and administrative practices. This is a government that is committed to reducing red tape and instituting a simpler financial framework. That is a fact. Despite the occasional scoffing—do you remember, Parliamentary Secretary?—by members opposite, the government continues to put itself into harness and continues to fight for the reduction of red tape in effective ways.

We do this in an environment in which it is important to maintain principles of security, accountability and transparency, and the government is well and truly on the record as a performer in this regard. In both 2005 and 2006 the government passed financial framework legislation acts, both of them simplifying the system. So we come back to it again and again and we look for ways to improve the framework, to make it less bureaucratic and more accountable to the parliament as well as to the public, and more transparent. This bill continues the work in reducing the red tape in government administration, simplifying the framework and the administration and management of appropriations.

These amendments relate primarily to the Financial Management and Accountability Act 1997. The FMA Act was introduced almost 10 years ago and this bill ensures that its processes continue to evolve to meet the needs that apply today. The measures that we are talking about today are of particular importance when functions are transferred between government agencies. Of course that happens from time to time and I am aware that from time to time things can fall between the cracks in those kinds of changes. It can result in different emphasis being placed on issues within new departments and it is important that the control and the allocation of those appropriations be done effectively and smoothly and in a way that is clearly transparent and clearly understood by all those parties involved.

The changes impact upon the act in various ways. For example, you can really only interpret section 31 of the FMA Act by looking at three different sets of documents. That is a complex and very legalistic undertaking, and something that is not transparent. So in these amendments today the government propose to get rid of the need to consult those three different documents—although I suppose that is still open—and reduce it to a situation where there is just a single point of reference for the regulations. That is something that makes it much more clearly understood.

The amendment will effectively also—and I am sure that this, Mr Deputy Speaker Haase, is something you will approve of—improve parliamentary scrutiny. Where the current agreements made under section 31 are exempt from parliamentary disallowance, the fact that these are now going to be covered by a regulation and are subject to disallowance by the parliament
is something that I think, Mr Deputy Speaker, you would wholly endorse, and I think any vociferous member and supporter of democracy in Australia would do the same. It is good that we cover this by way of regulation and make it in a way that it is disallowable and therefore accountable to the parliament. That is something Sir Humphrey would not have liked. He would not have endorsed such an incredible and obvious expression of accountability to the public or to the parliament, would he, Mr Deputy Speaker. Once again, Sir Humphrey tapping at the window and we do not let him in. It is something very important to the ordinary and good-sense government that we need in this country.

In the case of sections 28 and 30 there is an interesting state of affairs where there is apparently a similar form of words applied in two different respects. But the way in which it is worded is very opaque and it is not clear, on the immediate reading of it, how it works— which particular set of circumstances are referred to in the first case and which in the second. The amendment to section 28 clarifies the way this is written. It will now clarify the status of repayments by the Commonwealth. And section 30 will clarify repayments to the Commonwealth. That might seem like a piffling matter but, if you were to get those two things confused, no doubt it would result in quite a mess. The fact that it is opaqueley worded at present I think is something that members would find disappointing, and the amendment seeks to pick that up.

One of the other important factors in good administration is that there be clear lines of administration between the CEO, the departmental head, the person responsible for a department’s functions, and those who are there carrying the functions out, so that we have a clear line of responsibility. Chief executives of departments need to have full oversight and control over the appropriations for which they have responsibility, so there are amendments to section 53 that would clarify a chief executive’s role in issuing directions when delegating a power or function. Of course, powers are delegated from time to time, but it is important that it be made clear just how those sorts of delegations are being made, and what changes are entailed within them, and to ensure that the chief executive’s role and the extent to which powers have been delegated remain clear. So the amendments to section 53 pick that up very directly; something that I endorse wholeheartedly.

Within the changes proposed by this bill, it is important that, where there are incremental improvements to the financial framework, these be undertaken regularly, as I said before. We have done that in 2005, 2006 and now again in 2007. It is important that we continue to press this forward. So I urge the parliamentary secretary and others within the government to continue to push for amendments that do these commonsense changes justice and ensure that the government is placed in a good position to be able to make the activities and responsibilities of its departments more readily understood and accountable to the parliament and to the public.

I have a few overriding comments about the bill. It is important that we note that the changes today clarify how financial transactions can occur between the financial management act agencies. They amend the FMA Act to allow for a single disallowable legislative instrument in place of a series of over 80 appropriation agreements. They insert a new section to the FMA Act clarifying the timing of adjustments to appropriations. They clarify how and when the goods and services tax liability affects appropriations. They amend the FMA Act to clarify a chief executive’s power to issue directions to officials, and make consequential amendments
to the Auditor-General Act 1997 and the Legislative Instruments Act 2003 as a result of the proposed amendments to the FMA Act.

This bill will facilitate the adoption of appropriate administrative practices through clearer legislative provisions generally, which will reduce red tape and should improve the efficiency of agency operations. The amendments to the FMA Act relating to net appropriation agreements, including consequential amendments to the Auditor-General Act 1997, arose from the findings of the Australian National Audit Office in their audit report No. 28. So the government is responding to those suggestions from the ANAO. Changes that make the system more transparent, more clearly understood and more accountable to the public and to the parliament are being introduced. I commend the bill to the House.

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (11.08 am)—I thank members for their contributions to this debate, particularly the member for Blair, who has just demonstrated a very thorough knowledge and understanding of this bill. I thank him for his contribution. The Financial Framework Legislation Amendment Bill (No. 1) 2007 primarily amends division 3 of part 4 of the Financial Management and Accountability Act 1987, otherwise known as the FMA Act. That division consists of five sections, each relating to the appropriation authority. The bill also contains a small number of consequential amendments to the Auditor-General Act 1997 and the Legislative Instruments Act 2003, and clarifies another matter in the FMA Act in relation to delegations.

Significantly, the amendments will considerably strengthen parliamentary oversight capacity for the FMA Act to increase agency appropriations. Current arrangements under section 31, for example, require three separate sources of information in order to identify both the amount of an increase as well as the original source of the appropriation authority. Those three sources are the agency section 31 agreement, of which there are 80-plus, as well as the text of section 31 of the FMA Act and the annual appropriation act in question.

In addition to also being exempt from parliamentary scrutiny, these arrangements can vary widely from agency to agency. The revised arrangements in the form of a regulation to apply uniformly to all agencies will also be subject to parliamentary disallowance. The revised arrangements will also be restricted to departmental items. In addition to the increased oversight by parliament, officials themselves will have better scrutiny and control over the appropriations administered within their respective agencies. The new section 32A will eliminate the current scope for appropriations to be increased automatically by operation of law without officials necessarily even being aware that the increase has occurred. The revised arrangements will ensure that no increase to an agency’s appropriation will take place until a record has been made in the agency’s accounts and records. This considerably tightens agencies’ oversight of appropriations.

The amendments are evidence of the ongoing incremental improvements in the financial framework. This is the third financial framework legislation amendment bill, with financial framework amendment acts having been passed in both 2005 and 2006. Each has evidenced ongoing monitoring and review, showing that incremental improvements to the financial framework continue on an ongoing basis. While this area is relatively technical in its nature, it is an important part of financial management accountability that this government takes seriously. I commend the bill to the House.

Question agreed to.
Bill read a second time.

The DEPUTY SPEAKER (Mr Haase)—A message has been received from His Excellency the Governor-General recommending in accordance with section 56 of the Constitution an appropriation for the purpose of this bill.

Ordered that the bill be reported to the House without amendment.

**FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2007**

Debate resumed from 18 June.

**Second Reading**

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (11.12 am)—I present the explanatory memorandum to this bill and move:

That this bill be now read a second time.

I am very pleased today to be introducing the Food Standards Australia New Zealand Amendment Bill 2007, which implements the government’s commitment to substantially improve food regulation processes in Australia and New Zealand. The proposed amendments of the Food Standards Australia New Zealand Act 1991, the act, have emanated from a number of different projects involving extensive consultations with all Australian state and territory governments, the New Zealand government, the food industry and consumer and public health groups, and I am delighted with the broad support for the proposed amendments.

In the past 10 years the food regulatory environment in Australia has undergone a number of significant changes. In order to reflect this changing environment the legislation which governs food regulation has been amended on a number of occasions. The last amendments in 2001 were part of a reform package that restructured the food regulation system. It conferred policy responsibility for the food policy framework on the ministerial council comprising ministers representing all relevant portfolios, and it established a new independent statutory authority, Food Standards Australia and New Zealand, to develop and approve science-based food standards. The package also retained the requirement that the ministerial council be satisfied with any approved standard.

Since the commencement of the new system in 2002, ongoing feedback from consumers, government and industry has highlighted the number of areas where the authority’s operations could be improved. In particular, a recent review of the food standard development and approval processes highlighted areas in which processes should be streamlined and harmonised, red tape could be reduced and innovation in the food industry could be further encouraged. The underlying issue is that virtually all applications and proposals are being processed in the same way, regardless of whether these are for major or minor amendment to a standard or for a new standard altogether. Even applications for minor technical amendments are subject to the full gamut of two rounds of public consultation, three sets of reports and the opportunity for ministerial council review.

It was found that the average time taken to complete a full assessment of an application was 16.8 months. This has led to a considerable backlog of applications. Anyone who lodges an application can expect to wait 15 to 18 months before assessment of the application could commence. To address this problem, the bill before us amends the act to enable the authority to assess different applications and proposals according to their nature and scope. Three dif-
ferent streams will replace the current one size fits all model, resulting in a targeted assessment process that will improve efficiency and reduce average assessment times. Improvements have also been included to better engage stakeholders in the standards development processes.

Another issue that was identified by the review was the need to improve the capacity to align the processes between the policy development undertaken by the ministerial council and the standard development process of the authority. The bill addresses this issue by further strengthening the complementary roles of the authority and the ministerial council. The bill enables the authority to suspend consideration of an application to await policy advice from the ministerial council when policy on the same issue as the application is under development. Currently, there is no simple way for the authority to defer dealing with an application to amend a standard, even if it knows that the ministerial council is concurrently developing policy guidelines that will affect this standard. This approach has been endorsed by the ministerial council. It strikes the necessary balance between aligning the functions of the ministerial council and the authority and processing applications without undue delay.

The second change in relation to the ministerial council is to streamline the process for finalising standards. Subject to necessary changes to the food treaty between Australia and New Zealand, the bill amends the review procedure that is available to the ministerial council after the authority has approved the standard. The removal of the option for a second review will significantly streamline the process to finalise standards while still ensuring appropriate oversight of standards by the ministerial council.

As a part of the review, a great deal of feedback was received on better management of issues related to food innovation. An area identified by industry as having the biggest potential for food innovation was that of health claims. As a result of extensive consultation with all interested parties, the bill addresses the main concerns of the industry by including a new process for the scientific pre-market assessment and approval of high-level health claims. The nutrition, health and related claims standard is currently under development by the authority. Once the standard is approved, individuals and companies will be required to make applications to the authority for pre-market approval of high-level health claims which will then be assessed against the standard and, if approved, added to the list of approved claims.

The new process described in the bill ensures that if and when the new nutrition, health and related claims standard takes effect, all high-level health claims will be fully assessed by the authority, with the advice of an expert committee and in consultation with states, territories and New Zealand. Once the authority approves the inclusion of the claim in the standard, the amended standard will be considered by the ministerial council in the usual way. This process ensures proper assessment of the claim against the standard and also encourages innovation in this area by enabling claims to remain confidential.

To remove unnecessary red tape and duplication and to improve clarity, the bill also makes several minor and consequential amendments. An example is an amendment to the Agricultural and Veterinary Chemicals Code Act 1994. The amendment enables the Australian Pesticides and Veterinary Medicines Authority to refer applications relating to maximum residue limits to the authority and for these to be dealt with in a streamlined manner. This will align the processes of the Australian Pesticides and Veterinary Medicines Authority and the food
authority for the cooperative setting of maximum residue limits and will remove unnecessary red tape and duplication.

The Senate Standing Committee on Community Affairs and the Standing Committee for the Scrutiny of Bills reviewed the bill and made recommendations. In response to these recommendations, the government introduced three minor amendments to the bill. These amendments were adopted by the Senate. The state, territory and New Zealand governments have been closely involved in the development of this legislation. All are jointly committed to a food regulation system that runs as smoothly and efficiently as possible while still maintaining the existing open and publicly accountable arrangements that ensure the protection of public health and safety. This bill reflects this commitment. I commend this bill to the House.

Ms ROXON (Gellibrand) (11.20 am)—I rise to speak today on the Food Standards Australia New Zealand Amendment Bill 2007. Labor supports this bill and hopes that the significant changes to the process that are being introduced as a result of this bill will, as the parliamentary secretary has outlined, improve the processes for industry. We hope equally that they will provide some further protection for consumers, who also have found the previous process not only time consuming but also difficult to be involved in.

No doubt it has been apparent to anybody listening to the parliamentary secretary’s speech that this is an area where there are a vast number of different ministerial councils, different advisory bodies and different regulatory bodies. The attempts in the bill to streamline these processes and make sure that they can work for industry are vitally important. There is even a new layer of complexity—it has been in existence for some time—added to our normal federal relations between the states and the Commonwealth to include New Zealand. The parliamentary secretary has noted that some of these provisions do not come into effect until the treaties that need to be amended between Australia and New Zealand would be effected.

This bill has already been introduced and debated in the Senate. There was a Senate committee process in place, and I will talk through some of the recommendations that were made there. The bill that we are now debating in this place has the amendments that the government was prepared to accept. We had hoped that the government might accept amendments relating to public health issues that were recommended by the Senate committee. We regard this as a vital part of the whole regime that is in place. Given that the government was not prepared to accept those amendments in the other place, we will not be moving a separate amendment here, but we will be recording our disappointment that the recommendations of the Senate committee in relation to public health were not adopted by the government. We do accept however that this is an evolving process and that there will no doubt be many other occasions when we are all before this House making changes to this bill and that there will be opportunities to pursue those issues further down the track.

For the record, this bill proposes to amend the Food Standards Australia New Zealand Act 1991 in a number of ways. Firstly, it reforms the assessment and consultation process. The current one-size-fits-all model for assessing different applications and proposals by FSANZ will be replaced by three different streams so that the applications and proposals can be assessed according to their nature and scope. Secondly, the bill contains amendments to strengthen the alignment of policy settings, processes of the ministerial council and the standard development and approval process of FSANZ. The bill enables FSANZ to suspend consideration of an application for up to 18 months where the council has notified FSANZ that it...
is developing a policy guideline on the same issue. Thirdly, subject to necessary changes to the food treaty between Australia and New Zealand, the bill streamlines the process for finalising standards, removing the option for a second review by the ministerial council after FSANZ has approved a standard. Fourthly, the bill introduces a new process for the scientific pre-market assessment and approval of high-level health claims. And finally, the bill makes several minor and consequential amendments to the act to reduce red tape and duplication and to improve clarity.

According to the explanatory memorandum and the comments of the parliamentary secretary, the purpose of the bill is to amend the act to expedite the development of food regulatory measures and to improve the framework within which FSANZ operates and food standards are made. We know that this is a particular area of concern to the industry. Australia does have a very strong and well developed food industry that finds the processes often difficult and slow, and it is welcome that the government is acting to try to improve that process.

But it is also an area where the public have become increasingly engaged in the health claims made about food, particularly relating to nutritional value. This debate is going to be ongoing and we know that FSANZ is already undertaking much work trying to come up with proper guidelines which will enable particular health and nutritional claims to be clearly set out for the public. So this will, I suspect, end up being important background for the range of other changes which it is almost inevitable will keep progressing through this area.

The parliamentary secretary noted that the government’s response in this bill has been as a result of lengthy consultations, a range of reviews, and feedback from consumers, government and industry highlighting a number of areas needing improvement in the framework for developing and assessing food standards by the authority. Some of this work goes back as far as 1991, when the National Food Authority was established and when the states and territories entered into an agreement with the Commonwealth. New Zealand became a partner in the Australian food regulatory system in 1996 and that was when ANZFSA was established.

In November 2000 the Council of Australian Governments—COAG—agreed to a new food regulatory system in response to the recommendations of the food regulation review known as the Blair report. Obviously, since the establishment of that new independent statutory authority, Food Standards Australia New Zealand has been established to develop approved science based food standards. Policy responsibility for the regulatory framework has been conferred on the ministerial council, comprising ministers representing all relevant portfolios, and New Zealand again joined the system by way of treaty.

In 2004, the Food Regulation Standing Committee, comprising senior officials from New Zealand, Australia and all state and territory governments, undertook a review of the regulatory system aimed at identifying opportunities for reducing delays in Australia’s food standards assessment and approval process and enhancing the protection of confidential commercial information. The government, as has been noted in previous speeches, advises that the issues addressed in the bill have been as a result of this vast array of different committees and reviews and these issues being the subject of consultation between the Commonwealth, the states and territory governments and New Zealand, as well as the food industry, consumer and public health groups and general members of the public. It is those assurances that lead us to be confident in our support for the bill, but, as I say, there are a range of issues that we had hoped the government might have been able to take further. The long gestation period for any
of this legislation may well be a reason why changes later in the process are not necessarily welcomed by government, which I can understand. But I do think it will be important for us to keep an eye on developments as these provisions of the bill come into effect.

Turning to the main provisions of the bill, schedule 1 introduces new application and proposal procedures to the Food Standards Australia and New Zealand Act 1991. Schedule 1 also contains amendments to both the Agricultural and Veterinary Chemicals Code Act and the Food Standards Australia and New Zealand Act 1991. Items 72 and 73 of the schedule amend the Agricultural and Veterinary Chemicals Code Act to enable better coordination of assessments for maximum residue limits and to provide for joint consultation by the authority and the Australian Pesticides and Veterinary Medicines Authority when that is relevant.

The amendments in part 4 are amongst the most significant in the bill. Item 74 repeals the current procedures for amending food regulatory measures and developing new food regulatory measures, replacing them with new sections and divisions that reflect the new assessment pathways. The bill divides applications and proposals into different divisions for clarity and the new divisions deal with applications for the development of the variation of food regulatory measures.

New division 1 of part 3 deals with those applications brought by business and individual persons, whereas the new division 2 deals with the applications that are brought and initiated by FSANZ as distinct from those that are brought by individuals and business. These processes represent two of the three new streams of assessing applications and proposals by FSANZ. I will come to the third new process for high-level health claims in a moment.

The new division 3 of part 3 inserts four new sections concerning the capacity of the ministerial council to review applications, and changes the language slightly to accord with the new assessment processes. As the parliamentary secretary noted, this essentially retains the current operation of the act but the second ministerial council review stage in the process has been removed. Ideally, we hope that that will improve the speed of applications being processed without taking away the protections that obviously this regulatory framework is designed to ensure are in place.

The new division 4 describes a process for urgent applications and makes sure that, after an urgent application has been considered, the authority still undertakes the full process in accordance with the general procedure. There are various provisions for time frames and other things. It is not necessary for me to go through those, as they have been recorded already in the explanatory memorandum. If, however, as the explanatory memorandum claims, the time frames—a maximum of nine months for the general procedure, a maximum of three months for minor variations and a maximum of nine months for certain variations to the nutrition health and related claim standards—are achievable, they will indeed be a considerable improvement on the time frames that industry has currently been working under.

New section 109 also addresses the stop-the-clock provisions used by FSANZ and changes the instances where those provisions can come into effect. That will no doubt also be welcome. This provision was the subject of government amendment in the Senate, which I will come to shortly. Part 4 of schedule 1 also makes changes in relation to the rejection or abandonment of a proposal, public hearings being undertaken by FSANZ and the ability of FSANZ to utilise work undertaken by other government agencies.
I have outlined two of the three new streams for the application processes. Schedule 2 of the bill deals with the new assessment procedure for the third category, the high-level health claims; the third stream replacing the current one-size-fits-all approach. Under the new process each high-level health claim will be assessed by FSANZ with advice from an expert high-level health claims committee. The assessment will include a scientific pre-market assessment against substantiation requirements set out in the nutrition, health and related claims standard. States, territories and New Zealand will be consulted on these.

New section 50 outlines the matters which FSANZ must be satisfied about before approving an application for a draft variation to the list of high-level health claims. These considerations include important issues like the protection of health and safety, the provision of adequate information relating to food to enable consumers to make informed choices, the prevention of misleading conduct and the set of criteria set out in the nutrition health and related claim standards in relation to high-level claims. As I said at the outset, these are some of the issues that consumers are becoming, and rightly so, engaged in, wanting to ensure that claims on the packets of products they buy are accurate and able to be substantiated. We know now that there is a vast consumer movement for people who are worried about, for example, the childhood obesity crisis and are trying to make good choices for their children. The only way that can work is if claims that are made are actually able to be properly regulated and we can be sure that people are confidently relying on information that is accurate.

Of course, there is a difference between those that are high-level health claims and other more general ones, and obviously there will be plenty of room for dispute, no doubt, in the coming years over that. But this is an important process. Enabling consumers to make informed choices is a very important criteria—certainly one that the Labor Party considers in assessing this bill, and it is part of our reason for supporting the government’s move. FSANZ must also take account of recommendations from the High-Level Health Claims Committee, any submissions received from the Food Regulation Standing Committee and any public submissions.

Item 12 sets out mirror provisions for proposals in relation to those high-level claims. This stream was developed in response to an identified need to encourage industry innovation in the area. The explanatory memorandum argues that the new process will protect commercially valuable material during that assessment process, allowing applicants to capture the commercial benefit of their innovation—a view which of course is appropriate.

However, I note here for the House that the food standard under which such high-level health claims will be permitted has not yet been finalised. Whilst we support the bill and the framework, including the introduction of the new process for the scientific pre-market assessment and approval of these high-level health claims, we do note our disappointment that the food standard for the assessment of high-level health claims is yet to be finalised. So we are getting some of the architecture in place, but the detail is yet to be finalised and negotiated. Labor calls for, as no doubt the government is also determined to achieve, the prompt finalisation of this standard so that the changes proposed in schedule 2 can commence, providing greater certainty for the industry. There is obviously also a clear public interest in the community in being able to have this resolved as quickly as possible.

Consistent with Australia’s obligations under the Australia New Zealand Joint Food Standards Agreement, schedule 3 will not take effect unless and until amendments to reflect this
new process have also been made to the agreement with New Zealand. Again, Labor calls on the government to promptly negotiate the requisite amendments to the agreement so that the amendments in schedule 3 may come into effect as soon as possible.

These are the main provisions of the bill. I want to talk briefly in this place about the Senate committee process which has already been undertaken in the other place, but, as I have made clear, Labor does support this bill and the changes. We believe they do represent an effort to improve and streamline the process for assessing applications and proposals by FSANZ and we hope that the changes will improve the timeliness, as promised and, I am sure, anticipated by the government.

The bill was referred to a Senate committee at the end of March and the Standing Committee on Community Affairs conducted an inquiry. It received just 15 submissions relating to the bill and considered the bill at a public hearing in Canberra on 23 April. Submissions to the Senate inquiry highlighted a range of views concerning particular aspects of the bill. The AMA, for example, expressed disappointment that the bill seemed to place greater emphasis on improving processes for industry, reducing red tape and streamlining than it did on the public health implications of food regulation activities undertaken by FSANZ—a point that I have been making throughout my comments.

The AMA proposed the adoption of a clear definition of public health in the act and raised concerns in relation to changes to public consultation in some of the new assessment processes. As some people in the House may be aware—I will flag this later—we supported amendments in the Senate that were consistent with that recommendation by the AMA. The Senate committee in fact made recommendations about public health claims and the definition of public health that were not accepted by the government. Whilst we feel that this is a very important part of the act, we will not be moving that amendment again in this place given the government’s clear indication that they will not support such an amendment.

CHOICE raised a series of concerns about changes in the bill which it felt impacted poorly on consumer interests and the transparency of FSANZ’s processes. CHOICE particularly highlighted concerns about the new processes for assessing high-level health claims, arguing that they compromised consultation and transparency, therefore undermining FSANZ’s integrity and primary objectives. CHOICE was concerned about changes to public consultation in some of the new assessment processes and concerned that limitations on the capacity of ministers to request a review would limit their ability to protect the interests of consumers. Like the AMA, CHOICE noted the lack of definition of public health in the act. CHOICE supported the new stop-the-clock provision, noting that it would be illogical for FSANZ to consider an application where the ministerial council had not yet finalised policy guidelines.

In common with the AMA and CHOICE, the Public Health Association of Australia raised concerns in relation to changes to public consultation in some of the new assessment processes and again highlighted this issue in the lack of definition of public health. The Dietitians Association of Australia was critical of changes to public consultation in relation to new processes for assessing high-level health claims and called for more information concerning the establishment and membership of expert committees—an issue that is not provided for in the bill. I think that this is a concern the dietitians have had in relation to a number of other committees and that it is their view that their voice is not being adequately heard in some of these consultation processes. That is not a matter that can be fixed in the bill but it is a matter that
we would like the government to consider in establishing the membership of these committees. The association also called for greater focus on the public health implications of food regulation activities.

The Cancer Council Australia raised concerns that weaker measures in relation to food regulation could potentially lead to negative health outcomes for the public. The Food and Grocery Council argued that the amendments provided a much more efficient approval process where it was appropriate and particularly supported the new high-level health claims process which, it argued, would address the significant free rider effect, making sure that those who were investing and being innovative were going to get the protection of this process. However, the council did raise concerns about the power of the ministerial council to amend standards and the lack of clarity in relation to the process for amending editorial notes. It suggested further amendments to ensure certainty for business. As I will flag, a number of these things were picked up by the Senate committee and then by the government in the other place and now form part of the bill that we are debating.

The Australian Beverages Council also raised concern around that lack of clarity and argued that the stop-the-clock provisions were unnecessary and inhibited innovation. Bayer CropScience, Monsanto and Dairy Australia similarly raised concerns about the stop-the-clock provision and some suggested further amendments that would ensure certainty for business.

The Senate Standing Committee on Community Affairs considered these submissions and raised a number of issues in their report, most of which I have touched upon. The committee made three majority recommendations, all of which Labor supports. The first—and unfortunately it is the one that the government did not see fit to support in the Senate—was that the Commonwealth consider clarifying the definition of public health in relation to the objectives of the Food Standards Australia New Zealand Act 1991 and the assessment of food standards.

As you would have heard, Mr Deputy Speaker, from my quick overview of the evidence provided to the Senate committee, a number of significant stakeholders shared Labor’s view that a definition would be helpful as part of the act. I record my disappointment that the government did not see fit to pick up that recommendation, which was, of course, made equally by its colleagues as ours. I would urge the government—we understand how the numbers in the House work and that that will not be successful here—to keep that as part of its consideration. As I say, a number of other things still have to happen for this bill to be fully effective. It may be that there will be an opportunity at a further point to define the precise parameters of public health. That would be something that we would strongly support.

The second recommendation that the committee made was that the definition of standard contained in proposed subsection 3(1) of the act be amended to clarify the process for amending editorial notes. Thirdly, the committee recommended that the stop-the-clock provisions contained in section 109 be amended to provide applicants with an option to proceed with the assessment process with the understanding that the approval might be rescinded or amended, if necessary, following any contrary policy decision by the ministerial council.

We are pleased that the government did move on the last two of those three amendments, proposing amendments in the Senate which now form part of the bill we are debating to address the committee’s recommendations dealing with editorial notes and the stop-the-clock provisions. We support these amendments because we think it is always important that every-

MAIN COMMITTEE
one is clear as to the intended meaning of legislators in regulatory regimes. We support the effort to clarify the use of editorial notes in this legislation and accept that the government’s amendment to the stop-the-clock provisions will provide greater flexibility, as required by industry. As I say, we are disappointed that the government did not adopt the third recommendation. We will continue to pursue that when we can in future.

Labor is conscious that efforts to improve the processes for industry, reduce red tape, streamline assessments and provide greater protections for intellectual property must always be balanced with protecting the public health implications of food regulation activities undertaken by FSANZ. That is, after all, the purpose of regulating in this area. There will always be some tension, I think, in getting the balance right in those two things. I strongly believe that the movement in the community for much more consumer information and the campaigns for healthier eating and clear information about what we are eating mean that there will be a lot of pressure for there to be clear guidelines and a good assessment of high-level health claims as well as looking for an appropriate definition of what public health might mean.

In conclusion, I repeat that Labor support the bill and the amendments that I have noted. We believe that this package represents an effort by the government to improve and streamline processes for assessing applications and proposals. We urge the government to continue to take action in the areas where further treaty negotiation is required to ensure that this legislation will be fully effective. We hope that in future the government will consider some of our concerns in relation to consumers and public health claims. I commend the bill to the House.

Mr SLIPPER (Fisher) (11.44 am)—It makes eminently sound sense that there are common food standards across the Tasman. Your good self, Mr Deputy Speaker Kerr, and I are members of the House of Representatives Standing Committee on Legal and Constitutional Affairs, and we recently brought down a report into harmonisation of laws within Australia and between Australia and New Zealand. It seems to me that, in 2007, it makes sense to treat the Australian states and New Zealand as entities which have a lot in common. The logic for having harmonised food standards is absolutely indisputable, just as, in my view, the argument for having harmonised laws in many other areas is eminently desirable. In fact, the committee recommended that there ought to be an ongoing, ever-closer sense of integration between the two countries, and it recommended a joint currency. We even looked at the possibility of a political union between Australia and New Zealand.

When I look at what is happening in the area of food standards, it is clear that, despite the fact that integration has not gone as far as I personally and, for that matter, as the committee would like to see, in 2007 governments across the Tasman and governments around Australia are aware that, regardless of where you go to buy your food and regardless of where you live, food standards ought to be uniform where possible. The Food Standards Australia New Zealand Amendment Bill 2007 facilitates the introduction of an improved process through which food authorities in Australia and New Zealand are able to develop common food regulatory measures and improve the system in which these food standards operate. It is a no-brainer to appreciate that the No. 1 aim of these regulations is to ensure that the health of residents, both within Australia and across the Tasman, is protected and, in particular, protected from conditions which may eventuate as a result of unacceptable and wrong handling of food items.

The bill modifies the Food Standards Australia New Zealand Act 1991, which established the food regulatory system of Australia and New Zealand. It has the following goals: to ensure
high consumer confidence in the quality and safety of the food items that are produced in Australia and New Zealand, as well as those foods that are processed in either of the countries. The safety of food is something that we all take for granted. We do not really expect that, when we go into a supermarket to buy food, as we all do, we are going to buy something that is defective. I suppose we do not very often buy food that is defective because of the food standards arrangements within Australia and across the Tasman. We therefore assume that, when we buy something, it is safe to eat and certainly will not make us ill.

To ensure this level of safety, there is a complete regime working behind the scenes. The Food Standards Australia Act 1991 is one of the official instruments or, I suppose, legislative necessities which help bring this food safety to reality. Happily, it is not a regular occurrence, but occasionally there are still food items that are not safe to eat. The fact that that occurs indicates that this legislation is necessary. It is important to make sure that the food standards regulations and laws remain modern and up-to-date and that they keep up with the ongoing developments in food processing and production.

The bill and the act also aim to ensure that the objectives of a safe and effective regulatory system, as mentioned earlier, are able to be achieved, and that they are able to be achieved with confidence. While it is important that such a framework exists to ensure the quality and safety of food items, it is also vital that the regulatory framework supports the commercial sides of the production, distribution and, for that matter, sale of food items. On the other hand, it would be counterproductive to have a safety regime that is so difficult and rigid and impossible to adhere to that commercial viability suffers. So, as in so many other areas, this bill and the principal act seek to obtain an appropriate balance.

The act also aims to ensure that there is enough information on food items so that consumers are able to make informed and intelligent decisions about their food purchases. Issues such as fat and sodium content, for example, are used by many consumers to make a choice amongst various food items available. The act also aims to establish common and consistent rules governing food production, processing and distribution to promote further efficiencies in the industry within Australia and between Australia and New Zealand.

While the system has proven to have many strengths, experiences of those operating within the system from 2002 have identified room for improvement, and that is why this bill contains a number of initiatives to improve the standards and the operation of the system. This bill reforms the assessment and consultation process; it harmonises as far as possible the processes for the assessment of applications and proposals; it allows for alignment of the policy setting process of the council and the standard development and approval process of Food Standards Australia New Zealand; it aligns the processes for setting maximum residue limits of the Australian Pesticides and Veterinary Medicines Authority and the FSANZ; it recognises the potential need to develop urgent standards due to unforeseen negative impacts on trade; it removes the ability of the council to request a second review while maintaining appropriate oversight of standards by the council—and this amendment is subject to changes to the food treaty between Australia and New Zealand; and it creates a process for expert scientific assessment of future high-level health claims. The later commencement of this provision allows time for finalisation of the Nutrition, Health and Related Claims Standard currently under development. As with so many other items of legislation, there are a number of other technical amendments.
There has been wide consultation with stakeholders in relation to this legislation, which has received majority support—fairly strong support, in fact—from most of those stakeholders. I am pleased that the opposition has agreed to support this bill. This bill makes sound common sense and I am particularly pleased to be able to commend it to the chamber.

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (11.51 am)—The Food Standards Australia New Zealand Amendment Bill 2007 proposes amendments to the Food Standards Australia New Zealand Act 1991 that sets out the processes for developing and amending joint food standards for Australia and New Zealand. I would like to thank the member for Gellibrand and the member for Fisher for their contributions to this debate. Enough has been said in the introductory remarks of the bill and the comments by the speakers; however, let me say in summary that the bill introduces a risk-based standards assessment and consultation process that will make the system more efficient and effective. The bill aligns and harmonises standard development processes to eliminate unnecessary duplication and red tape, recognises the changing environment and creates processes to improve the management of issues in relation to food innovation.

The Senate Standing Committee on Community Affairs and the Standing Committee for the Scrutiny of Bills reviewed the bill and made recommendations. In response to these recommendations, the government introduced three minor amendments to the bill. These amendments were adopted by the Senate. The state, territory and New Zealand governments have been closely involved in the development of this legislation. All parties are committed to a food regulation system that runs as smoothly and as efficiently as possible while maintaining the existing transparent and accountable arrangements. The bill demonstrates this government’s continued commitment to the protection of public health and safety. It improves upon the already robust regulatory arrangements that protect the safety of food for all Australians. Therefore, I commend the bill to the House.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

GENE TECHNOLOGY AMENDMENT BILL 2007

Debate resumed from 10 May.

Second Reading

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (11.54 am)—I present the explanatory memorandum to the Gene Technology Amendment Bill 2007 and I move:

That this bill be now read a second time.

This bill I am introducing today strengthens the Australian government’s component of the nationally consistent, gene technology regulatory scheme. This scheme protects the health and safety of people and the environment from any risks that may be posed by genetically modified organisms. The bill will make amendments to the Gene Technology Act 2000 to ensure the regulatory burden is commensurate with risk, introduce provisions to deal with the unexpected situations and ensure the smooth operation of the scheme. These changes proposed will not make any significant changes to the strong scientific assessment framework of the
act, which has been working well over the past six years. This bill is the response to the statutory review of the Gene Technology Act 2000 and the Gene Technology Agreement 2001 conducted in 2005-06.

I would like to thank the review panel, chaired by Ms Susan Timbs, and the secretariat for such a comprehensive review. The review panel concluded that the gene technology regulatory system was working well and recommended a number of changes intended to improve the operation of the regulatory scheme. The recommended changes are implemented by the bill. To ensure that regulatory burden is commensurate to risk, provisions in the bill will differentiate between limited and controlled release of genetically modified organisms and commercial releases. This split will allow different time frames and consultation requirements for the assessment of applications for these types of dealings to be set. This change will allow researchers to get on with the job of testing in the field genetically modified organisms that could result in agricultural and environmental benefits while ensuring that the health and safety of people and the environment is properly protected. Gene technology holds great potential for Australia and there may be circumstances where a genetically modified organism is uniquely capable of dealing with health or environmental emergency. This bill introduces emergency provisions that will more ably allow a genetically modified organism to be used in an emergency. However, we consider it appropriate that, even in an emergency, there be strong safeguards in place to ensure the genetically modified organism is used appropriately.

Another issue that this bill addresses is that where a person finds themselves dealing inadvertently with an unlicensed genetically modified organism, the gene technology regulator may issue a licence to allow that person to appropriately dispose of the organism. The gene technology framework provides for extensive consultation with experts on ethics, scientists, state and territory governments, other regulatory agencies and the wider community. This consultation would be enhanced as a result of the establishment of the Gene Technology Ethics and Community Consultation Committee that would be established by this bill.

The bill also proposes a number of procedural and technical changes that would improve the ongoing operation of the scheme. The act is a part of a wider intergovernmental scheme in which the states and territories have agreed to introduce corresponding legislation for the regulation of genetically modified organisms. The quality of this bill is shown by the strong support it has received from the states and territories and the approval of the bill by the Gene Technology Ministerial Council.

This is a great example of Australian governments working collectively to ensure that Australia has a world-class regulatory system that protects the health and safety of people and the environment as well as promoting research in this growing industry. This bill represents amendments preferred by states and territories and any amendments to the proposed bill may not be supported by states and territories. I commend this bill to the House.

Ms ROXON (Gellibrand) (11.58 am)—I rise to speak on the Gene Technology Amendment Bill 2007. As the Parliamentary Secretary to the Minister for Industry, Tourism and Resources has indicated, the purpose of this bill is to amend the Gene Technology Act 2000, the Commonwealth legislation which regulates genetically modified organisms in Australia. The act is the Commonwealth component of the nationally consistent regulatory scheme for gene technology. Under the Gene Technology Agreement of 2001, all states and territories have committed to maintaining corresponding legislation. The object of the Gene Technology Act

MAIN COMMITTEE
is to protect the health and safety of people and the environment by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with genetically modified organisms, or GMOs.

This bill amends the Gene Technology Act for a range of purposes, including the introduction of emergency powers to give the minister the ability to expedite the approval of a dealing with a genetically modified organism in an emergency, the creation of the Gene Technology Ethics and Community Consultative Committee, and amendments to the process for assessing applications for GMO licences. Labor will support the passage of the bill through the parliament. We do understand that there are strong views in the community both for and against gene technology; however, the debate on this bill is not a debate on the merits or otherwise of gene technology. Rather, the amendments to the act proposed by the bill are by and large designed to improve the operation of the act and the system that it regulates and do not change its underlying policy intent or the overall legislative framework. Further, the amendments proposed by the bill also represent the culmination of a long public consultation process and an independent statutory review process. They are also supported by the intergovernmental Gene Technology Ministerial Council. For all these reasons Labor will be supporting the bill.

The bill implements the recommendations from an independent review of the act and the gene technology agreement undertaken by Susan Timbs in 2005-06. The review concluded that the act and the national regulatory scheme had worked well in the five years following their introduction. The review recommended a number of changes aimed at improving the operation of the regulatory scheme. The amendments contained in this bill reflect the ministerial council’s response to that statutory review and have been agreed by the states and territories.

I now turn to the specific amendments proposed by the bill and the new emergency powers that are the most contentious aspect of the bill. The new powers will give the minister power to expedite an approval of a dealing with a genetically modified organism in an emergency in recognition of the fact that situations may arise in which approval of a dealing with a GMO may be required in a limited time. The issue of emergency powers was considered at length in the Senate committee’s report into the bill. Some witnesses before the inquiry, including Gene Ethics and Greenpeace, expressed concern about the proposed new emergency powers and whether they were really necessary. Our Greens Senate colleagues share these groups’ concerns and unsuccessfully moved amendments to this effect in the other place.

While Labor are somewhat cautious about the proposed emergency powers, on balance we agree with the view of the majority of the Senate Community Affairs Committee that there will be sufficient checks and balances in place to ensure that emergency powers are used cautiously. The safeguards on the emergency powers that will be in place include that the minister will be required to have a recommendation from the Chief Medical Officer and/or the Chief Veterinarian before invoking the powers, and the minister will be required to consult with the states and territories before invoking the powers. We also note that the guidelines for the administration of the emergency dealing provisions have been developed through a process of consultation with the states and territories. So, on the strength of these provisions, Labor are satisfied that the minister will not be able to act unilaterally and that the powers will be used with sufficient circumspection. However, Labor’s strong view is that the powers should only be used as an absolute last resort.
The bill also establishes a Gene Technology Ethics and Community Consultative Committee, an amalgamation of two existing committees: the Gene Technologies Ethics Committee and the Gene Technology Community Consultative Committee. The new single committee will provide advice to the Gene Technology Regulator and the Gene Technology Ministerial Council on ethics and community consultations. The combined committee will also provide advice on risk communication and community consultation around intentional release licence applications. During the Senate inquiry into the legislation, most stakeholders commented favourably upon the proposed amalgamation of the ethics committee and the consultative committee into the one body.

The bill also proposes amendments to the process for assessing applications for GMO licences. There are two sets of amendments in this section of the bill. The first set will alter the order of events during the initial licence consultation process so that the regulator would no longer be required to consider whether an application poses a significant risk to the health and safety of people or the environment before developing a risk assessment and risk management plan. This amendment is designed to improve the process by which licences are initially considered and to give the regulator more time to consider whether dealings pose a significant risk.

The second set of amendments will introduce a new category of licence for GMOs to distinguish between licences for a limited and controlled release and licences for intentional release. The object of these amendments is to increase the efficiency of the regulatory system by streamlining the processes for these different types of applications. The issue of the new limited and controlled release licences was the topic of some discussion at the Senate committee’s hearing into the bill. Some stakeholders expressed concern about the proposed new assessment processes as they relate to limited and controlled release. However, the Senate committee supported the passing of the relevant provisions without amendment.

The bill will also make a number of other amendments to the act and the gene technology regulatory scheme, including the streamlining of the process for the initial consideration of licences and the reduction of the regulatory burden for low-risk dealings; clarification of the circumstances in which licence variations can be made and clarification of the circumstances under which the regulator can direct a person to comply with the act; the provisions of power to the regulator to issue a licence to protect the person inadvertently dealing with GMOs so as to enable appropriate disposal of such organisms; and, finally, the making of technical amendments as proposed by the Office of the Gene Technology Regulator.

As I said at the outset, Labor support this bill. While the proposed emergency powers are somewhat contentious, we are satisfied that there will be sufficiently robust safeguards in place to ensure that these powers will not be used unwisely. Although the issue of GMOs is always a contentious one in the community, the vast remainder of the other changes in this bill are focused on improving the systems rather than the broader debate that will no doubt be ongoing in the community. In that context these changes are relatively uncontroversial and Labor are happy to support their passage through the parliament.

The DEPUTY SPEAKER (Hon. DJC Kerr)—I thank the shadow minister and I am certain all members of the House feel for her as she struggles with a cold in making speech after speech.

MAIN COMMITTEE
Mr SECKER (Barker) (12.06 pm)—Yes, Mr Deputy Speaker, I know what it is like to try

work through those conditions and I think we all feel for members suffering with a cold.

The last couple of weeks have seen quite an outbreak of that in this parliament, and I think

that is partly to do with the air-conditioning system that mixes it all around the place. To come

back to the Gene Technology Amendment Bill 2007 that we are debating, I and other mem-

bers of the House of Representatives Agriculture, Fisheries and Forestry Committee initiated

an inquiry into GM technology. We started that in 1999 and finished it in early 2000. We went

all over Australia and made a very comprehensive report on GM technology. It was the unani-

mous decision of members of that committee—Labor, Independent, Liberal Party or National

Party—to support the introduction of gene technology but, on top of that, to have the Gene

Technology Regulator, which is what the amendments in this bill are all about. From memory,

there were 108 recommendations in that report, which showed how complex the idea of gene

technology was and that there was a need to have the regulator in place.

It still surprises me to this day that some people suggest there are inherently very danger-

ous ideas about gene technology. They seem to be suggesting that it is a technology we should

not be using in Australia, and they come up with all sorts of arguments. I make the point in

relation to GM foods, though, that if there had ever been a case of a death or near death from

the consumption of a GM food product I think we would have heard about it by now. It is in-

teresting to note that people in Australia who are diabetics have been using GM insulin for 25

years. This is a product that is ingested into the body. For 25 years, diabetics here and all over

the world have been using GM insulin with no effects except good ones. Many people in Aus-

tralia would also not realise that for at least 15 years virtually all yeast used in our bread, wine

and beer has been genetically modified. It is GM yeast, yet we do not hear people saying we

should not be drinking beer or wine or eating bread because it is using GM yeast. So it is a

very proven technology. I think people sometimes forget that this is a technology that can

speed up the genetic process.

I remember a period in the sixties when some people were running a scare campaign

against homogenisation and pasteurisation of milk. Of course, now I do not think we would

actually accept milk that has not been pasteurised and homogenised. In actual fact, they were

using the same arguments against pasteurisation and homogenisation that people have been

using now against GMs. It is interesting. You tend to get groups like the Greens opposed to

gene technology without actually looking into the science. If you really want to look at the

science of gene technology, I certainly do not think we have anything to fear from it. In fact, I

think we can only really gain benefits out of it. If we could put vitamins, for example, via

gene technology into our foodstuffs, especially for starving populations who obviously have

vitamin deficiencies, we would be better off using that technology for the poor and starving in

this world. I also refer to the example of the traditional breeding of wheat—and it is some-

thing I know a little bit about being a wheat grower for virtually all my life—and 150 years

to when Mendel was talking about genetics. People probably said, ‘That was pretty crazy

stuff,’ but of course it is not. Traditional breeding has been used for well over a century now.

If you want to breed wheat in the so-called traditional way, you are actually mixing up 30,000

genes and it is so much harder to get the accuracy in the outcome that you want. However,

with gene technology, you can actually transfer one gene and obviously have a far greater

ability to measure what that gene does to that wheat. Wouldn’t it be great, for example, for
Australia if we could breed, through gene technology, a wheat that is drought resistant using genetic modification?

I have also heard arguments about the so-called danger of gene technology and the viruses that are used. I have actually transferred genes myself at the CSIRO facility in Canberra, and I can tell you I have never felt safer in my life. So to suggest that it is a dangerous process is beyond reality; it is an absolute joke.

GM cotton, for example, has reduced the need to spray with insecticides. Again, I know something about insecticides because, as a farmer, I have been using them all my life. I am always very careful with insecticides, and look at the old measure of LDs—the lethal dose levels—and make sure that I wear gloves and respirators, depending on what the chemical is. Obviously in most cases insecticides tend to be a bit more dangerous than herbicides. But with GM cotton, they have reduced the amount of insecticide required by up to 80 per cent. That is great for the environment—absolutely great for the environment—and it is great for the farmer, because they are reducing the cost and reducing the amount of chemicals going into the ground. With GM cotton they are able to release their own pyrethrin, which of course we use in flysprays and have been using for I do not know how many decades all over the world. There are some real benefits from gene technology.

It goes without saying that GMOs and GM products have increased in stature. It is clearly important that the Gene Technology Act 2000 is reviewed and amended where necessary. In fact, that was one of the recommendations that the agricultural committee made. We need to amend it where necessary to keep up with the changes and ensure the health and safety of everyone—growers, producers, manufacturers and, in the end, community members—to make sure that they are protected.

The ultimate outcome from this amendment bill will be an improvement in the operation of the act, without changing its underlying policy intent—or, for that matter, the overall legislative framework of the gene technology regulatory scheme. The current act regulates all dealings. By this I mean the research, manufacture, production, propagation, commercial release and import of live viable GMOs that have been modified by technique or gene technology. This also includes the progeny of such GMOs which share the genetically modified trait. I have often described GMOs this way: when you look at it we had the industrial revolution and then we had the computer revolution, and now, with gene technology, we have the biotechnology revolution. I notice the member for Moore coming into the chamber. He was very much a valuable part of the House of Representatives Standing Committee on Agriculture, Fisheries and Forestry, which looked into gene technology. He certainly had some of his own personal experiences and a wealth of knowledge to give to that committee.

I think that one of the failings of our federal system is that, whilst we have the gene technology here in Australia and we have the regulator, we now have states that have the planning powers and we have moratoriums all over Australia. I think it is an absolute joke that they could not make up their minds five years ago. They have been too scared to take the step based on rational logic because of the fear campaigns that have been put out there by gene technology. That has been an inherent weakness of the system—that whilst we, as a federal government, have given the go-ahead, with very strict regulations and controls, the states have put on their own moratoriums. I do hope and encourage the states to review that, and I believe that the states of New South Wales, Victoria and Queensland are reviewing that now on the
basis that we have now got over the state elections in all of those states and they can get on with governing. Let us hope that we get some commonsense out of those governments.

The present gene technology regulatory scheme allows for the regulation of gene products where they are not regulated by another regulatory scheme. To explain this further, GM medicines are regulated by the Therapeutic Goods Administration and foods by Food Standards Australia New Zealand. Of course, long ago they accepted GM insulin. The Gene Technology Act is the government’s component of the nationally consistent regulatory scheme for gene technology. The signing of the Gene Technology Agreement 2001 enabled the commitment of all states and territories to enact corresponding legislation.

It was the mid-1970s when the oversight of gene technology in Australia began on a voluntary basis. However, significant advances ensued and this, in turn, prompted significant community concern about GMOs. This was particularly so in the late 1990s, and it was 1998 when states, territories and the Australian government worked together to establish, for the first time, a uniform national approach to the regulation of gene technology. Consultation followed, before the act, and the Gene Technology Regulations 2001 came into effect.

At the time, the community wanted protection and information. In the end, if people demand that information, I think we inherently have a duty to provide it. The object of this act has always been, and should continue to be, to protect the health and safety of the Australian people. It should correspondingly protect the environment by identifying risks posed by, or as a result of, gene technology and manage those risks through regulation of certain dealings with GMOs. This has been achieved through the establishment of an independent statutory office holder, the Gene Technology Regulator, which has been charged with the responsibility of administering the act and making decisions about the development and use of GMOs under the act.

When the act was passed it was stipulated that an independent review of its operations, including the structure of the Office of the Gene Technology Regulator, be undertaken and tabled in parliament at the fifth anniversary of it having come into force on 21 June 2006, which of course is tomorrow. In accordance with this requirement, an independent review of the act and the intergovernmental Gene Technology Agreement 2001 was conducted. An independent panel of three people considered almost 300 submissions from members of the public, industry and other stakeholders. These were assessed by the panel and developed into issue papers. A period of nationwide consultations followed whereby public forums were held at locations right around Australia. This meant the review panel heard firsthand a range of views from interested parties, including from state governments, industry, researchers, farm groups, non-governmental organisations—NGOs—and consumers. I commend the panel for its conduct within my electorate of Barker, where I believe it was very thoroughly and comprehensively undertaken.

Once this review was completed, there was a period of explicit consultation with states and territories on how best to implement the recommendations. This led to the draft Gene Technology Amendment Bill, which was finally agreed to by all states and territories after a further consultation period. This review found the act and the national regulatory scheme had worked well in the previous five years and that no major changes were required. It did, however, suggest a number of minor changes which would ultimately improve the operation of the act, and I note that the shadow minister supported those changes. Until now the key components of the
act provided, among many things, for the establishment of the Office of the Gene Technology Regulator as an independent statutory office holder with responsibility for implementing the legislation. It also established three key advisory committees to provide scientific, ethical and policy advice to the regulator of the ministerial council in relation to GMOs—the Gene Technology Technical Advisory Committee, the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee.

Regulations give effect to the objectives of the act by providing further information about definitions within the act, describing exemptions under the legislation, setting out the dealings with GMOs that are exempt dealings or notifiable low-risk dealings and the conditions that will apply to such dealings, describing the types of information required of an applicant for a GMO licence, and setting out details of the operation of the three committees established under the act. Licence applications are considered on a case-by-case basis by the regulator, who must consider whether the risk posed by the dealing can be managed in such a way to protect human health and safety and, of course, the environment. The regulator must make a decision on whether to issue the licence or allow the conduct of that dealing and the management conditions to be imposed to manage any risk, however small it may be.

Beyond what already exist within the boundaries of the act are a number of recommendations that have been agreed to by the GTMC and which we are here to discuss today. The bill proposes to implement the recommendations requiring legislative change which include, firstly, a proposal to introduce emergency provisions into the act giving the minister the ability to expedite the approval of a dealing with a GMO in an emergency. The object is to increase the responsiveness of the gene technology regulatory system. It recognises that situations may arise where approval of a dealing with a GMO may be required within a limited amount of time. It furthers the object of the act which, as I have highlighted, is to protect the health and safety of people and to protect the environment. This is of paramount importance. I would suggest that the introduction of this provision into the act would improve consistency between regulatory schemes. Other relevant product regulators for vaccines, like the Therapeutic Goods Administration for example, already possess the ability to expedite approvals in an emergency.

The second proposed amendment will see the combining of the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee into one advisory committee. This committee will adopt the name of ‘Gene Technology Ethics and Community Consultative Committee’ and its role will be to carry out the combined functions of both committees and provide advice on risk communications and community consultations regarding intentional release licence applications. In this day and age time is of the essence. This amendment will increase efficiency by addressing the overlaps between the roles of the existing committees. I must also mention that the GTMC will review the new advisory committee and its performance after 18 months.

This bill will effectively streamline the process for the initial consideration of licences for the release of GMOs into the environment. In altering the order of events during the initial licence consultation process, the regulator has given more time to consider whether or not dealings pose a significant risk. It would no longer be required to consider whether an application poses a significant risk to the health and safety of people or the environment before preparing a risk assessment and risk management plan. As part of this particular amendment,
a new category of licence will be introduced, effectively splitting licensing for dealings involving intentional releases, to distinguish between licences for limited and controlled release—like experimental field trials—and licences for intentional release.

I am impressed with the changes proposed in this bill. It will make it easier for stakeholders to comply with the act and to encourage a system of cooperative compliance. However, I stress that any licence applications that deal with a GMO will still most definitely be subject to thorough scrutiny, and the harsh penalties for breach of the provisions of the act have been retained. If the bill is passed, the majority of amendments will be effected on 1 July 2007.

GMOs are gaining prominence on a national level and this bill will ensure this country is best placed to encourage ongoing research and development in an industry that I believe is only going to get bigger and better. Most importantly, this bill protects the health and safety of Australian people and the environment.

Mr GARRETT (Kingsford Smith) (12.26 pm)—I rise to address the Gene Technology Amendment Bill 2007, the purpose of which is to amend the Gene Technology Act 2000 for a range of purposes. Included amongst those purposes is the introduction of emergency powers to give the relevant minister the ability to expedite the approval of a dealing with a genetically modified organism in an emergency. The bill also creates the Gene Technology Ethics and Community Consultation Committee and amends the process for assessing applications for genetically modified organism licences. Joining the ethics and consultative committees into one body does streamline a process and should ensure that clear advice will be provided to the regulator and to the Gene Technology Ministerial Council.

Labor supports the amendments to the Gene Technology Act proposed by this bill. We note that these amendments arise from an independent statutory review into the act and are supported by the intergovernmental Gene Technology Ministerial Council and consequently represent an agreed position with the states and territories. We also understand and acknowledge that the Senate Standing Committee on Community Affairs has conducted an inquiry into the bill and recommended that it be passed, stating that it strikes ‘an appropriate balance in managing the potential harms and benefits of developing gene technology’.

We acknowledge that there are strong views in the community regarding genetically modified organisms. This is a particularly sensitive issue and it does need to be addressed carefully, and those concerns need to be both acknowledged and taken on board. I want to identify a number of the concerns that have been expressed in relation to this bill by a number of community organisations. It is important that we are able to put those concerns on the record and ensure that they will be taken into consideration as a consequence of these amendments being passed. And I will come to those views in a minute. Notwithstanding that, the debate on this bill is not specifically a debate about the merits or otherwise of gene technology—I have my own views about gene technology—but the amendments contained in the bill relate primarily to processes for assessing applications under the act. As a consequence, Labor is supporting the bill.

I did refer to some of the concerns and issues that were expressed in the consideration of this legislation, particularly the proposal for new emergency powers that would be exercised by minister. These powers will give the minister the power to expedite an approval for a GMO in an emergency. It remains the case that the bill does not contain a definition of what constitutes an emergency. What is identified is that the minister must be satisfied that there is an
actual or an imminent threat, but this concept is not defined. I think there is an anticipation
that when the review of this legislation is undertaken, given that it will come into force, then,
if there has actually been an emergency that has been identified, we will get some clarity from
the minister as to the precise definitions of actual or imminent threat and what the circum-
stances that attach to them may actually be.

We do note that proposed subsection 72B(2) sets out the conditions under which the minis-
ter is permitted to make an emergency dealing determination. It is the case that, before mak-
ing an emergency dealing determination, the minister must have received advice from the
Commonwealth Chief Medical Officer, the Commonwealth Chief Veterinary Officer, the
Commonwealth Chief Plant Protection Officer or a person specified in the regulations that
there is an actual or imminent threat to the health and safety of people or the environment and
that the dealings proposed to be specified in the emergency dealing determination would or
would be likely to adequately address the threat. So it does provide some comfort that the
minister will be in receipt of advice which has given consideration to that specific identified
issue. Additionally, the minister must be satisfied that there is an actual or imminent threat as
described above; be satisfied that the risks posed by proposed dealings can be managed
safely; have received advice from the regulator to that effect; and have consulted state and
territory governments.

Submissions were made to the Senate inquiry from a number of parties—including, amongst
others, the organisation Gene Ethics. Their submission stated:

For example, ‘threat’ includes ‘pests and diseases’ but there is no requirement that the threat be of a
particular imminence, severity or scale. The word ‘threat’ is not explicitly defined yet the Bill proposes
that the Minister merely be satisfied that a ‘threat’ is imminent without requirements or procedures to
prove that a ‘threat’ of the sort envisaged really exists.

I think this does raise one of the grey issues in respect of the amendments that are before us. It
will be the way in which the minister conducts their determination under these amendments
which will give some clarity as to whether or not that concern that has been raised will stand.
Certainly under legislation, the minister can vary the conditions of an emergency dealing de-
termination by a non-disallowable legislative instrument. So it does provide for some flexibil-
ity in that area. Greenpeace was another organisation which made a submission to the Senate
inquiry. This included the point:

... while extension provisions of the emergency dealing determinations are detailed at length, any men-
tion of a remedy for a State ... to revoke the emergency dealing determination is completely absent.
Ironically, a majority of jurisdictions must agree to an extension of the emergency dealing determina-
tion, while the agreement of a majority of jurisdictions is not explicitly required to implement an emer-
gency dealing determination ...

I think there is a point there to be considered. Again our view very strongly is that, once we
have an opportunity to examine the way in which the amendment to this legislation is given
effect to, and the review that is provided therein, we will be able to have a clearer sense of the
way in which the minister can actually exercise their responsibility. Certainly it is important
that the emergency powers be used only as a last resort, and Labor will be closely monitoring
the implementation of the provisions as a matter of consequence.

I want to make a couple of brief points more broadly about the issue of genetically modi-
ified organisms and reflect on the comments of previous speakers. I note the comments made
by leading environmental lawyer Don Anton at the ANU College of Law when he made a submission to the 2001 Senate inquiry into the original legislation, the Gene Technology Bill. He made the point, I think fairly:

The precautionary principle has particular application to GMOs. Not only could direct damage be serious, but ongoing and extensive because of irreversibility. Once released freely to the environment, a living organism, or a novel gene that has transferred to an unintended host, cannot be “recalled”. A cautious and conservative approach to risk should be followed where there is insufficient scientific confidence of safety. Successful application of the principle will mean that Australia avoids expensive failures.

There is certainly no shortage of examples in the natural landscape—not necessarily directly concerning GMOs, but certainly concerning the introduction of new technologies, new breeds or new species that have an intended benefit but which actually end up having a completely unintended consequence and causing harm. One such example is rabbits—which you, Mr Deputy Speaker Causley, would be intimately familiar with—and many others also come to mind.

Labor’s position on genetically modified organisms is outlined in our platform, which was endorsed by Labor’s national conference in April 2007. The platform states:

Genetically modified (GM) crops will not be released unless they are safe to health, safe to the environment and beneficial to the economy. Safe and beneficial standards must be established beyond reasonable doubt. Standards must be met to the satisfaction of the government and also of the scientific community, the consumer community and, in the case of GM crops, to the satisfaction of the farming community.

Accurate information on GM products must be provided to consumers and the community. The onus of proof that a product is ‘safe and beneficial’ lies with its developers.

GM crops should not be introduced unless there is a whole of community consensus.

So the precautionary principle underpins Labor’s approach to environmental protection and the licensing and release of GM products. In particular, in relation to GMOs this precautionary principle needs to be underlined and given effect at every period of the application, decision making and approvals process.

The precautionary principle has an additional weight given the context of climate change that the farming communities in particular are facing at this time. We have an impact on farming communities in relation to the current drought in southern Australia, in particular, and there is the likelihood over time of additional hotter and drier days and, as a consequence, in any future droughts, regrettably, a greater intensification.

There can be no question that plant species in particular are now coming under increasing stress as a result of climate change. It is important that the risk to our biodiversity from climate change is not overlaid with additional and unpredictable risks. Certainly when we look at Australia’s endangered and vulnerable species we can see the effect of low and variable rainfall, inland aridity and the considerable between-year variation in climate, in part due to El Nino southern oscillation. There is extensive and ongoing degradation, loss and fragmentation of terrestrial and aquatic habitats and the presence of invasive weeds and pests. Flora and fauna in our country includes very high levels of endemicity and the geographic and climate range that a number of species inhabit is narrow. All of these add up to the fact that in the re-
lease of any organisms into the natural environment the precautionary principle will need to be given the fullest effect.

This is a sensitive issue which needs to be addressed with great care, and the most rigorous of standards need to be observed. But Labor supports the bill, recognising that there are safeguards in place to ensure that the powers are used in a way that is appropriate and that the provisions we are giving effect to will only be utilised if the threat is considered serious or immediate. Labor also recognises that there is a review process in place to see that these amendments are actually carried out to the effect of the legislation.

Dr WASHER (Moore) (12.39 pm)—I just let the member for Kingsford Smith know that many states have bans on GM crops and that in the west, where we have increasing salinity and drought is a problem, there are a number of good varieties of genetically modified wheat that are drought and saline resistant that we cannot plant because of that blanket ban. I would also like to acknowledge one of the previous speakers, the member for Barker, for the work he did with me on a committee some years ago looking into these issues.

The Gene Technology Amendment Bill 2007 has been introduced to implement recommendations put forward by the statutory review of the Gene Technology Act 2000 and the Gene Technology Agreement 2001. This bill has been referred by the Senate to the Standing Committee on Community Affairs for inquiry. The committee tabled its report on 1 May, with the sole recommendation that the bill be passed without amendment. It was concluded that the bill ‘strikes an appropriate balance in managing the potential harms and benefits in developing gene technology’.

The Gene Technology Act 2000 protects the health and safety of people and the environment by identifying any risk posed by, or as a result of, gene technology and by managing those risks through the regulation of certain dealings with genetically modified organisms or GMOs. Proposed amendments to the Gene Technology Act 2000 put forward by this bill include the introduction of emergency powers, giving the minister the ability to expedite the approval of a dealing with a GMO in a defined emergency; the replacement of the two current committees, the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee, with the one new committee, the Gene Technology Ethics and Community Consultative Committee. This new committee will provide advice to the Gene Technology Regulator and the Gene Technology Ministerial Council on ethics and community consultations. Proposed amendments in this bill also include streamlining the process for the initial consideration of licences and the reduction of the regulatory burden for low-risk dealings; clarification of the circumstances under which the Gene Technology Regulator can direct a person to comply with the act; providing the regulator with the power to issue a licence to protect persons inadvertently dealing with GMOs to enable appropriate disposal of such organisms; and, implementing technical amendments proposed by the Office of the Gene Technology Regulator.

Genetically modified organisms are those which have had their genetic make-up modified, an organism being a living thing that has the ability to act or function independently. An organism’s genetic make-up, whether they are bacteria, fungi, plant, animal or human, dictates the traits of that organism—everything from the way they look to how they function. Over the millennia, farmers have understood this by breeding select plants or animals to obtain certain
traits. This has also occurred in nature since the beginning of time, with those traits giving the best advantage for survival of a species being carried down from generation to generation.

Gregor Mendel’s studies involving breeding of pea plants in the mid-1800s showed that the inheritance of traits follows particular laws, with specific traits being inherited in an independent manner. We now know that these basic units of inheritance are genes. It was not only 1953 when James Watson, Francis Crick and Rosalind Franklin discovered the structure of deoxyribonucleic acid, or DNA, that we could see what exactly these genes were.

In an organism each cell contains a full copy of its DNA. DNA is composed of a chain of four different chemical compounds called nucleotides, which are adenine, cytosine, guanine and thymine. The sequence of these four nucleotides dictates the genetic information, much like letters on a page express words. With DNA however these words are called codons and are three letters or nucleotides long. As there are four different letters or nucleotides, there are 64 different words or combinations available. When the DNA is read by the compound messenger RNA, each word or codon dictates for a particular amino acid to be produced by the cell. It is like there are many individual short stories in a long line of jumbled letters, much of which is simply nonsensical. That is why there are certain codons or words telling the reader when to start or stop reading. These readable sections or short stories of the DNA are the genes.

The amino acids being produced are the building blocks of proteins, so essentially genes dictate particular proteins to be formed. Proteins are essential for life. They are responsible for everything from the structure of an organism to how it functions—essentially, its traits. Traits that are desirable in an organism, such as drought tolerance or an immunity to a disease, can now be selected by finding the gene responsible and inserting it into the genetic material of another organism. It is essentially what has been done for thousands of years through selective breeding of plants and animals, but recombinant DNA technology is a far more precise method. This technology also enables genes to be selected from organisms and placed into other organisms that cannot normally be bred together, such as a cold-tolerant gene from a salmon being used in a strawberry plant.

The range of genetically modified organisms that can be developed from this technology is obviously extremely vast. This is why appropriate legislation is critical in protecting the health and safety of people and the environment whilst allowing Australia to gain the benefits of what this technology can offer. As mentioned earlier, the bill proposes the introduction of emergency powers giving the minister the ability to expedite the approval of dealing with a GMO in a defined emergency. This recognises that situations may arise in which approval of a dealing with a GMO may be required in a limited time. The emergency provisions also further the objective of the act to protect the health and safety of people and the environment. The provision will also improve the consistency between regulatory schemes. Other product regulators of vaccines, such as the Therapeutic Goods Administration and Australian Pesticides and Veterinary Medicines Authority, already possess the ability to expedite approvals in an emergency.

The bill proposes conditions under which the minister is permitted to make an emergency dealing determination. Before making such a determination, the minister must: have received advice from the Commonwealth Chief Medical Officer, the Commonwealth Chief Veterinary Officer, the Commonwealth Chief Plant Protection Officer or a person specified in the regula-
tions that there is an actual or imminent threat to the health and safety of people or the environment and that the dealing proposed would, or would be likely to, adequately address the threat; be satisfied there is an actual or imminent threat as just described; be satisfied that any risk posed by proposed dealings can be managed safely and have received advice from the regulator to that effect; and consult the states and territories.

The bill provides a non-exhaustive list of what might constitute an action or imminent threat including: where there is a threat of plant, animal or human disease; where there is a threat from a particular animal or plant, such as a pest or alien invasive species; or where there is a threat from an industrial spillage. For example, if there were a major oil spill and the threat of extreme environmental damage were imminent, the minister could issue an emergency dealing determination in relation to a genetically modified bacterium which breaks down oil. This process, in which micro-organisms such as bacteria, fungi and plants are used to clean up environments altered by contaminants, is called bioremediation. There are a vast array of organisms which are naturally very good at this, including bacteria capable of consuming contaminants such as nuclear waste, oils, solvents, heavy metals and so on.

Current DNA technology can select some of these traits and enhance them by overexpressing the genes responsible, take them to make them more active or move them to other organisms that are tolerant of other conditions. The soil bacterium pseudomonas fluorescens is an example of a genetically modified organism that has been successfully trialled in the US for breaking down toxic polyaromatic hydrocarbons such as naphthalene and benzene. This organism was equipped with extra genes from the soil dwelling cousins and with the bioluminescence gene, lux, from marine bacteria. The lux gene causes the genetically modified organism to glow when it is in the presence of polyaromatic hydrocarbons, making it very effective in detecting these toxins.

Genes with desirable traits for bioremediation are constantly being discovered. Last August the genetic sequence for the marine bacterium alcanivorax borkumensis was reported in *Nature Biotechnology*. This bacterium uses oil hydrocarbons as its exclusive source of carbon and energy. Although barely detectable in an unpolluted environment it becomes the dominant microbe in oil polluted waters. Research on the genetic sequence will provide an understanding on how this micro-organism avails oil components in the ocean.

In the recent April issue of *Applied and Environmental Microbiology* the discovery of hundreds of new species of bacteria with unusual properties was reported. These bacteria were discovered in the Rancho La Brea Tar Pits in Los Angeles, California. They are uniquely adapted to the pits’ oil and natural asphalt and contain three previously undiscovered classes of enzymes that can naturally break down petroleum products. Not only can they survive in heavy oil mixtures containing many highly toxic chemicals, but they do so with no water and little or no oxygen. Obviously these traits have enormous potential in bioremediation applications. Allowing Australia to utilise these scientific advancements in a state of emergency, as outlined in this bill, could have enormous implications in helping us protect our pristine environments.

I noticed that Western Australia, along with Tasmania, did not support the recommendation that the Commonwealth and the states work together towards a national framework for coexistence for non-genetically-modified and genetically modified crops. Both these states ex-
pressed a belief that they maintain a commercial advantage by having only non-GM crops. There is much to indicate that this is a false belief.

The International Service for the Acquisition of Agri-biotech Applications issued a report last year titled *GM crops: the first ten years – global socio-economic and environmental impacts*. The report compared GM production systems with the most likely conventional alternative. It found:

During the last ten years, this technology has made important positive socio-economic and environmental contributions. These have arisen even though only a limited range of GM agronomic traits have so far been commercialised, in a small range of crops.

These benefits were seen in developed as well as developing countries, and in fact 53 per cent of the total $27 billion farm income benefit gained from using GM crops was for developed countries such as the US and Canada. This financial benefit has arisen from enhanced productivity and efficiency gains.

The environmental gains in using this technology have also been substantial. There has been a 15.3 per cent net reduction in the environmental impact on the cropping area devoted to GM crops since 1996. The total volume of herbicides and pesticides applied to crops has fallen by seven per cent, which means a reduction of 22.43 million tonnes. In the GM canola and maize sectors the environmental impact has also been reduced with the ability to use more environmentally benign herbicides.

There are also positive impacts on greenhouse gas emissions. There is a reduction of fuel usage from less frequent herbicide or insecticide applications and a reduction in energy use in soil cultivation. Cumulatively since 1996, the permanent carbon dioxide savings from reduced fuel consumption since the introduction of GM crops are equal to 2.05 million cars being taken off the road for one year. Farmers using herbicide tolerant crops can adapt reduced tillage or no tillage farming methods as they can effectively control competing weeds. This enhances the soil quality and reduces soil erosion. In turn, more carbon remains in the soil, leading to lower greenhouse gas emissions. The additional probable soil carbon sequestration gains in 2005 alone were equivalent to removing nearly 3.6 million cars from the roads.

What is currently being achieved with GM organisms is mind boggling, from the production of pharmaceuticals to the enhancement of food crops—not only to enhance quality, shelf-life and taste but to add to the nutritional value, such as folate in cereal crops and vaccines for diseases—the development of crops better suited to produce biofuels and the ability to grow crops in inhospitable conditions. This bill will enhance the objective of the Gene Technology Act 2000, which is to protect the health and safety of people and the environment, by allowing us to utilise this incredible technology in a time when we need it most. As I once said, why grow Third World crops in a First World country?

**Mrs DE-ANNE KELLY** (Dawson—Parliamentary Secretary to the Minister for Transport and Regional Services) (12.54 pm)—I would like to thank all the members who have taken part in the debate on the Gene Technology Amendment Bill 2007. This legislation strengthens the Australian government’s component of the gene technology regulatory scheme. This scheme protects the health and safety of people and the environment from any risks that may be posed by genetically modified organisms.
The amendments in this legislation are in response to the statutory review of the Gene Technology Act 2000 and the Gene Technology Agreement 2001 conducted in 2005-06. The review was conducted by an independent panel and considered almost 300 submissions from members of the public, industry and other stakeholders. A period of national consultation followed, during which public forums were held at numerous locations around Australia. This allowed the review to hear firsthand a range of views from interested parties, including state governments, industry, researchers, farm groups, non-government organisations and consumers.

The review concluded that the Australian system is one of the most rigorous, transparent and accessible in the world and that no major changes were required. However, the review suggested a number of minor changes aimed at improving the operation of the act at the margin. These amendments will refine the legislation and ensure that regulatory burden is commensurate to risk, introduce provisions to deal with unexpected situations and ensure the smooth operation of the scheme. The strong scientific assessment framework of the act will be maintained.

These amendments mean that the regulator’s resources may be more efficiently utilised in the evaluation of applications for the intentional release of genetically modified organisms and that the regulatory regime will be more able to respond swiftly to emergency scenarios where the use of a genetically modified organism may be particularly advantageous. These refinements represent the collective input from all states and territories and will ensure that Australia has a world-class regulatory system that protects the health and safety of people and the environment, as well as promoting research in this growing industry.

This bill serves to strengthen this link in the armour of protection afforded to the health of the Australian people and the environment by the Australian government. The Office of the Gene Technology Regulator along with other Australian government regulatory schemes provide a shield that protects the health of the Australian people and the environment. The Australian government must be commended for their initiatives in this important area.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

Main Committee adjourned at 12.58 pm
QUESTIONS IN WRITING

Richmond Electorate: Programs
(Question No. 4324)

Mrs Elliot asked the Minister for Veterans’ Affairs, in writing, on 12 September 2006:

(1) What programs have been administered by the Minister’s department in the federal electorate of Richmond since October 2004.

(2) In respect of each project or program referred to in Part (1), (a) what is its name, (b) by whom is it operated and (c) what are its aims and objectives.

(3) What grants have been provided to individuals, businesses and organisations by the Ministers’ department in the federal electorate of Richmond since October 2004.

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

(1) and (2) Information about the programs administered by the Department and their aims and objectives is contained in the Portfolio Budget Statements.

(3)

<table>
<thead>
<tr>
<th>Program</th>
<th>Minister Decision Date</th>
<th>Organisation Name</th>
<th>Project Description</th>
<th>GST Inclusive Amount</th>
<th>Electorate</th>
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</thead>
<tbody>
<tr>
<td>Building Excellence</td>
<td>11/05/2005</td>
<td>RSL Brunswick Heads /</td>
<td>Computer equipment</td>
<td>$2,680</td>
<td>Richmond</td>
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<td>In Support And Training</td>
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<td>Building Excellence</td>
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<td>RSL Tweed Heads &amp;</td>
<td>Scanner and running costs</td>
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<td>Coolangatta Sub-Branch</td>
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<td>Building Excellence</td>
<td>28/07/2005</td>
<td>RSL Alstonville Sub-branch</td>
<td>internet, consumables, travel costs - training, servicing fees, travel costs - welfare</td>
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<td>Richmond</td>
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<td>RSL Brunswick Heads /</td>
<td>Internet and</td>
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<td>Billinudgel Sub-branch</td>
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<td>Building Excellence</td>
<td>28/05/2006</td>
<td>RSL Kingscliff Sub-branch</td>
<td>Desktop computer, laser printer, internet and website costs.</td>
<td>$3,400</td>
<td>Richmond</td>
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<td>Building Excellence</td>
<td>28/05/2006</td>
<td>Legacy Club Coolangatta/Tweed Heads</td>
<td>Salaries for 1 x P/T Welfare Officer and 1 x P/T Admin Assistant</td>
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<td>In Support And Training</td>
<td></td>
<td></td>
<td>Erect a flagpole at the Twin Towns Junior Centre to be used on days of commemoration.</td>
<td>$1,331</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>14/04/2005</td>
<td>RSL Tweed Heads &amp; Coolangatta Sub-branch</td>
<td>Construct WWII Memorial Honour Roll dedicated to those who served from the Burringbar district in WWII and subsequent wars and conflicts</td>
<td>$4,000</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>11/05/2005</td>
<td>RSL Burringbar</td>
<td>Hold a march and commemorative service for VP day</td>
<td>$6,500</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>24/07/2005</td>
<td>RSL Murwillumbah Sub-branch</td>
<td>Hold a VP Day commemorative service and luncheon</td>
<td>$1,500</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>24/07/2005</td>
<td>RSL Brunswick Heads / Billinudgel Sub-branch</td>
<td>Hold a VP Day commemorative service and luncheon</td>
<td>$2,000</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>24/07/2005</td>
<td>RSL Tweed Heads &amp; Coolangatta Sub-branch</td>
<td>Purchase a purpose built display cabinet for the display of wartime memorabilia</td>
<td>$2,356</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>9/08/2005</td>
<td>RSL Murwillumbah Sub-branch</td>
<td>Commemorative Plaque and illustrated brochure will be presented to the newly commissioned HMAS Pirie in May 2006.</td>
<td>$2,334</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>15/09/2005</td>
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<tr>
<td>Saluting Their Service Commemorative Grants</td>
<td>15/09/2005</td>
<td>Cudgen Progress Association</td>
<td>Cudgen War Memorial Restoration · Refurbish marble panels and lettering · Clean and re-grind surface · Granite border on plaque at foot of Cenotaph needs replacing The memorial commemorates those men and women from the district who served in World War Two.</td>
<td>$2,640</td>
<td>Richmond</td>
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<tr>
<td>Saluting Their Service Commemorative Grants</td>
<td>19/07/2006</td>
<td>9th Battalion (9RAR) Association</td>
<td>Publish a unit history of 9 RAR covering the period from after the battalion’s service in Vietnam until it was removed from the order of battle.</td>
<td>$3,000</td>
<td>Richmond</td>
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<tr>
<td>Saluting Their Service Commemorative Grants</td>
<td>19/07/2006</td>
<td>Jack Woodward</td>
<td>Publish a book titled ‘Whack Im on a Charge’.</td>
<td>$3,000</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>7/08/2006</td>
<td>RSL Kingscliff Sub-branch</td>
<td>Hold a memorial service with a wreath laying ceremony, followed by a lunch at the Kingscliff RSL Sub-branch Hall to commemorate the 40th anniversary of the Battle of Long Tan on 18 August 2006.</td>
<td>$2,435</td>
<td>Richmond</td>
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<td>Program</td>
<td>Minister Decision Date</td>
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<td>Project Description</td>
<td>GST Inclusive Amount</td>
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<tr>
<td>Saluting Their Service Commemorative Grants</td>
<td>11/10/2006</td>
<td>South Tweed Sports Club</td>
<td>Install a plaque dedicated to the 40th anniversary of Long Tan in the Vietnam Veterans Memorial Garden at South Tweed Sports Club on 11 November 2006. The dedication will be followed by a lunch for 200 attendees.</td>
<td>$4,470</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>11/10/2006</td>
<td>RSL</td>
<td>Replace the existing old flagpole at Burringbar War Memorial, which is unsafe. Costs include a large flagpole to fly three flags and installation.</td>
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<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>4/12/2006</td>
<td>RSL Murwillumbah Sub-branch</td>
<td>Restore the Tumbulgum Memorial Gates and install a new plaque dedicated to those in the district who have served post WWII.</td>
<td>$971</td>
<td>Richmond</td>
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<td>Saluting Their Service Commemorative Grants</td>
<td>22/02/2007</td>
<td>RSL Tweed Heads &amp; Coolangatta Sub-branch</td>
<td>Publication of a book titled ‘Taking Care of Our Own’ a history of local veterans and their involvement in military conflicts.</td>
<td>$3,000</td>
<td>Richmond</td>
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<td>Veteran &amp; Community Grants</td>
<td>5/03/2005</td>
<td>Pottsville Beach Neighbourhood Centre Inc</td>
<td>To implement a program of enhancing mental skills, social interaction and self-confidence in the veteran community.</td>
<td>$23,786</td>
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<td>Veteran &amp; Community Grants</td>
<td>29/11/2005</td>
<td>RSL Murwillumbah Sub-branch</td>
<td>Purchase equipment for the Point Danger RSL Day Club at Tweed Heads.</td>
<td>$8,341</td>
<td>Richmond</td>
</tr>
<tr>
<td>Veteran &amp; Community Grants</td>
<td>29/11/2005</td>
<td>Partners of Veterans Association New South Wales</td>
<td>Charter a coach from Tweed Heads to Canberra to enable partners of veterans to attend the National Quilt Project Celebration Ceremony.</td>
<td>$5,580</td>
<td>Richmond</td>
</tr>
<tr>
<td>Veteran &amp; Community Grants</td>
<td>29/11/2005</td>
<td>War Widows Association Tweed River</td>
<td>Provide upgrade of equipment to cope with increased circulation of existing newsletter. To enable members to hear information at meetings and seminars</td>
<td>$3,000</td>
<td>Richmond</td>
</tr>
<tr>
<td>Veteran &amp; Community Grants</td>
<td>28/05/2006</td>
<td>Uki RSL Sub-branch</td>
<td>Program of bus trips to overcome social isolation.</td>
<td>$2,055</td>
<td>Richmond</td>
</tr>
<tr>
<td>Veteran &amp; Community Grants</td>
<td>26/08/2006</td>
<td>RSL Kingscliff Sub-branch</td>
<td>Program of bus trips to overcome social isolation.</td>
<td>$3,300</td>
<td>Richmond</td>
</tr>
<tr>
<td>Veteran &amp; Community Grants</td>
<td>24/11/2006</td>
<td>RSL Pottsville District Sub-branch</td>
<td>Pottsville Beach RSL seeks funding for the purchase of a portable Public Address system.</td>
<td>$2,165</td>
<td>Richmond</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$116,290</strong></td>
<td></td>
</tr>
</tbody>
</table>
Health and Ageing: Employment Agencies
(Question No. 4571)

Mr Kelvin Thomson asked the Minister for Health and Ageing, in writing, on 14 September 2006:

For each financial year since 1 July 2000: (a) which employment agencies has the Minister’s department engaged; (b) what was the total cost of engaging employment agencies; and (c) how many employees were placed by these agencies and, of those, which were employed on (i) an ongoing and (ii) a non-ongoing basis.

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

(a) Refer Attachment A.

(b) $9,984,925

(c) The information is not readily available and the compilation of the response would require a significant diversion of resources which I am not prepared to authorise.

Attachment A

<table>
<thead>
<tr>
<th>Accountancy Options</th>
<th>Informed Sources Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Achieve Solutions</td>
<td>Interim HR Solutions</td>
</tr>
<tr>
<td>Action Workforce Pty Ltd</td>
<td>Internet Placements Pty Ltd</td>
</tr>
<tr>
<td>Adecco Aust Pty Ltd</td>
<td>JMR Consulting</td>
</tr>
<tr>
<td>Albany Worklink Instant Personnel</td>
<td>Julie Warner Consulting Pty Ltd</td>
</tr>
<tr>
<td>Alectus Personnel Pty Ltd</td>
<td>Kappelle Pty Ltd</td>
</tr>
<tr>
<td>All Staff Australia</td>
<td>Kelly Services Australia Ltd</td>
</tr>
<tr>
<td>Amaroof Assoc Pty Ltd</td>
<td>Key People NSW</td>
</tr>
<tr>
<td>Ambit Group Pty Ltd</td>
<td>Kowalski Recruitment Pty Ltd</td>
</tr>
<tr>
<td>Avant Pty Ltd</td>
<td>Leaf Software Engineering Pty Ltd</td>
</tr>
<tr>
<td>Bowman Recruitment Services</td>
<td>M&amp;T Resources Pty Ltd</td>
</tr>
<tr>
<td>Bradman Office Support Staff</td>
<td>Manpower Services Australia</td>
</tr>
<tr>
<td>Bridge Consulting</td>
<td>Medijobs Australia</td>
</tr>
<tr>
<td>Brook Street Recruitment</td>
<td>Michael Page International</td>
</tr>
<tr>
<td>Brooker Consulting</td>
<td>Micropay Recruitment</td>
</tr>
<tr>
<td>Candle Australia</td>
<td>Nat GC Recruitment</td>
</tr>
<tr>
<td>Capital Communications Pty Ltd</td>
<td>Nat Retail Recruitment</td>
</tr>
<tr>
<td>Capital Recruitment Services Pty Ltd</td>
<td>One Umbrella</td>
</tr>
<tr>
<td>Careers Connections International Pty Ltd</td>
<td>Oz Jobs</td>
</tr>
<tr>
<td>Careers Service</td>
<td>Paper Shuffle Pty Ltd</td>
</tr>
<tr>
<td>Careers Unlimited Pty Ltd</td>
<td>Paxus Australia Pty Ltd</td>
</tr>
<tr>
<td>Catalyst Recruitment Systems Ltd</td>
<td>Peoplebank Australia Pty Ltd</td>
</tr>
<tr>
<td>Centre Staffing</td>
<td>Professional Careers Australia Pty Ltd</td>
</tr>
<tr>
<td>Chandler and Macleod Consultants</td>
<td>Public Affairs Recruitment Company</td>
</tr>
<tr>
<td>Chmskill</td>
<td>Quadrate Solutions</td>
</tr>
<tr>
<td>Compass Pty Ltd</td>
<td>Quest Employment &amp; Training</td>
</tr>
<tr>
<td>Computer Careers</td>
<td>Quest Employment Solutions Pty</td>
</tr>
<tr>
<td>Cornwall Croft Australia</td>
<td>Rapid Technology Group Pty Ltd</td>
</tr>
<tr>
<td>Cox Purtell Staffing Service</td>
<td>Ready Workforce Pty Ltd</td>
</tr>
<tr>
<td>Datacol Research Pty Ltd</td>
<td>Recruitment Management Co Pty Ltd</td>
</tr>
<tr>
<td>Davidson Trahaire SA Pty Ltd</td>
<td>Reengineering Australia</td>
</tr>
<tr>
<td>Dewhurst Personnel Service</td>
<td>Resource Options</td>
</tr>
<tr>
<td>Dixon Appointments</td>
<td>Riddles Staffing</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
Ms King asked the Attorney-General, in writing, on 16 October 2006:

(1) In respect of the federal electorate of Ballarat, does the Minister’s department, or any agency in the Minister’s portfolio, administer any Commonwealth-funded programs under which community organisations, schools, businesses or individuals can apply for funding; if so what are the details of those programs.

(2) In respect of each Commonwealth-funded program identified in Part (1), how many (a) community organisations, (b) schools, (c) businesses or (d) individuals received funding in (i) 2001, (ii) 2002, (iii) 2003, (iv) 2004, (v) 2005 and (vi) 2006.

(3) In respect of each Commonwealth-funded program identified in Part (1), (a) what is the name and address of the funding recipient and (b) what sum was allocated in (i) 2001, (ii) 2002, (iii) 2003, (iv) 2004, (v) 2005 and (vi) 2006.

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

(1) Information about the programs administered by my Department, and their aims and objectives, is contained in Portfolio Budget Statements and other publicly available documents.

**Legal Aid for Indigenous Australians**

(2) (a) My Department has administered the Legal Aid for Indigenous Australians Program since July 2004. Under this Program, the Department funds a single community organisation, the Victorian Aboriginal Legal Service Co-operative Ltd (VALS), to provide legal aid services to In-
indigenous People in Victoria, including the federal electorate of Ballarat. The services provided include: information, initial advice, minor assistance and referrals; duty lawyer assistance; and legal casework services covering criminal, civil and family law matters. In 2005, VALS won the tender for the provision of legal aid services to Indigenous people in Victoria. Prior to the tender, Indigenous legal aid services in Victoria were also provided by VALS.

(3) (a) The VALS head office is located at 6 Alexandra Parade, Fitzroy, VIC, 3065.
(b) VALS has received the following funding from the Department for the Legal Aid for Indigenous Australians Program since July 2004, which covers the period for which the Department has had funding responsibility (July 2004 onwards):

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>$2,410,706</td>
</tr>
<tr>
<td>2005-06</td>
<td>$2,738,207</td>
</tr>
<tr>
<td>2006-07</td>
<td>$2,887,856</td>
</tr>
</tbody>
</table>

Prevention, Diversion, Rehabilitation, and Restorative Justice Program for Indigenous Australians

(2) (a) Since July 2004, the Department has administered the Prevention, Diversion, Rehabilitation and Restorative Justice Program to develop and undertake activities that will divert Indigenous Australians away from adverse contact with the legal system. Under this program the Department funds one organisation in the electorate of Ballarat.

(3) (a) Organisation Funded: Ballarat and District Aboriginal Co-operative Limited, 5 Market Street, Ballarat, VIC, 3350.
(b) In the period for which it has had funding responsibility, the Department has funded Ballarat and District Aboriginal Co-operative Limited in:

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/05</td>
<td>Prevention Diversion and Rehabilitation - $28,500</td>
<td></td>
</tr>
<tr>
<td>2005/06</td>
<td>Prisoner Support &amp; Rehabilitation Services - $35,000</td>
<td></td>
</tr>
<tr>
<td>2006/07</td>
<td>Prisoner Support &amp; Rehabilitation Services - $36,000</td>
<td></td>
</tr>
</tbody>
</table>

Legal Aid Program

(2) (a) My Department administers the Legal Aid Program through which Victoria Legal Aid is funded to provide legal assistance for individuals for matters arising under Commonwealth law. This funding is allocated for the provision of services in the State of Victoria and is not provided on an electorate basis.

(3) (a) Victoria Legal Aid has an office in Ballarat at 75 Victoria St, Ballarat, VIC, 3350 through which individuals in the Ballarat electorate can access legal aid services. The services provided include legal information and advice, duty lawyer services and grants of aid for legal representation. Details of individual grants of aid are subject to privacy provisions.
(b) The funding provided for Victoria for the relevant period is as follows:

<table>
<thead>
<tr>
<th>Funding Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2002</td>
<td>27.750</td>
</tr>
<tr>
<td>2002-2003</td>
<td>27.750</td>
</tr>
<tr>
<td>2003-2004</td>
<td>27.750</td>
</tr>
<tr>
<td>2004-2005</td>
<td>29.468</td>
</tr>
<tr>
<td>2005-2006</td>
<td>30.116</td>
</tr>
<tr>
<td>2006-2007</td>
<td>30.616</td>
</tr>
</tbody>
</table>

Commonwealth Community Legal Services Program

(2) (a) The Australian Government provides recurrent funding to 128 community legal services across Australia to provide a range of legal and related services under the Commonwealth
Community Legal Services Program. The Central Highlands Community Legal Service is located in the electorate of Ballarat.

(3) (a) The address of the Central Highlands Community Legal Service is 34 Victoria Street, Ballarat, VIC, 3350.

(b) Funding provided to the Central Highlands Community Legal Service since 2001 follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>147,122</td>
</tr>
<tr>
<td>2001-02</td>
<td>150,006</td>
</tr>
<tr>
<td>2002-03</td>
<td>153,270</td>
</tr>
<tr>
<td>2003-04</td>
<td>156,796</td>
</tr>
<tr>
<td>2004-05</td>
<td>159,931</td>
</tr>
<tr>
<td>2005-06</td>
<td>163,450</td>
</tr>
<tr>
<td>2006-07</td>
<td>166,719</td>
</tr>
</tbody>
</table>

In addition, there are organisations funded in Victoria which provide state-wide, or semi state-wide services to eligible disadvantaged clients residing across the State: Women’s Legal Service, Environmental Defenders Office, Consumer Credit Legal Service, Disability Discrimination Law Advocacy Service, Tenants Union, Welfare Rights Unit, and Young Peoples Legal Service.

**Financial Assistance Schemes**

My Department administers a number of schemes for the provision of financial assistance for legal and associated costs. These schemes exist to provide legal or financial assistance in cases where legal aid is not generally available from legal aid commissions and where the circumstances give rise to a special Commonwealth interest. People and organisations in the electoral division of Ballarat can apply for assistance directly from the Australian Government under these schemes. In order to comply with obligations imposed by the Privacy Act 1988 and to protect applicant information which would be subject to solicitor/client confidentiality, it has been a long-standing practice, endorsed by successive Attorneys-General, to treat applications for financial assistance in confidence and not to provide information in relation to individual applications.

**Family Relationship Services Program**

(2) (a) The number of community organisations receiving funding under the Family Relationship Services Program were (i) 2; (ii) 3; (iii) 3; (iv) 3; (v) 3 and (vi) 3.

There is a nil response to (b), (c) and (d).

(3) (a) The names and addresses of the funding recipients are: Centacare Catholic Diocese of Ballarat, Parenting Orders Program Box 576, Ballarat VIC, 3353; Child and Family Services Ballarat Inc, 115 Lydiard St North, Ballarat, VIC, 3350 and Relationships Australia Victoria located at 116 Lydiard St North, Ballarat, VIC, 3350.

(b) Funding for Relationships Australia Victoria is allocated on a State-wide basis and no information is available about the breakdown of funds to the Ballarat electorate. The funding allocated to the other recipients is (i) $154,003; (ii) $227,138; (iii) $217,565; (iv) $248,470; (v) $328,730; and (vi) $339,484.

**Local Grants Scheme (LGS)**

(2) In 2005/06 one Local Government Area received funding through the LGS.

(3) | Title of Grant | Recipient | Address | Amount (GST Exclusive) |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
Title of Grant | Recipient | Address | Amount (GST Exclusive)
--- | --- | --- | ---
Develop and implement a Tourism Emergency Management Plan Toolkit | Hepburn Shire Council | PO Box 21 DAYLESFO RD VIC 3460 | $48,100

National Emergency Volunteer Support Fund (NEVSF)

(2) In 2005/06 one community organisation received funding through the NEVSF.

In 2006/07 one community group (volunteer emergency management organisation) received funding through the NEVSF.

(3) 2005/06

Title of Grant | Recipient | Address | Amount (GST Exclusive)
--- | --- | --- | ---
Conduct Food Handling Training | Salvation Army Emergency Services | 805 Pleasant Street BALLARAT VIC 3350 | $1,120

2006/07

Title of Grant | Recipient | Address | Amount (GST Exclusive)
--- | --- | --- | ---
Purchase a laptop computer and printer to provide access to online training material | Greendale Rural Fire Brigade | RSD Greendale Myrmiong Road GREENDALE VIC 3341 | $2,000

The Local Grants Scheme (LGS) and the National Emergency Volunteer Support Fund (NEVSF) have been administered by my Department in the federal electorate of Ballarat. The two programs were established under the Australian Government’s Working Together to Manage Emergencies initiative. Local Government Areas and emergency services volunteer agencies are eligible to apply for funding.

In addition to grants provided directly to recipients in the federal electorate of Ballarat during the reporting period through the ‘Working Together to Manage Emergencies’ initiative, residents will have benefited to some extent from a number of state-wide projects. Funding has been provided to a range of volunteer agencies including the State Emergency Services, Country Fire Authority, Salvation Army and St John Ambulance for strategic state-wide projects with the positive impact of those projects being widely felt through improved training, enhanced recruitment and better equipment.

Veterans’ Affairs: Graduate Program

(Question No. 5032)

Mr Kelvin Thomson asked the Minister for Veterans’ Affairs, in writing, on 7 December 2006:

(1) For 2006, what was the estimated cost to the Minister’s department and agencies of the Graduate Program, including (a) recruitment, (b) program, (c) travel, (d) external training and (e) internal administrative costs.

(2) At 6 December 2006, what was the retention rate for the department’s 2005 Graduate Program intake.

(3) In 2006, how many Departmental Liaison Officers did the Minister’s department and agencies provide to the officers of Ministers and Parliamentary Secretaries.
Mr Billson—The answer to the honourable member’s question is as follows:

Department of Veterans’ Affairs (DVA)

(1) (a) $63,759
   (b) $22,476
   (c) $30,786
   (d) $4,200
   (e) $46,782

(2) As at 6 December 2006 - 90%.

(3) A list of Departmental Liaison Officers is routinely provided by the department of the Prime Minister and Cabinet at Senate Estimates Hearings.

Australian War Memorial

(1) Nil – the Australian War Memorial does not participate in the Graduate Program and consequently, does not have any costs in relation to the Graduate Program.

(2) N/A

(3) N/A – referred to DVA for response.

Veterans Affairs: Staffing
(Question No. 5054)

Mr Kelvin Thomson asked the Minister for Veterans’ Affairs, in writing, on 7 December 2006:

(1) For the remainder of the 2006-07 financial year, how many additional staff does the Minister’s department and agencies expect to employ.

(2) For the 2006-07 financial year to date, what efficiency gains have been made by the Minister’s department and agencies.

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

Department of Veterans’ Affairs:

(1) None, because staff numbers are expected to reduce.

The Australian War Memorial:

(1) Nil - For the remainder of the 2006-07 financial year the Memorial will not be employing additional staff.

(2) The Minister for Finance and Administration will respond to this part of the question.

Treasury: Telephone Costs
(Question No. 5076)

Mr Kelvin Thomson asked the Treasurer, in writing, on 7 December 2006:

For each financial year from 1 July 2004, what was the total cost to the Minister’s department of all (a) landline and (b) mobile telephone calls.

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

(a) Total landline costs for each financial year from 1 July 2004 was:
   2004/05 - $245,159.
   2005/06 - $215,212.
(b) Total mobile telephone calls for each financial year from 1 July 2004 was:
   2004/05 - $36,422.
   2005/06 - $43,046.

Communications, Information Technology and the Arts: Telephone Costs
(Question No. 5082)

Mr Kelvin Thomson asked the Minister representing the Minister for Communications, Information Technology and the Arts, in writing, on 7 December 2006:
For each financial year from 1 July 2004, what was the total cost to the Minister’s department of all (a) landline and (b) mobile telephone calls.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:
(a) and (b)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total (a) Landline calls</th>
<th>Total (b) Mobile telephone calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-2005</td>
<td>$337,366.90</td>
<td>$90,173.60</td>
</tr>
<tr>
<td>2005-2006</td>
<td>$404,307.64</td>
<td>$131,753.19</td>
</tr>
<tr>
<td>2006-Current</td>
<td>$242,645.22</td>
<td>$120,566.76</td>
</tr>
</tbody>
</table>

Veterans’ Affairs: Telephone Costs
(Question No. 5092)

Mr Kelvin Thomson asked the Minister for Veterans’ Affairs, in writing, on 7 December 2006:
For each financial year from 1 July 2004, what was the total cost to the Minister’s department of all (a) landline and (b) mobile telephone calls.

Mr Billson—The answer to the honourable member’s question is as follows:
(a) Landline – 2004-05 - $1,981,422.88
   Landline – 2005-06 - $1,655,753.42
(b) Mobile – 2004-05 - $88,760.71
   Mobile – 2005-06 - $86,518.44

Health and Ageing: Trespass
(Question No. 5118)

Mr Kelvin Thomson asked the Minister for Health and Ageing, in writing, on 7 December 2006:
For each financial year from 1 July 2004, how many instances of trespass have been recorded by the Minister’s department, and for each instance of trespass, (a) what type of trespass occurred, (b) what action was taken against the offender and (c) what action was taken to prevent a future occurrence.

Mr Abbott—The answer to the honourable member’s question is as follows:
For each financial year from 1 July 2004, there were no instances of trespass recorded by the Department of Health and Ageing.
Health and Ageing: Stationery
(Question No. 5175)

Mr Kelvin Thomson asked the Minister for Health and Ageing, in writing, on 7 December 2006:

(1) For each financial year from 1 July 2004, what was the total cost of paper purchased by the Minister’s department.

(2) Does the department have policies relating to duplex printing; if so, what are those details.

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

(1) Cost of office paper purchased by the Department nationally was $714,800.

(2) In September 2004, double-sided printing was instigated as the default printing function for all Central Office printers with duplex capability.

Veterans’ Affairs: Stationery
(Question No. 5187)

Mr Kelvin Thomson asked the Minister for Veterans’ Affairs, in writing, on 7 December 2006:

(1) For each financial year from 1 July 2004, what was the total cost of paper purchased by the Minister’s department.

(2) Does the department have policies relating to duplex printing; if so, what are those details.

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

The Department of Veterans’ Affairs

(1) 2004-05 $360,140.00
    2005-06 $304,769.00

(2) No, however all printers have duplex functionality and the majority are set to duplex as the standard.

The Australian War Memorial

(1) The Memorial does not separate the cost of paper from other stationery supplies however, it is estimated that the Memorial has spent the following on paper since 1 July 2004:
    2004-05 $8,800
    2005-06 $19,670

(2) All staff have access to duplex printers and the Memorial actively encourages the use of duplex printing through the Energy and Environment Committee and other internal communications methods such as posters, e-mails, etc.

Veterans’ Affairs: Computer Technology
(Question No. 5207)

Mr Kelvin Thomson asked the Minister for Veterans’ Affairs, in writing, on 7 December 2006:

Is the Minister’s department considering the use of auto-population computer technology that would enable the exchange of personal details and particulars of individuals between departments; if so, (a) with which departments and (b) what personal details are proposed to be shared.
Mr Billson—The answer to the honourable Member’s question is as follows:

The Department of Veterans’ Affairs (DVA) is not considering the use of auto-population computer technology.

We advise that DVA does maintain information about veterans, such as their assets, investments, relationships, health activities, benefits, taxes, and military service, and we already share some of this data (depending on requirements of the Privacy Act 2001) with, for example, Centrelink, Medicare Australia, Health Insurance Commission, Defence Department, Australian Tax Office, hospitals, Registrar General Births Deaths & Marriages.

Health and Ageing: Electricity and Water (Question No. 5214)

Mr Kelvin Thomson asked the Minister for Health and Ageing, in writing, on 7 December 2006:

(1) For each financial year since 1 July 2004, what sum has the Minister’s department spent on (a) electricity and (b) water.

(2) Since 1 July 2000, what measures has the department instigated to reduce electricity and water usage.

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

(1) (a) The Department’s expenditure for electricity for each financial year is as follows:

2004-05: $874,600 excluding GST;
2005-06: $809,300 excluding GST; and
2006-07: $398,500 excluding GST (up to 30 Nov 06).

(b) The Department’s specific expenditure for water is not available as these costs are included within statutory outgoing costs billed as a composite item by each building owner.

(2) In February 2003, the Department established an environmental policy and an Environmental Management System (EMS). The EMS includes a number of action plans and activities aimed at reducing energy and water usage. Activities to reduce energy usage have included upgrading buildings with energy-efficient light fittings and globes as well as movement sensors to minimise energy consumption. Activities to reduce water usage have included introducing waterless urinals in several departmental buildings and installing water efficient shower heads.

Consultancy Services (Question No. 5492)

Mr Bowen asked the Minister for Revenue and Assistant Treasurer, in writing, on 27 February 2007:

In respect of his second reading speech of 7 February 2007 on the Tax Laws Amendment Bill No. (7) 2006 in which he referred to the engagement of an “independent consultant” to consult with business on the proposed legislation:

(a) what was the name and address of the consultant;

(b) what was the cost of the consultancy;

(c) did the consultant speak or liaise with stakeholders in respect of Schedule 2 of the Bill; if so, (i) what form did this consultation take and (ii) which stakeholders were approached;

(d) was a report produced; if so, in respect of that part dealing with Schedule 2, will he publicly release the report; if not, why not;

QUESTIONS IN WRITING
(e) did the consultant identify any of the concerns raised by the tax and banking industries and canvassed at the Senate Economics Committee hearing into the Bill on 26 February 2007; if so, was this feedback conveyed to him in (i) the report or (ii) any other form of communication; and
(f) can he assure the House that an appropriate level of consultation was undertaken in respect of Schedule 2 of the Bill.

Mr Dutton—The answer to the honourable member’s question is as follows:
(a) Release of this information may place at risk the Government’s future ability to secure independent advice provided on a confidential basis;
(b) $6000.00;
(c) The consultant was engaged to provide confidential advice to my department;
(d) A report was produced for my department. It will not be publicly released because it is a confidential report and release may raise issues as identified in the response to question (a) above;
(e) See response to question (a) above; and,
(f) Yes.

Taxation
(Question No. 5709)

Mr Danby asked the Treasurer, in writing, on 8 May 2007:
(1) Can he confirm that the Australian Taxation Office (ATO) is conducting an investigation into a stipend paid by the Saudi Embassy to ACT Muslim cleric Mohammed Swaiti?
(2) Can he confirm that the Saudi government, Dawah Office, pays Sheikh Swaiti $36,000 per annum as a clerical allowance and that the Saudi Embassy has been making these payments to Sheikh Swaiti for 12 years?
(3) Are allowances paid to clerics by embassies, or other diplomatic missions, taxable in Australia?
(4) Have any other cases of non-declaration of clerical allowances been documented by the ATO?
(5) How many Muslim clerics are declaring taxable income to the ATO in the form of clerical allowances, or other stipends, from the Saudi or other diplomatic missions in Australia?
(6) How many individuals are declaring income to the ATO as a clerical allowance, or other form of income, from the Saudi or other Muslim Embassies in Australia?

Mr Dutton—The Treasurer has referred this question to me as it falls within my ministerial responsibilities. The answer to the honourable member’s question is as follows:
(1) It has been my longstanding practice not to comment on the tax affairs of individual taxpayers.
(2) It has been my longstanding practice not to comment on the tax affairs of individual taxpayers.
(3) Whether an allowance or payment paid to clerics by embassies, or other diplomatic missions, is taxable or not, depends on the nature of the allowance in the hands of the recipient.
   An allowance received in relation to activities arising from the cleric’s office, occupation, services rendered or to be rendered, would be taxable.
   An allowance received by a cleric for personal reasons, not related to any income-producing activity on their part, would not be taxable.
(4) No.
(5) The ATO is unable to determine a taxpayer’s religious affiliations from data provided in tax returns.
The ATO uses accepted Australian Bureau of Statistics definitions in its occupation coding system. In this system there is no association made between the occupation 'religious leader' and the particular religion.

(6) Although it may be possible to identify payments made by particular persons, it is not possible to determine the nature of the services that gave rise to those payments.

**Cyclone Larry**

*(Question No. 5713)*

Mr Albanese asked the Minister for Families, Community Services and Indigenous Affairs, in writing, on 8 May 2007:

What assistance has the Government given to Aboriginal communities, such as Maningrida and Elcho Island, to assist with the devastation caused in North Queensland by Cyclone Larry.

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

Maningrida and Elcho Island are located in the Northern Territory and were not affected by Tropical Cyclone Larry, which caused devastation in Far North Queensland. They were ineligible for assistance under the Tropical Cyclone Larry assistance package.

The Australian Government provided over $1.3 million in specific disaster recovery assistance to Indigenous and other communities in the Northern Territory adversely affected by Tropical Cyclone Monica.

Funding of up to $1 million through the Community Housing and Infrastructure Program (CHIP) managed by FaCSIA. This supported repairs to damaged infrastructure in affected outstations, with priority given to road reconstruction to enable access to communities.

Reimbursement for the Northern Territory Government of 50 per cent of the costs associated with the Natural Disaster Relief and Recovery Arrangements (NDRRA) which were activated for this disaster. Personal Hardship and Distress (PH&D) payments were provided under the NDRRA for the provision of emergency food, clothing and accommodation, essential repairs to housing and the replacement of essential household items. Over $352,950 was paid in the form of PH&D payments to the following Indigenous communities who were affected by Tropical Cyclone Monica:

- Maningrida – $293,505
- Oenpelli – $26,795
- Jabiru – $17,268
- Marrakai – $6,727
- Mamadewerre – $4,725
- Marlwon – $2,830
- Gumarrinbang Outstation – $1,100

**Lowe Electorate: Transitional Care Services**

*(Question No. 5760)*

Mr Murphy asked the Minister for Ageing, in writing, on 22 May 2007:

How many Commonwealth-funded, community-based transitional care services exist in the federal electorate of Lowe.

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

There is one transition care service in the federal electorate of Lowe which is jointly funded by the Australian Government and the New South Wales Government. The Inner West Transitional Aged Care Service currently has 40 operational community-based places.

QUESTIONS IN WRITING
US-Australia Free Trade Agreement
(Question No. 5791)

Mr Windsor asked the Minister for Trade, in writing, on 28 May 2007:

(1) Did the Minister sign a ‘side letter’ to the United States-Australia Free Trade Agreement pledging Australia’s support in assisting the US to alter the Organisation International Epizootics rules on trade from countries afflicted with Bovine Spongiform Encephalopathy (BSE).

(2) Can the Minister confirm that the US is urging South Korea, which—like Australia—is free of any BSE cases, to allow imports of US beef.

(3) Will the Minister give the Australian beef industry an assurance that US beef will not be imported into Australia whilst the US has BSE cases and Australia has none.

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

(1) No. The BSE side letter to the Australia-United States Free Trade Agreement (AUSFTA) signed by my predecessor commits Australia and the United States to cooperate in international forums, such as Codex Alimentarius and the World Organisation for Animal Health (OIE), to secure science-based standards for food safety and animal health-related BSE risks. Australia, the United States and a number of other trading partners were cooperating on BSE matters in these and other forums prior to AUSFTA.

(2) Following the decision by the World Organisation for Animal Health (OIE), at its General Session on 21-25 May 2007, to classify the United States as a ‘controlled risk’ country for BSE, the Republic of Korea (ROK) Ministry of Agriculture and Forestry announced it would negotiate with the United States on the revision of ROK beef import protocols, but would also conduct its own import risk assessment to reduce public concerns on food safety. Separate to the OIE decision, there has been extensive media reporting that US beef is in the process of re-entering the ROK market under the existing protocols.

(3) Australia has the sovereign right to set its own food safety standards, including for BSE. Under Australia’s policy for the safety of imported food, imports of beef and beef products produced on or after the date a country reports an indigenous case of BSE are prohibited.