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SITTING DAYS—2007

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- **GOLD COAST**: 95.7 FM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 747 AM
- **NORTHERN TASMANIA**: 92.5 FM
- **DARWIN**: 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—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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**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
The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP

Treasurer
Minister for Trade
Minister for Defence
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the
House
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

Attorney-General
Minister for Finance and Administration, Leader
of the Government in the Senate and Vice-
President of the Executive Council
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin

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

Minister for Immigration and Citizenship
The Hon. Kevin James Andrews MP
The Hon. Julie Isabel Bishop MP

Minister for Education, Science and Training and
Minister Assisting the Prime Minister for
Women’s Issues
The Hon. Malcolm Thomas Brough MP

Minister for Families, Community Services and
Indigenous Affairs and Minister Assisting the
Prime Minister for Indigenous Affairs
The Hon. Ian Elgin Macfarlane MP
The Hon. Joseph Benedict Hockey MP

Minister for Industry, Tourism and Resources
The Hon. Malcolm Bligh Turnbull MP

Minister for Employment and Workplace Rela-
tions and Minister Assisting the Prime Minister
for the Public Service
Senator the Hon. Christopher Martin Ellison

Minister for Communications, Information Tech-
ology and the Arts and Deputy Leader of the
Government in the Senate

Minister for the Environment and Water Resources

Minister for Human Services

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

Minister for Fisheries, Forestry and Conservation and Manager of Government Business in the Senate
Senator the Hon. Eric Abetz

Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP

Minister for Local Government, Territories and Roads
The Hon. James Eric Lloyd MP

Minister for Revenue and Assistant Treasurer
The Hon. Peter Craig Dutton MP

Minister for Workforce Participation
The Hon. Dr Sharman Nancy Stone MP

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. Bruce Frederick Billson MP

Special Minister of State
The Hon. Gary Roy Nairn MP

Minister for Ageing
The Hon. Christopher Maurice Pyne MP

Minister for Vocational and Further Education
The Hon. Andrew John Robb MP

Minister for the Arts and Sport
Senator the Hon. George Henry Brandis SC

Minister for Community Services
Senator the Hon. Nigel Gregory Scullion

Minister for Justice and Customs
Senator the Hon. David Albert Lloyd Johnston

Assistant Minister for Immigration and Citizenship
The Hon. Teresa Gambaro MP

Assistant Minister for the Environment and Water Resources
The Hon. John Kenneth Cobb MP

Parliamentary Secretary to the Prime Minister
The Hon. Anthony David Hawthorn Smith MP

Parliamentary Secretary to the Minister for Transport and Regional Services
The Hon. De-Anne Margaret Kelly MP

Parliamentary Secretary to the Treasurer
The Hon. Christopher John Pearce MP

Parliamentary Secretary to the Minister for Finance and Administration
Senator the Hon. Richard Mansell Colbeck

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Robert Charles Baldwin MP

Parliamentary Secretary to the Minister for Foreign Affairs
The Hon. Gregory Andrew Hunt MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
The Hon. Sussan Penelope Ley MP

Parliamentary Secretary to the Minister for Education, Science and Training
The Hon. Patrick Francis Farmer MP

Parliamentary Secretary to the Minister for Defence
The Hon. Peter John Lindsay MP

Parliamentary Secretary to the Minister for Health and Ageing
Senator the Hon. Brett John Mason
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<td>Senator Christopher Vaughan Evans</td>
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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

Stephen Francis Smith MP

Shadow Minister for Education and Training

Wayne Maxwell Swan MP

Shadow Treasurer

Lindsay James Tanner MP

Shadow Minister for Finance

Senator Penelope Ying Yen Wong

Shadow Minister for Public Administration and Accountability, Shadow Minister for Corporate Governance and Responsibility and Shadow Minister for Workforce Participation

Anthony Michael Byrne MP

Shadow Parliamentary Secretary for Foreign Affairs

The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Defence and Veterans’ Affairs

Jennie George MP

Shadow Parliamentary Secretary for Environment and Heritage

Catherine Fiona King MP

Shadow Parliamentary Secretary for Treasury

Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Education

John Paul Murphy MP

Shadow Parliamentary Secretary to the Leader of the Opposition

Brendan Patrick John O’Connor MP

Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)

Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs

The Hon. Warren Edward Snowdon MP

Shadow Parliamentary Secretary for Industry and Innovation

Senator Ursula Mary Stephens
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Thursday, 21 June 2007

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

ATTORNEY-GENERAL

Mr ALBANESE (Grayndler) (9.01 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the House from noting with alarm that the Attorney-General has refused to provide details of the secret taxpayer funded political unit operation 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—

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. You previously ruled and made comment upon the members opposite taking advantage of moving a motion to in fact make a speech and to place debate material in the course of moving the motion. That is against the standing orders, and you have made comment on this before. It is also commented upon in the Practice, and I would ask you to ask them to shorten it.

The SPEAKER—I note the point raised by the member for Mackellar. I believe that the Manager for Opposition Business is so far certainly within normal practice. I am sure that he will come to his motion.

Mr ALBANESE—I continue:

(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.

Further, that the House calls on the Attorney-General to provide details of the operation of this unit.

He is right here in the chamber. He should come clean—the man responsible for ‘kids overboard’.

Mr PEARCE (Aston—Parliamentary Secretary to the 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………… 81

Noes………… 53

Majority……… 28

AYES

Abbott, A.J. Andrews, K.J. Bailey, F.E.
Baird, B.G. Barresi, P.A. Bartlett, K.J.
Billson, B.F. Bishop, J.I. Broadbent, R.
Brough, M.T. Cauley, I.R. Cadman, A.G.
Cobb, J.K. Downer, A.J.G. Costello, P.H.
Elson, K.S. Fawcett, D. Dutton, P.C.
Fawcett, D. Forrest, J.A. Entsch, W.G.
Gash, J. Haase, B.W. Gambaro, T.
Hartsuyker, L. Hockey, J.B. Georgiou, P.
Hunt, G.A. Johnson, M.A. Hardgrave, G.D.
Keenan, M. Kelly, D.M. Henry, S.
Kelly, J.M. Laming, A.
**The SPEAKER**—Is the motion seconded?

**Mr McMULLAN** (Fraser) (9.13 am)—Yes, Mr Speaker. There has been a pattern of deceptive conduct and this is just another example.

**Mr PEARCE** (Aston—Parliamentary Secretary to the Treasurer) (9.13 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.15 am]

(The Speaker—Hon. David Hawker)

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**Question agreed to.**

**Original question put:**

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

The House divided. [9.18 am]
Mr RUDDOCK (Berowra—Attorney-General) (9.22 am)—I move:

That this bill be now read a second time.

The Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007 improves the ability of our laws to prevent the circulation of material which advocates the doing of terrorist acts.

This is a serious issue. Currently there is too much uncertainty around whether the existing classification laws adequately capture such material. This material should not be legally available in Australia.

The bill introduces new provisions to the classification act, which will expressly require that publications, films or computer games that advocate the doing of a terrorist act must be classified as ‘refused classification’.

I would prefer to see these provisions in the National Classification Code and guidelines, not in the classification act, but that requires the states’ and territories’ agreement.

As the classification scheme is a cooperative national scheme, the state and territory censorship ministers and I must agree to the provisions of the code and guidelines.

I first sought state and territory agreement to changes to classification laws in July 2006. To date, they have been reluctant to respond positively to my proposals. I am not prepared to wait indefinitely to address this problem.

Following public consultation on a discussion paper, I recently wrote to censorship ministers seeking their agreement to amend the code and guidelines to require the Classification Board to refuse classification of material that advocates terrorist acts.

I am hopeful that my state and territory colleagues will agree to these amendments at the Standing Committee of Attorneys-General meeting in July. If they do, the amendments in this bill will not be needed. But, I might say, any evidence of bona fides is hard to find. When officers are instructed not to agree to the proposals, it is unlikely that an agreed set of proposals would be submitted to the ministers’ meeting in July. Ministers would be very unlikely in a meeting to conclude that agreement and would again refer it off to officers. That has been the standard practice.
If states and territories do not agree in July, we must be in a position to ensure that material that advocates the doing of terrorist acts is not legally available in Australia. This bill ensures that this can be done expeditiously through an amendment to the classification act.

The bill introduces the same provisions as the proposed amendments to the code and guidelines. It requires the Classification Board to refuse classification of material that advocates terrorist acts. The provisions take into account submissions received following public consultation on the discussion paper. The submissions were carefully considered and, consequently, the proposal has been refined, so that the new provisions will operate effectively against unacceptable material but will not impinge on freedom of speech or mainstream popular culture.

The requirement in this bill for material to be classified as ‘refused classification’ is not intended to restrict the genuine and legitimate exercise of freedom of speech or to prevent filmmakers, authors or publishers from dealing with contentious subject matter in an informative, educational, entertaining, ironical or controversial way.

As the bill clearly sets out, where the treatment of a terrorist act could reasonably be considered to be done merely as part of public discussion or debate or as entertainment or satire, it is not to be refused classification.

This protects material such as investigative journalists’ work, historical analyses, material that might appear to glorify war or battle (including ‘factional’ or fictional accounts of war, insurgency or resistance), satirical pieces, and popular culture movies.

On the other hand, material which goes further and advocates the doing of terrorist acts—for example, by directly praising terrorist acts in circumstances where this runs the risk of inspiring someone to commit a terrorist act—would and should be required to be classified ‘refused classification’.

Striking the right balance is important. Freedom of expression is an important part of our society’s values. However, there is another right which must be protected—the right to be protected from the pernicious influence of material that advocates the naive and impressionable to go out and commit terrorist acts against other human beings.

The bill adopts the meanings of ‘advocate’ and ‘terrorist acts’ from the Criminal Code Act 1995 by adaptation of language or direct reference. It is intended that the meanings of these terms in the classification act remain consistent with their meaning in the Criminal Code.

‘Advocate’ covers direct or indirect advocacy, in the form of counselling, urging or providing instruction on the doing of a terrorist act. It also covers direct praise of a terrorist act where there is a risk that such praise might lead a person (regardless of his or her age or any mental impairment) to engage in a terrorist act.

However, the advocacy would need to be about doing a terrorist act, not merely expressing generalised support of a cause.

The term ‘terrorist act’ is given the same meaning as in section 100.1 of the Criminal Code. Any amendments made to that section will automatically apply to the definition of ‘terrorist act’ for the purposes of the classification act.

‘Terrorist act’ is tightly defined. The action or threat must be made with the intention of advancing a political, religious or ideological cause and coercing or intimidating an Australian or foreign government or the public. It includes actions or threats involving serious harm to people, damage to property, endangerment of life, serious risk to the public’s health or safety, or seriously
interfering with an electronic system including telecommunications, financial and essential government services systems, essential public utilities and transport providers.

Action which is advocacy, protest, dissent or industrial action, not intended to cause serious harm, death, endangerment of life, or serious risk to the health or safety of the public, is expressly excluded from being a ‘terrorist act’.

This bill will improve the ability of our laws to prevent the circulation of material which advocates the doing of terrorist acts. Classification laws need to be better able to ensure that such material is not available in Australia.

Whether that happens through amendments to the National Classification Code and guidelines with the agreement of the states and territories or through amendments to the classification act that I introduce today is not yet clear. But let me make it clear to those who may want to read these remarks: this bill will not proceed if the Classification Code is amended by agreement with the states and territories in a satisfactory way. Its introduction now is to ensure that we can deal with these matters in an appropriate time frame. In other words, it is a bill proposed for more abundant caution. I might say to the states and territories that I would expect that if they do not agree, this bill would secure passage through both houses of parliament, given the comments of the opposition about what they allege has been delay on my part in proceeding with these matters. Let me make it very clear: I have been pressing the states and territories to deal with this issue for more than 12 months, and I think they have had more than enough time to come to an agreement. I suspect their behaviour has been designed to frustrate these amendments, and that is why this bill is important in terms of ensuring that we have sufficient options to be able to deal with this issue in an appropriate time frame. I commend the bill to the House.

Debate (on motion by Mr Snowdon) adjourned.

MIGRATION AMENDMENT (SPONSORSHIP OBLIGATIONS) BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Andrews.

Bill read a first time.

Second Reading

Mr ANDREWS (Menzies—Minister for Immigration and Citizenship) (9.31 am)—I move:

That this bill be now read a second time.

The Migration Amendment (Sponsorship Obligations) Bill 2007 amends the Migration Act 1958 to introduce a regime of obligations to be met by employers who are approved business sponsors of certain visa holders. At this stage this will be temporary skilled subclass 457 business sponsors.

The subclass 457 visa was created in 1996. The main objectives of the visa are to enable key skilled personnel for Australian businesses to enter Australia quickly under streamlined processing arrangements in order to meet skilled labour shortages.

The 457 visa allows approved Australian or overseas businesses to sponsor, on a temporary basis for up to four years, overseas employees to come to Australia to fill skilled positions that meet minimum skill and salary levels.

For a sponsorship to be approved, the prospective employer must be an employer of good standing with an actively and lawfully operating business and must be able to demonstrate that the recruitment of overseas workers will provide some benefit to Austra-
lia, such as expansion of trade or enhanced competitiveness.

It is widely acknowledged by all levels of government, the business community and the union movement that there is a shortage of skilled labour. It is therefore in nobody’s interests, including business, if the community thinks that the 457 visa is merely a vehicle for driving down the wages and conditions of workers, which has been claimed by the opposition. The Australian government will not tolerate the abuse of 457 visas in this way.

In order to ensure that such abuse does not occur and that the integrity of the 457 visa is maintained and strengthened, this bill will provide further protections to workers sponsored under the 457 visa and ensure that employers who sponsor such workers must comply with certain obligations and failure to do so may result in the imposition of sanctions and penalties.

The new obligations introduced under this bill will replace the current undertakings arrangements. Importantly, the new regime also incorporates enforcement provisions:

- inspectors can monitor an employer’s compliance with their sponsorship obligations; and
- civil penalties may be imposed if an approved sponsor breaches an obligation.

There are also enhanced information exchange powers between my department and other prescribed Commonwealth, state and territory agencies.

The government has consistently emphasised the importance of a skilled visa program to the continued prosperity of the Australian economy, especially in times of record low unemployment and consequent temporary skill shortages.

Due to skill shortages and an unemployment rate at 32-year lows, the subclass 457 visa, for example, has provided business with a key source of temporary skilled labour and will continue to do so in the short to medium term.

However, the government also recognises that there is a small minority of employers who have sought to abuse the program.

While the abuse is not widespread, it can undermine the integrity of the overall migration program and confidence in the program as a factor in maintaining our national prosperity into the future.

Employers must recognise that access to skilled temporary overseas workers is a privilege, not a right, and if they abuse this privilege, then they will face strong penalties.

These changes complement other initiatives that the government has recently announced; namely, an English language requirement for 457 applicants to acknowledge the importance of licensing and registration requirements and focus on areas of key occupational health and safety risk and formal arrangements for the fast-tracking of applications from those employers who have a strong and demonstrated record of complying with the 457 visa program.

**The New Obligations**

Some of the new obligations reflect existing undertakings a business sponsor must make pursuant to the Migration Regulations 1994.

The government has elevated these requirements to the act as a reflection of their importance. The new obligations also now come into effect by operation of law.

There are eight such obligations. I would like to highlight the first two obligations in particular.

The first obligation is to pay visa holders at least the minimum salary level which is set out in a legislative instrument.
This obligation also acknowledges the fact that Australian employers must look first to employing and training Australians and that the subclass 457 visa program will not be used to erode the salaries and conditions of Australian employees.

The second obligation is not to employ a visa holder in a position that requires lesser skills than the position in respect of which the visa was granted. This obligation protects against the subclass 457 visa program being used to bring overseas workers to Australia to carry out unskilled jobs.

Other obligations include:
- paying the return travel costs from Australia of overseas workers and their family;
- paying certain medical costs on behalf of the overseas worker and his or her family which may involve the employer taking out insurance on their behalf;
- paying any fees that must be paid for the overseas worker to work in the nominated activity and other fees associated with recruitment and migration agents;
- keeping adequate records of compliance with these obligations and providing information to my department when requested in writing.

The New Investigative Powers

The bill also gives my department greater investigative powers.

These powers, to the extent possible, have been adapted from the investigative powers of Office of Workplace Services inspectors.

Specially trained officers of my department will have the power to enter—unannounced and without force—any place of business or any other place which they have reasonable cause to believe there is information, documents or any other thing relevant to monitoring the approved sponsor’s compliance with the obligations.

In support of inspectors’ information gathering powers, the bill also creates an offence for failing to produce a document requested by an inspector. This offence attracts a maximum penalty of imprisonment for six months.

The New Enforcement Powers

The bill attaches civil penalties to breaches of obligations, with a maximum of $6,600 for an individual and $33,000 for a body corporate for each identified breach.

These penalties are complemented by other enforcement measures, both existing and others set up by this bill.

I will continue to have the power to cancel sponsorship approval or bar sponsors where they have failed to comply with a new obligation. I will also now be able to bar sponsors who have breached a law of the Commonwealth, state or territory where appropriate.

Where my department has identified a breach of an obligation and is pursuing civil remedy proceedings, the court, in addition to imposing a civil penalty on the employer, has the power to order the employer to pay a person moneys owed under an obligation.

Persons owed money under an obligation may also independently seek restitution. If, for example, a worker has been paid less than the 'minimum salary level', he or she may pursue an order for the amount of the underpayment.

As well as creating a right of recovery, the bill also provides a power to make regulations to set up an infringement notice regime, under which sponsors would be issued with infringement notices as an alternative to civil proceedings. The amount of the infringement notices cannot exceed one-fifth of the maximum amount of the civil penalty—$1,320.
for an individual and $6,600 for a corporation.

**Information Exchange**

The bill authorises disclosure of personal information regarding sponsors and visa holders to prescribed agencies of the Commonwealth or of a state or territory.

For example, where in the course of performing his or her functions, an inspector finds a workplace that obviously appears to fall short of basic occupational health and safety standards, he or she would be able to make such an observation known to the state or territory body responsible for monitoring such standards.

I would expect my department to be informed of the outcome of any such investigation so consideration could be given to bar the sponsor for breach of a law of the Commonwealth, state or territory.

To facilitate information exchange with the Australian Taxation Office, the bill also includes necessary amendments to the Taxation Administration Act 1953.

This represents a whole-of-government approach to maintaining and improving workplace standards and improving the conditions of workers.

**Summary**

In summary, this bill is designed to encourage increased compliance by employers with all relevant laws, particularly those governing the subclass 457 visa program.

The new obligations combined with the enhanced investigative, enforcement and information exchange powers introduced by this bill will strengthen the integrity of the subclass 457 visa arrangements, preserve the integrity of the Australian labour market and ensure the working conditions of overseas workers.

My department will ensure that subclass 457 sponsors and visa holders are made aware of their respective rights and obligations under this legislation before the provisions come into effect.

The bill deserves the support of all members of this parliament.

I commend the bill to the House.

Debate (on motion by Mr Burke) adjourned.

**TELECOMMUNICATIONS LEGISLATION AMENDMENT (PROTECTING SERVICES FOR RURAL AND REGIONAL AUSTRALIA INTO THE FUTURE) BILL 2007**

First Reading

Bill and explanatory memorandum presented by Mr McGauran.

Bill read a first time.

Second Reading

Mr McGauran (Gippsland—Minister for Agriculture, Fisheries and Forestry) (9.41 am)—I move:

That this bill be now read a second time.

Today I am bringing forward the Telecommunications Legislation Amendment (Protecting Services for Rural and Regional Australia into the Future) Bill 2007. This bill would amend the Telecommunications (Consumer Protection and Service Standards) Act 1999 so that the Australian government’s $2 billion investment in the Communications Fund is preserved to provide an income stream for future telecommunications improvements in regional, rural and remote Australia.

The Communications Fund was established by the government in September 2005 as a dedicated and perpetual fund to provide an income stream to implement the government’s responses to recommendations made by the Regional Telecommunications Independent Review Committee.
This bill protects in legislation the $2 billion principal of the Communications Fund so that only the interest earned from the fund—up to $400 million every three years—can be drawn upon.

The federal opposition has announced that it will abolish the $2 billion Communications Fund and spend the entire capital on a broadband network in highly commercial and predominately metropolitan areas, leaving several millions of rural and regional premises stranded without any targeted assistance for even basic telecommunications services.

The bill introduced by the government will ensure that the Labor Party in office cannot, by sleight of hand or under cover of night, abolish the Communications Fund. It will require the government of the day to introduce legislation in the full glare of public accountability. The government has introduced the bill in response to the Labor Party’s policy to abolish the $2 billion Communications Fund and thereby abandon rural and regional Australia.

This bill will ensure that rural and regional premises are not left stranded without reliable and up-to-date services in the future.

It is the government’s intention that the Communications Fund should be maintained at a minimum level of $2 billion, and the bill I am bringing forward seeks to make this intention explicit. If the Labor Party in government wishes to change the Communications Fund, it will require legislation and therefore the full scrutiny of the parliament and of the public. Labor has more than a passing habit in government of bringing matters through in fulfilment of its political ideologies, without proper public scrutiny or accountability. It will not happen in regard to the Communications Fund should the Labor Party find itself in office.

Maintaining the $2 billion for investment into the future will enable the Communications Fund to reliably generate income that will be available for future investment in telecommunications improvements in regional, rural and remote areas.

The Regional Telecommunications Independent Review Committee is required to conduct regular reviews of the adequacy of telecommunications services in regional, rural and remote Australia.

The first review is required to commence before the end of 2008, with subsequent reviews being completed every 3½ years. The reviews must consider the adequacy of telecommunications services that are significant to people living in regional, rural and remote Australia.

The committee is required to report to the government, which in turn is required to respond in a timely way to any recommendations made by the committee. Funding can then be accessed from the Communications Fund earnings to implement the responses that relate to regional, rural and remote telecommunications. This massive investment in the upgrade of infrastructure in rural and regional Australia will not be available should the Labor Party win office, for the Labor Party will abolish the fund that would provide this ongoing stream of income targeted at people who live in regional areas.

This whole process provides certainty for people in regional, rural and remote Australia that the improvements in their telecommunications services will keep pace with the rest of the nation—in contrast to the Labor Party’s policy.

In securing the Communications Fund this bill protects the long-term interests of regional, rural and remote Australia, and I commend it to the House.

Debate (on motion by Mr Snowdon) adjourned.
SUPERANNUATION LEGISLATION AMENDMENT BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Nairn.

Bill read a first time.

Second Reading

Mr NAIRN (Eden-Monaro—Special Minister of State) (9.46 am)—I move:

That this bill be now read a second time.

The Superannuation Legislation Amendment Bill 2007 makes a number of enhancements to the Australian government’s civilian and military superannuation schemes.

The bill removes, from 1 July 2008, the requirement for contributory members of the Commonwealth Superannuation Scheme, the CSS, to make member contributions to the scheme. As a result, member contributions will become voluntary. This will provide members with the same flexibility and incentives to contribute to superannuation that are available to the broader community.

The bill also allows, from 1 July 2008, eligible members of the PSS to elect to leave the PSS and join another superannuation arrangement for the payment of future contributions. A member’s eligibility to join another superannuation arrangement will be determined by the choice arrangements that their employer has in place. For example, a member who is able to join the Public Sector Superannuation Accumulation Plan, the PSSap, will move to that scheme in the first instance and from there will have access to the government’s broader choice of fund arrangements. The bill also amends the membership provisions for the PSSap to allow eligible PSS members who have elected to join the PSSap to become members of that scheme. These changes will provide eligible members with the flexibility for future contributions that is already available to most of the Australian workforce.

From 1 January 2008, the bill will enable members of the CSS to obtain early release of their funded account balances on severe financial hardship and compassionate grounds to the extent allowed under the superannuation regulatory framework.

The bill will also facilitate, from 1 January 2008, the prospective restoration of pensions for persons whose spouse pensions, provided under certain closed Australian government civilian and military superannuation schemes, were cancelled upon remarriage. Upon successful application, spouse pensions cancelled upon remarriage (prior to 1976 in the civilian scheme and prior to 1977 in military schemes) will be prospectively reinstated.

Changes to the CSS as a consequence of the government’s Better Super reforms are also included in the bill. The main amendment will ensure the continued payment of employer productivity contributions where a member has not provided their tax file number. This is consistent with the arrangements in the broader community where employer contributions would still be payable even though the member has not provided their tax file number. The other amendments are technical and take account of the payment of amounts from the CSS Fund in relation to release authorities issued by the Commissioner of Taxation and to reflect changed superannuation terminology.

Where necessary, changes for the PSS to reflect the measures just described will be made by the PSS Amending Deed.

The bill also ensures that the entitlement to benefits in the military superannuation schemes relating to postretirement marriages is consistent with the treatment in the civilian schemes. The bill also addresses an anomaly in the family law provisions of the Defence
CHAMBER

Force Retirement and Death Benefits Act 1973 to allow the family law orders to be applied as intended.

I commend the bill to the House.

Debate (on motion by Mr Snowdon) adjourned.

HIGHER EDUCATION SUPPORT AMENDMENT (EXTENDING FEE-HELP FOR VET DIPLOMA AND VET ADVANCED DIPLOMA COURSES) BILL 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) (9.51 am)—I move:

That this bill be now read a second time.

The Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007 will open up opportunities for students to pursue high-level full-fee VET courses.

This bill sets up the arrangements and appropriation to extend FEE-HELP assistance for students studying full-fee VET diploma and advanced diplomas with registered training organisations such as a TAFE.

The government believes it is important to raise the status of vocational and technical education to signal the significance the government and the community attach to high level technical qualifications. As well, the accelerating use of higher levels of technology to compensate for the labour shortages associated with an ageing population means that higher levels of technical and vocational training for many in the workforce are a critical future need.

This initiative will assist students who wish to pursue higher level vocational education and training qualifications. Many students are attracted to VET because of the specialist skills they learn while studying, but the high up-front fees acts as a deterrent. Presently, these students cannot access student loan arrangements and are forced to pay their fees up front or pursue an alternative university qualification if they need loan assistance.

Currently, the cost of pursuing vocational education and training rests with the planning decisions of states and territories. While some states offer publicly supported training for some qualifications, principally at their TAFEs, for many other VET courses and registered training organisations students are required to pay full fees up front. Extending FEE-HELP into vocational education and training, particularly for higher level qualifications, lessens the impact of state planning and funding decisions on access to high-skill courses and allows students to choose their course and provider of preference through loan assistance.

Through FEE-HELP the Australian government provides loans to ease the up-front financial burden for eligible students by assisting them to pay their tuition fees to their training provider. This initiative will remove some barriers that exist for students who want to pursue further higher level qualifications through the VET system. It increases access to technical and vocational diploma and advanced diploma courses.

Training organisations will be encouraged to seek approval from the Australian government to receive FEE-HELP for diploma and advanced diploma students if they have an agreement with a university that their students could move (with appropriate credit transfer) into a related degree qualification.
This arrangement will ensure that VET students get appropriate recognition in any subsequent studies at university, and get credit for what they’ve already done. It will also encourage those already with trade qualifications to build on them.

As this budget measure is an extension of FEE-HELP in the higher education sector, this amendment is based substantially on the existing FEE-HELP mechanisms already in the Higher Education Support Act. VET providers will be required to meet certain conditions including financial viability, quality and reasonable fees and student access arrangements. The government insists on these arrangements as it is important to protect the interests of the students who take on responsibility for repaying the debt they incur from a provider. These measures ensure that the provider is acting in the best interests of their students.

In addition, current FEE-HELP legislation requires providers to be corporate bodies and this is also a requirement for VET providers.

This is the first introduction of a student loan scheme in the VET sector at the national level. I am continuing consultation within the sector on the operation of the scheme, including the impact on state and territory training arrangements. I introduce this amendment to demonstrate the government’s commitment to deliver this scheme in 2008 for the benefit of all Australians.

This arrangement covers full-fee courses. Governments will continue to support training through public funding. This measure is part of the suite of reforms and funding by the Australian government for VET to remain as a world-class training sector. States and territories will be expected to continue with their level of funding for training and to continue to provide public funding for training.

The Australian government expects to loan around $221 million to students over the four years to 2010-11 depending upon the number of VET providers which seek approval to provide VET FEE-HELP assistance and the number of students they enrol.

In the coming decades, Australians with trade and technical skills will be in 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.

While vocational education and training is a state responsibility, the Australian government is a strong supporter of vocational education and training (VET). Total Australian government funding to VET, taking into account the 2007 budget measures and the Prime Minister’s Skills for the Future package of last year, amounts to $11.8 billion over the next four years. Federal government funding has increased by 99 per cent in real terms since 1996, with annual funding going from around $1 billion in 1996 to $2.9 billion this year.

Loan assistance to students adds to the suite of programs the Australian government has developed, providing equity and choice for individuals. Pursuing a trade or vocational qualification is just as important as pursuing a university education as a pathway to a productive career and future prosperity. Through this bill, the government is offering students real choice in the study they pursue and builds the skills of the workforce.

Mr Speaker, this measure, combined with the suite of other initiatives already put in place by this government, represents a significant investment in the development of skills in the Australian population.

I commend this bill to the House.

Debate (on motion by Mr Snowdon) adjourned.
SOCIAL SECURITY LEGISLATION AMENDMENT (2007 BUDGET MEASURES FOR STUDENTS)
BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Robb, for Ms Julie Bishop.

Bill read a first time.

Second Reading

Mr ROBB (Goldstein—Minister for Vocational and Further Education) (9.58 am)—At the request of the Minister for Education, Science and Training, I move:

That this bill be now read a second time.

The bill amends the Student Assistance Act 1973 and the Social Security Act 1991. The bill gives effect to measures announced in the 2007-08 budget that concern the income support for students programs, and updates aspects of the administration of Abstudy and the Assistance for Isolated Children (AIC) in line with similar provisions under the Social Security Act 1991.

Amendments to the Student Assistance Act 1973, under schedule 1, provide legislative support for the provision of services to Abstudy and the Assistance for Isolated Children (AIC) schemes.

The first amendment aims to simplify the processes currently used by the Australian government (as represented by Centrelink) to recover payment(s) made under the Abstudy and Assistance for Isolated Children schemes that have been deposited into an incorrect financial institution account. This is consistent with the provisions of the Social Security Act 1991.

The second amendment will allow notices issued under section(s) 343, 344 or 345 to be issued electronically. This amendment is required to incorporate current technologies and data transfer processes used by Centrelink for other student income support payments into the administration of the Abstudy and AIC schemes.

Amendments to the Social Security Act 1991, under schedule 2, insert a new category of Level of Course to the levels of eligible study. This adds master’s degrees as eligible courses and removes the current restriction on Austudy recipients which prevents them from receiving payment if they have already gained a master’s level degree.

The amendments also attach rent assistance payments to Austudy to increase the support for mature age people participating in education. Items 1, 3 and 6 to 8 clarify existing policy by inserting that a course supplied by a VET provider qualifies along with a TAFE course. This updates terminology to reflect current usage.

From 1 January 2008, students enrolled in an approved master’s by coursework program, which is required for entry to a profession, or is the fastest pathway to professional entry, will be eligible for youth allowance and Austudy payments. This provision will also extend to students enrolled in a master’s coursework program where a university has diversified by restructuring its course delivery. The Minister for Education, Science and Training will determine approved courses on application by higher education providers. The legislative amendment makes provision for the approval process.

The extension of Youth Allowance and Austudy to include approved professional master’s degrees responds to a growing trend to increase the level of qualification required for professional entry. The measure enhances Australia’s international competitiveness, will assist in addressing Australia’s skill needs and contributes to the nation’s skill development. The measure ensures that low-income students have the financial assistance they require to complete a master’s degree to obtain entry to a profession.
To maintain consistency with student income support policy, as defined by the act, and the new amendment which extends income support to master’s courses, an additional amendment is required to remove the current restriction on the provision of income support to students who have already attained a master’s degree. This amendment has no effect on the existing allowable time and progress rules, which are maintained. It also does not apply to students who have attained a doctorate.

From 1 January 2008, Indigenous students in receipt of the Abstudy living allowance will be able to access crisis payment under the Abstudy scheme. Amendments to the Social Security Act 1991 will clarify that a social security crisis payment is not payable if the person is qualified for an Abstudy crisis payment in respect of the same circumstance.

Items 12 to 17 provide access to rent assistance for eligible Austudy students. From 1 January 2008, students aged 25 years and over who receive Austudy will be able, if eligible, to receive assistance with their rental accommodation expenses. This amendment provides additional support for mature age students from low-income backgrounds, providing them with the opportunity to participate in education and training. Extending eligibility for rent assistance to include recipients of Austudy brings this payment into line with other income support recipients, such as those receiving youth allowance and Newstart.

I commend the bill to the House.

Debate (on motion by Ms Plibersek) adjourned.

FINANCIAL SECTOR LEGISLATION AMENDMENT (DISCRETIONARY MUTUAL FUNDS AND DIRECT OFFSHORE FOREIGN INSURERS) BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Pearce.

Bill read a first time.

Second Reading

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.04 am)—I move:

That this bill be now read a second time.

This bill allows consumers and businesses who purchase a general insurance product in Australia to be confident that they will be protected by Australia’s world-class prudential regime.

This bill amends the Insurance Act 1973, to strengthen and clarify the requirement that anyone that carries on general insurance business in Australia, either directly or through the actions of another (for example, a financial intermediary) is required to become authorised and will be prudentially regulated by the Australian Prudential Regulation Authority, or APRA.

At the same time, the government is keen to continue welcoming new entrants into the Australian general insurance market as it recognises these new entrants promote strong competition and innovation. The government will continue to welcome well-capitalised and well-managed foreign insurers.

To that end, APRA will adopt a more risk-focused approach to prudential standards to align prudential requirements with the risk posed by different classes of insurers, with the result that categories of insurers posing a lower risk will face a reduced regulatory burden.
This approach will better protect Australian consumers and businesses from poorly regulated direct offshore foreign insurers, or DOFIs.

However, the government does not want the proposed changes to unduly restrict market capacity.

For this reason, the bill provides a framework that enables the government to develop regulations to provide limited exemptions from the new regime. These exemptions will allow Australia’s largest businesses, with risks that cannot appropriately be placed with an authorised insurer in Australia, to obtain insurance offshore.

It is hoped these changes will encourage domestic insurers to continue providing innovative products that meet the needs of Australian consumers and businesses.

To enforce these Insurance Act 1973 changes, APRA’s powers will be expanded so that it can investigate entities that it has a reasonable belief are carrying on insurance business in Australia without being authorised. APRA will also have the power to apply to the Federal Court for an injunction to stop an entity from acting illegally. The government recognises that these new powers are strong but, on balance, considers these to be necessary to maintaining the integrity of the prudential regime.

To complement these prudential changes, the Corporations Act 2001 will be amended so that Australian financial service licence holders and authorised representatives will be required to deal only in authorised general insurance products, including those provided by Lloyd’s underwriters, with limited exceptions.

Licence holders will also be required by regulation to supply data on any dealing in insurance covered by the exemptions.

With regards to discretionary mutual funds (DMFs), which are providers of risk management tools that are an alternative to insurance, the government has formed the view that at this stage DMFs do not pose a significant risk to systemic integrity. Therefore it would not be appropriate to prudentially regulate DMFs at this time. However, the nature and scope of DMF activity will be monitored via information collection over the next three years. At that time, once there is sufficient information on DMFs’ activities, a review will be undertaken to determine whether or not it is appropriate to prudentially regulate these entities as well.

The government is taking steps to ensure individual consumers are adequately informed about DMFs by an amendment to the Corporations Regulations requiring DMFs to disclose to all their clients, both retail and wholesale, the key characteristics of their product, including that the DMF has a discretion whether or not to pay out on a claim.

The government is also amending the Financial Sector (Collection of Data) Act 2001 to subject DMFs to a rigorous and compulsory data collection regime, to better understand the nature and scope of their operations. This data, along with the data collected from Australian financial service licence holders and authorised representatives who deal in DMF products, will provide sound statistical input for future policy.

This bill addresses an outstanding HIH Royal Commission recommendation and a regulatory gap identified by the International Monetary Fund’s Financial Sector Assessment Program. It follows extensive consultation with stakeholders on how best to regulate DOFIs and DMFs.

The government welcomes industry’s ongoing assistance in implementing and adjusting to these new arrangements.
In October 2006, the International Monetary Fund found that Australia had a robust financial sector. The changes proposed in this bill will enhance the protection for Australians buying insurance and will encourage competition and innovation in the Australian general insurance market. They will enhance community confidence in the market and Australia’s overseas reputation as a sound, well-regulated market. I commend the bill to the House.

Debate (on motion by Ms Plibersek) adjourned.

CORPORATIONS (NATIONAL GUARANTEE FUND LEVIES) AMENDMENT BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Pearce.

Bill read a first time.

Second Reading

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.11 am)—I move:

That this bill be now read a second time.

Today I introduce a bill that will amend the Corporations (National Guarantee Fund Levies) Act 2001 to make minor reforms to the levying abilities for the benefit of the National Guarantee Fund.

This reform is also supported by a minor amendment to the Corporations Act 2001 which is included in the Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007.

The National Guarantee Fund is the compensation scheme for the Australian Securities Exchange. The measure caps the amount of levies payable each year if needed to top up the fund, thereby removing the current uncapped exposure of participants.

Importantly, the changes do not affect investors’ ability to claim from the fund. This bill accordingly delivers on the government’s commitment to providing simpler business arrangements whilst maintaining important investor protections.

Full details of this bill are contained in the explanatory memorandum already presented. I commend the bill to the House.

Debate (on motion by Ms Plibersek) adjourned.

FINANCIAL SECTOR LEGISLATION AMENDMENT (SIMPLIFYING REGULATION AND REVIEW) BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Pearce.

Bill read a first time.

Second Reading

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.13 am)—I move:

That this bill be now read a second time.

This bill introduces measures to streamline and simplify prudential regulation of the financial sector and builds on the government’s efforts to cut red tape.

This bill also amends part 23 of the Superannuation Industry (Supervision) Act 1993—otherwise known as the SIS Act—so that financial assistance, where the fund has suffered loss as a result of fraudulent conduct or theft, is available on a more equitable basis. It also makes technical amendments that are consequential on the enactment of the Legislative Instruments Act 2003.

Streamlining prudential regulation

Schedule 1 to this bill amends the Banking Act 1959, the Insurance Act 1973, the Life Insurance Act 1995—the Life Act, the SIS Act 1995—collectively known as the
four prudential acts—and the Corporations Act 2001—the Corporations Act—to implement the government commitments relating to prudential regulation in response to *Rethinking regulation*, the report of the Taskforce on Reducing Regulation Burdens on Business, otherwise known the Regulation Taskforce.

It also includes measures to streamline and simplify the prudential acts in a manner that is consistent with the Regulation Taskforce’s findings.

*Rethinking regulation* found that ‘Australia’s financial and corporate sectors, and the associated regulatory structures, are highly regarded internationally’ and that the ‘broad policy framework has widespread support within business and the wider community in Australia’.

However, *Rethinking regulation* also noted that there is scope to improve the regulatory framework in some areas.

The government accepted all the recommendations in *Rethinking regulation* relevant to prudential regulation. Most of those recommendations which require legislative amendment have been included as measures in this bill.

There is support within the industry for these measures. These measures have been subject to extensive consultation through the release of a proposals paper, an exposure draft of the bill and an industry roundtable discussion on the draft bill.

The government has listened to industry and as a result of the consultation process, amendments requiring trustees to ensure that investment managers and custodians meet fit and proper criteria have been removed from the bill.

Also as a result of consultation, registrable superannuation entity licensees and superannuation entities now have 12 months from the date of royal assent to display an Australian business number on certain documents.

The prudential acts administered by APRA and related legislation, such as the Corporations Act, have often evolved separately and in response to industry developments, and there is scope to refine and update the four prudential acts to make them more consistent.

Recommendation 5.8 of *Rethinking regulation* highlighted breach reporting as a particular area where the government should seek to improve consistency and reduce the compliance burden.

Consistent with this recommendation, this bill includes measures to streamline and improve breach reporting, including:

- that only significant breaches need to be reported under the prudential acts;
- harmonised timing requirements under the prudential acts and the Corporations Act for the reporting of breaches so that significant breaches will generally have to be reported to APRA as soon as practicable and, in any event, no later than 10 business days after the entity becomes aware of the breach;
- streamlined breach reporting requirements so that where an actuary or auditor identifies a breach and is required to notify APRA and the regulated entity of the breach, the entity is not required to also report the breach to APRA. The reverse also applies; and
- where a breach is currently required to be reported to APRA and ASIC, that the breach will only need to be reported to APRA. APRA will have arrangements in place to pass the information on to ASIC.

These changes to breach reporting will reduce costs, duplication and effort for the financial sector.
Recommendation 5.4 of *Rethinking regulation* stated that the government should ensure that APRA has sufficient flexibility to tailor requirements to accommodate differing circumstances.

This bill will provide APRA with greater flexibility to exercise discretion under prudential standards and allow APRA to exempt a person or class of persons from parts of the prudential acts so that entities are not unnecessarily burdened by requirements not appropriate to their situations.

This bill also includes measures to simplify legislation, remove unnecessary regulation and ensure the prudential regime is flexible, consistent and transparent. In particular, the measures relating to the Life Act will repeal around one-third of the sections under the Life Act, greatly streamlining this act.

**Financial assistance**

Part 23 of the SIS Act enables the trustee of a superannuation fund to apply for a grant of financial assistance where the fund has suffered loss as a result of fraudulent conduct or theft.

Following on from a review into the operations of part 23, a number of amendments to the SIS Act are being made in schedule 2 of this bill so that financial assistance is available on a more equitable basis.

The amendments include:

- removing the differences between the treatment of accumulation and defined benefit funds;
- allowing former beneficiaries to obtain financial assistance under part 23;
- allowing funds which were eligible for part 23 assistance at the time the loss was suffered, but which subsequently restructured into self-managed superannuation funds, to obtain financial assistance; and
- streamlining the part 23 application process.

These amendments will ensure that financial assistance under part 23 of the SIS Act is available on a more equitable basis and will enhance the operation of the part 23 application process.

**Accounting and reporting obligations**

As part of the streamlining prudential regulation reforms, Schedule 3 to this bill amends the SIS Act, the Superannuation (Self Managed Superannuation Funds) Taxation Act 1987 and the Income Tax Assessment Act 1936, to:

- consolidate and rationalise the prudential reporting requirements under the SIS Act;
- distinguish between reporting requirements relating to registrable superannuation entities and self-managed superannuation funds; and
- remove the regulatory gap that exists in the SIS Act for the reporting of contraventions of the market conduct and disclosure provisions in the Corporations Act.

The consolidation and rationalisation of the prudential reporting requirements in the SIS Act aims to ensure ease of compliance by superannuation entities. This assists the regulator in its prudential supervisory activities and promotes confidence that the entities providing superannuation services are prudently managed.

**Technical amendments relating to legislative instruments**

Schedule 4 amends various legislation, including the prudential acts, to make technical amendments that are consequential on the enactment of the Legislative Instruments Act 2003.
These amendments do not in any way affect the operation of the legislation.

Conclusion

The measures in this bill address many of the concerns of the financial services sector by removing regulatory overlaps, providing greater flexibility for APRA to tailor prudential requirements to particular circumstances and removing unnecessary or outdated provisions.

Full details of the amendments are contained in the explanatory memorandum. I commend the bill to the House.

Debate (on motion by Ms Plibersek) adjourned.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 2) 2007

First Reading

Bill and explanatory memorandum presented by Mr Pearce, and read a first time.

Second Reading

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.21 am)—I move:

That this bill be now read a second time.

This bill will give the force of law to the renegotiated double tax agreement between Australia and Finland, which was signed on 20 November 2006. The bill will insert the text of the agreement with Finland into the International Tax Agreements Act 1953. This is a prerequisite to the new tax treaty’s entry into force.

The bill repeals the schedules to the International Tax Agreements Act 1953 that give the force of law to the existing tax treaty with Finland.

The agreement will broadly update the taxation arrangements between Australia and Finland.

The agreement will substantially reduce withholding taxes on certain dividend, interest and royalty payments in line with those provided in our tax treaty arrangements with the United Kingdom, the United States and, more recently, with France and Norway. This will provide long-term benefits for business, reducing the cost for Australian based business to obtain intellectual property, equity and finance for expansion.

The agreement will assist trade and investment flows between Australia and Finland, and further demonstrates the government’s commitment to update Australia’s tax treaty network as recommended by the Review of Business Taxation and the Review of International Tax Arrangements. The treaty will strengthen our economic relations with Finland. Further, it will provide a positive economic environment for Australia and contribute to a larger and faster-growing Australian economy.

The new agreement achieves a balance of outcomes that will provide Australia with a competitive tax framework for international trade and investment while ensuring the Australian revenue base is sustainable and suitably protected.

The agreement includes rules to prevent tax discrimination against nationals and Australian businesses operating in Finland and vice versa.

The agreement serves as another step in facilitating a competitive and modern tax treaty network for companies located in Australia. The agreement will also satisfy Australia’s most favoured nation obligations under the existing treaty with Finland.

Finally, I note the agreement will facilitate improved integrity aspects of administering and collecting tax from those with tax obligations in either or both countries. The agreement reflects the government’s decision to incorporate enhanced information exchange provisions which meet modern OECD standards and to provide for recipro-
The government believes that the conclusion of the agreement will strengthen the integrity of Australia’s tax treaty network through bilateral cooperation between countries to help ensure taxpayers pay their fair share of tax.

The agreement will enter into force after completion of the necessary processes in both countries and will have effect in accordance with its terms.

In accordance with those processes, the treaty was tabled in this place and referred to the Joint Standing Committee on Treaties. The committee has recommend that binding action be taken.

The enactment of this bill, and the satisfaction of the other procedures relating to proposed treaty actions, will complete the processes followed in Australia to bring the treaty into force.

Full details of the amendments are contained in the explanatory memorandum.

Debate (on motion by Ms Plibersek) adjourned.

TAX LAWS AMENDMENT (2007 MEASURES No. 4) BILL 2007

First Reading

Bill and explanatory memorandum presented by Mr Pearce.

Bill read a first time.

Second Reading

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.26 am)—I move:

That this bill be now read a second time.

This bill makes numerous improvements to Australia’s tax laws.

Schedule 1 gives effect to the government’s announcement in the 2005-06 budget that it will abolish foreign loss and foreign tax credit quarantining and streamline the remaining foreign tax credit rules. This is achieved by repealing the existing arrangements and replacing them with new simplified foreign income tax offset rules.

These rules allow taxpayers to claim relief for foreign income taxes paid on an amount included in their assessable income. These amendments also include transitional rules for the treatment of existing foreign losses and credits.

These amendments also provide a mechanism to allow the Commissioner of Taxation to give effect to Australia’s tax treaty obligations to provide relief from economic double taxation arising from transfer pricing adjustments.

By reducing tax complexity and compliance costs, these changes will assist businesses of all sizes operating, or seeking to grow, internationally. They build on the previous reforms undertaken by the Review of International Taxation Arrangements to ensure Australia has a competitive international tax system.

Schedule 2 amends the income tax laws to provide a capital gains tax rollover, similar to the scrip for scrip rollover, for membership interests in companies limited by guarantee that are also medical defence organisations. This rollover will ensure that capital gains tax need not be an impediment to mergers or takeovers of medical defence organisations.

Schedule 3 to this bill allows investment by superannuation funds in instalment warrants that are of a limited recourse nature.

In recent years, many superannuation funds, particularly self-managed superannuation funds, have invested in instalment warrants. These changes will allow superannuation funds to continue to invest in limited recourse instalment warrants with certainty.
Schedule 4 amends the ultimate beneficiary reporting rules in the Income Tax Assessment Act 1936. These rules target arrangements where taxpayers use complex chains of trusts to effectively obscure the ultimate beneficiary of the assessable trust income.

Under the new rules, trustees of closely held trusts will no longer be required to trace income through interposed trusts to the ultimate beneficiary and report those details to the Commissioner of Taxation. Instead, trustees of closely held trusts will be required to report only the details of trustee beneficiaries that are presently entitled to income of the trust and tax-preferred amounts.

Family trusts and their related trusts will be excluded from the new reporting requirements, on the basis that under the family trust election rules any distributions outside the family group are already subject to a penalty rate of tax. In addition, the commissioner will be given a determination making power not to require annual reporting for some trusts where he considers it unnecessary.

These amendments will reduce compliance costs for trustees of closely held trusts whilst maintaining the integrity of the tax system.

Schedule 5 to this bill assists in a smooth transition to the new simplified superannuation regime and clarifies the policy intent.

These amendments ensure that where a tax file number is provided by the commissioner, the tax file number is taken to have been quoted by the member, and the provider can use the tax file number.

These amendments also address strategies which seek to circumvent the minimum drawdown requirements for superannuation income streams. Concessional tax treatment will only apply to those assets included in the income stream account balance.

These amendments also further improve the readability of superannuation and taxation provisions rewritten as part of the reforms.

Schedule 6 amends the list of deductible gift recipients in the Income Tax Assessment Act 1997. Deductible gift recipient status will assist the listed organisations to attract public support for their activities.

Schedule 7 implements various technical corrections and amendments and also some general improvements to the law of a minor nature. These amendments are an important part of the government’s commitment to improving the quality of the taxation laws and reducing their complexity.

Schedule 8 amends the trust loss regime to provide more flexibility for family trusts. The amendments allow family trust elections to be varied or revoked in a broader range of circumstances than is currently the case. The amendments also expand the definition of family to include lineal descendants, former spouses, widows, widowers and former step-children.

Full details of the measures in this bill are contained in the explanatory memorandum. I commend the bill to the House.

Debate (on motion by Ms Plibersek) adjourned.

TAXATION (TRUSTEE BENEFICIARY NON-DISCLOSURE TAX) BILL (No. 1) 2007
First Reading
Bill and explanatory memorandum presented by Mr Pearce.
Bill read a first time.

Second Reading
Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.31 am)—I move:
That this bill be now read a second time.
This bill is a companion bill to Tax Laws Amendment (2007 Measures No. 4) Bill 2007.

The purpose of the bill is to impose trustee beneficiary non-disclosure tax at the rate of 46.5 per cent on certain income.

This is consistent with the existing ultimate beneficiary rules, which impose a non-disclosure tax where the trustee of a closely held trust fails to disclose certain details about the ultimate beneficiaries.

Full details of this bill are contained in the explanatory memorandum already presented. I commend the bill to the House.

Debate (on motion by Ms Plibersek) adjourned.

TAXATION (TRUSTEE BENEFICIARY NON-DISCLOSURE TAX) BILL (No. 2) 2007

First Reading

Bill and explanatory memorandum presented by Mr Pearce.

Bill read a first time.

Second Reading

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.33 am)—I move:
That this bill be now read a second time.

This bill is a companion bill to the Tax Laws Amendment (2007 Measures No. 4) Bill 2007.

The purpose of the bill is to impose trustee beneficiary non-disclosure tax at the rate of 46.5 per cent on the untaxed part of a share of net income where a liability to tax arises.

Full details of this bill are contained in the explanatory memorandum already presented. I commend the bill to the House.

Debate (on motion by Ms Plibersek) adjourned.

BUSINESS

Rearrangement

Mr JOHN COBB (Parkes—Assistant Minister for the Environment and Water Resources) (10.34 am)—I move:
That notices Nos 9, 10, 11 and 12, government business, be postponed until a later hour this day.

Question agreed to.

AGED CARE AMENDMENT (RESIDENTIAL CARE) BILL 2007

Second Reading

Debate resumed from 20 June, on motion by Mr Pyne:
That this bill be now read a second time.

Mr PYNE (Sturt—Minister for Ageing) (10.34 am)—in reply—Madam Deputy Speaker Bishop, may I say how appropriate it is to have you, a former Minister for Ageing, in the chair for the summing up of the Aged Care Amendment (Residential Care) Bill 2007. You were in fact a trailblazer in many of the areas in which we now find ourselves continuing to bring about reform to improve the lives of residents, the comfort of families with loved ones in aged-care facilities and the regulatory environment in which providers operate. As one of the former distinguished ministers for ageing, I hope that you have found this bill to be to your liking.

In summing up, I would like to thank the members for McMillan, Wakefield, Cook, Moreton, Cowper, Hasluck, Riverina and Hinkler from the government for their contributions to the debate about the aged-care funding instrument. I also thank the members for Gellibrand, Reid, Lyons, Hindmarsh, Gorton, Banks, Swan, Canberra, Lingiari, Shortland, Chisholm and Scullin from the opposition for their contributions. This debate is about the aged-care funding instrument bill, which is the new funding instrument to be used by aged-care providers to determine the appropriate level of support
for their residents, in close contact with the Department of Health and Ageing, and the funding that those residents will attract.

However, the debate has ranged across a very wide number of issues in aged care, and the opposition has used it as an opportunity to comment generally about aged-care issues. In summing up the bill I would like to deal with a few of the calumnies they have dropped in the House over the last few days of this debate on the aged-care bill, even though they do not bear directly on the aged-care funding instrument. The opposition have tried to paint a picture of an aged-care system in some crisis. They have left out most of the facts about how the aged-care system operates, which you, Madam Deputy Speaker, would be well aware of. But, sadly, the opposition side have either deliberately or ignorantly tried to paint a quite false picture of how the aged-care system works and the situation that the aged-care system finds itself in.

By way of background, when this government took office in 1996 the federal government was spending $3.15 billion on aged care. Eleven years later, in the current forward estimates we will be spending $10.1 billion by 2010-11. We have trebled the spending on aged care. A lot of work has been done to try and get the aged-care system into a state where we as a nation can be proud of it. In many areas Australia is at the cutting edge in the provision of care to sometimes the most frail and vulnerable people in our community who are in residential aged care. This stands in stark contrast to the way we found aged care in 1996. It was under-funded, there were no consistent accreditation guidelines across the country and there were no spot checks by an accreditation agency. We established the accreditation agency and we insisted on spot checks. In fact, Madam Deputy Speaker Bishop, I believe you were the minister at the time spot checks were initiated for aged-care facilities. Every home has at least one spot check and unannounced visit every year. That is not to mention the many other visits to aged-care facilities, support visits and review audits. Some homes have numerous unannounced visits by the Aged Care Standards and Accreditation Agency.

In 1996 there were 4,500 Community Aged Care Packages for the entire country. Today there are 39,000. By 2010-11 there will be close to 50,000 Community Aged Care Packages. When we were elected in 1996 there were 93 places available for 1,000 Australians aged 70 and over. Today that ratio is 108 and the aim is to get to 113 by 2010-11. It will be made up of 44 high-care residential aged-care places, 44 low-care places and 25 Community Aged Care Packages. In this debate the Labor Party has quite wilfully ignored Community Aged Care Packages, which suggests to me that yet again the Labor Party is indulging in the trickery with which we have become accustomed with the current Leader of the Opposition—leaving out salient facts and quite misleading the Australian people, in this case on aged care.

Community aged-care places must be included in the places available to older Australians primarily because they are the same, in all material respects, as residential aged-care places. More importantly, they are the preferred option for older Australians. Madam Deputy Speaker, as you would know, the vast majority of Australians want to stay in their own home for as long as they possibly can and in as healthy a state as they can. The combination of HACC funding, which the states and the Commonwealth run together, and which we have doubled, and the Community Aged Care and Extended Aged Care at Home packages, which are particularly sought after, means that people can stay in their homes for longer and be healthier.
and, if necessary, go into an aged-care facility probably later in life when they really need to do so.

The Labor Party wilfully ignores the role of Community Aged Care Packages. In the Main Committee during the appropriations debate the shadow minister for health completely ignored the role of Community Aged Care Packages. The member for Shortland is particularly egregious in this respect with her misrepresentation of the number of places that are available for older people in Australia. Quite frankly, she frightens older Australians and their families into believing that the government has reduced the number of places available when, in fact, we will have increased the number of places by 48 per cent. That is our estimate of where we will be—that we will have increased the number of places that are available for older people in residential care and through the Community Aged Care and the Extended Aged Care at Home packages.

In addition, when Labor was in office $18 million was being spent on respite care. Today the figure is closer to $190 million. In the budget handed down recently we established funding for respite demonstration centres to the tune of $41 million. We are continuing to put our money where our mouth is when it comes to support for respite. The Prime Minister in particular—but I think all members on this side of the House—believes that those people who care for loved ones play a critically important role in society, not to mention the economy, and deserve the support and the respect of government. For those people, respite care is a critical element in their being able to care for their loved ones for longer periods. Without that respite care they would not be able to get by.

In this debate the Labor Party has wilfully ignored the role of the states in the provision of acute care places. Time and again I have heard Labor speakers talking about the shortage of places in the community and the fact that older people in hospital are supposedly taking up the places of others. I was not aware that when an older person went into hospital that meant they were going to end up in an aged-care residential facility. Many older people who go into hospital—in fact the vast majority—do not end up in residential aged care but return to their home and get on with their life. Yet the Labor Party would have us believe that almost every older person in an acute bed in hospital is somehow taking up a place that somebody else could have and that they should really be in an aged-care facility. Quite frankly, I think it would come as a shock to many older people going into hospital to think that the Labor Party would say, ‘You’re in hospital and the next step is an aged-care facility.’ The government recognises that often older people have longer stays in hospital because they may need extra care. For that reason we have the $150 million program Improving Care for Older Patients in Public Hospitals. We do not agree with the Labor Party that all older people in hospital will end up in an aged-care facility. I find it insulting to older Australians. I think the Labor Party should change its rhetoric and think carefully about the messages it sends when it says these things.

The Labor Party and the states are yet again hoisted on their own petard in attacking the government over supposed shortages of aged care places. The number of acute care beds in public hospitals around the country increased from 1996-97 to 2004-05. The percentage variation in total acute hospital beds across Australia has been 0.1 per cent. The states have managed to increase the number of acute care hospital beds by 0.1 per cent. The state that seems to make the most noise about acute hospital beds versus aged-care places is Queensland and yet, extraordi-
narily, the number of acute hospital beds in Queensland fell by 4.5 per cent between 1996-97 and 2004-05. The total number of those beds in Queensland in 1996-97 was 10,023 and in 2004-05 it was 9,569. It has gone down by 454 beds. They have the gall to criticise the federal government about a so-called shortage of aged-care places when in the same period of time the number of aged-care places in Queensland increased by 25.2 per cent. Overall, in the period June 1996 to June 2005 the number of aged-care places increased across Australia by 33.9 per cent. That does not take into account our estimate that, by the end of this year, it will be closer to a 47.7 per cent increase.

On the most recently available statistics, we have increased the number of places by 33.9 per cent across the country, while the Labor states—which are all the states and territories, unfortunately—have managed to increase the number of beds across Australia by 0.1 per cent. In New South Wales they increased them by 2.6 per cent, in Victoria 0.5 per cent, in Western Australia 3.1 per cent, and in Tasmania 2.1 per cent. In Queensland the number of beds has dropped by 4.5 per cent, in South Australia it has dropped by 3.2 per cent, in the ACT it has dropped by an extraordinary 18.8 per cent, and in the Northern Territory by 1.2 per cent. So if there are not beds available in acute care in public hospitals in Queensland, it is not the fault of the federal government, and it certainly is not the fault of older Australians who need to be in hospital. It is clearly the fault of the Queensland Labor government. One of the people who have been intrinsically involved in Queensland is the Leader of the Opposition, who is trying to use the same trickery that he brings to all these debates to suggest that somehow the government is failing to provide the number of beds that should be provided to older people in aged-care facilities. I notice that recently the Leader of the Opposition and the shadow minister for ageing—and the shadow minister for health as well—put out press statements about aged care in which yet again they repeated the line that there is a ratio of 88 beds for 88 places for every 1,000 people aged 70 or over in Australia, when that number is much greater than that because they again refuse to include community aged care packages. The ratio is 108 now and by 2010-11 it will be 113. When we came to office, the ratio was 93.

Ms Plibersek interjecting—
Ms Roxon interjecting—
Mr PYNE—You were a complete disgrace with respect to aged care. You were spending $3.1 billion on aged care, $18 million on respite care, and there were 4,500 community aged care packages. You have the gall to come into the House on this bill, the Aged Care Amendment (Residential Care) Bill 2007, and again trawl through these tricky lines about ratios and places, which are completely false, causing me to have to come in here and put the record straight yet again. I have to try to fix the situation so that older people are not led to believe the calumnies that are visited upon the government yet again by the opposition.

It is unfair that the Labor Party has not used the opportunities they have had to put together a policy on aged care that talks to the people in aged care about workforce issues, IT issues, or capital raising for infrastructure issues. Instead, they keep running these scare lines against the government, upsetting older people and leading them down the garden path of disbelief, even when the facts are finally pointed out to them, which I have been doing in this debate and continue to do in the press. It is not like the Labor Party have not had opportunities to put their record to the Australian people and to talk about their policies for the future. The
shadow minister, at an aged care and community care conference in Victoria, which I also attended, spoke for half an hour and at no point in that speech did she talk about what the Labor Party was proposing to do about aged care. Apparently, aged care is in crisis, according to the shadow ministers who cover this area, the member for Gellibrand and Senator McLucas—

Mr John Cobb—They have no ideas.

Mr PYNE—They have no ideas, as the assistant minister says, to put to the Australian people about what they would do. Every time they are given the opportunity to do so, they squib it. The Leader of the Opposition had the chance on 18 May at a lunch in Queensland for the aged-care industry, which, amazingly, people paid $3,000 a head to attend. People paid $3,000 to hear the Leader of the Opposition at an aged care lunch talk about the Labor Party’s aged care policy! Yet he made no attempt to put to rest their concerns about Labor’s policy in aged care. He did not outline Labor’s agenda for the coming election in aged care. It was just the same lies about ratios and places and spending that we hear constantly from the shadow ministers who cover this area. If I were paying $3,000 to hear the Leader of the Opposition on aged care, I would have thought he would have said something to alleviate and allay my concerns. But no, yet again he squibbed it. The Australian public will have their opportunity at the end of the year to compare our excellent record on aged care with the Labor Party’s record on aged care.

I turn to workforce issues. The Labor Party are Johnny-come-latelies to this debate on the workforce. They think they are the first people to discover that there are workforce challenges in the area of aged care for a whole lot of reasons. It is not a unique issue in Australia that there is a shortage of nurses in aged care and across the health sector. There is a worldwide shortage of nurses, and that affects Australia. So the government has been taking action with respect to the workforce and aged care.

Since 2002, we have created almost 40,000 training places in aged care, 1,600 additional nursing scholarships, 3,200 medication management training places, 13,000 certificate level training places and 12,750 training places for personal care workers from rural and remote regions of Australia. In the budget’s Securing the Future of Aged Care initiative, we provided a further $32 million over five years for 6,000 training places for the community care workforce and 410 postgraduate scholarships. That is almost 40,000 places since 2002, at a cost of over $300 million. So we are definitely recognising the challenges that are there for workforce issues in aged care and we are meeting those challenges. We are not standing still like the Labor Party and wanting to return to the pre-1996 period when aged-care facilities in Australia were, quite frankly, a disgrace and an embarrassment to this country.

You took the necessary action, Madam Acting Deputy Speaker Bishop—if I can be so familiar—that was needed, as the Minister for Ageing. That has been followed up by subsequent ministers for ageing. I am quite proud to have had the opportunity to build on the record and the role that you and others have played in this area, because it is critically important. It is vitally important to the residents that they get the quality and standard of care that you would expect in Australia. We have initiated the processes and framework that have brought that about. It is critically important to the families of those residents that they feel comfortable that their loved ones are in a place where they would be happy to have them, and I think we are achieving that. We also need to maintain a viable industry for the not-for-profit, the for-
profit and the government part of that industry, and we are doing that too. I look forward to this bill being passed and the ACFI being introduced in March 2008 because of the benefits that that will bring to the entire sector.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr PYNE (Sturt—Minister for Ageing) (10.54 am)—by leave—I present a supplementary explanatory memorandum to the bill and I move government amendments (1) and (2):

(1) Schedule 1, items 26 and 27, page 19 (lines 4 to 7), omit the items, substitute:

26 Paragraph 42-1(4)(b)

Omit "so as to preclude any high level of residential care", substitute "to a low level of residential care".

(2) Schedule 1, page 19 (after line 33), after item 31, insert:

31A At the end of section 44-3

Add:

The Minister must not determine a different amount for a day based on the care recipient being on "extended hospital leave that is less than half of the amount that would have been the basic subsidy amount if the care recipient had not been on extended hospital leave on that day.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr PYNE (Sturt—Minister for Ageing) (10.55 am)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
(4) If the Pharmaceutical Benefits Advisory Committee gives advice to the Minister under subsection 101(4AC) in relation to the combination item, then, in working out the new price of the single brand of the combination item, the Minister may have regard to that advice in considering the extent (if any) to which to reduce the existing agreed price.

(4A) If:
(a) subsection (4) applies; and
(b) the Minister decides to reduce the existing agreed price;
then, in agreeing the new price of the single brand of the combination item, the Minister:
(c) may have regard to the advice referred to in subsection (4) in relation to the combination item; and
(d) must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:
(i) the approved price to pharmacists, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and
(ii) the quantity of the listed component drug contained in the combination item.

(4B) If subsection (4) does not apply, then, in agreeing the new price of the single brand of the combination item, the Minister must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:
(a) the approved price to pharmacists, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and
(b) the quantity of the listed component drug contained in the combination item.

(4) Schedule 1, item 81, page 31 (lines 17 to 23), omit subsection 99ACD(3).

(5) Schedule 1, item 81, page 31 (line 28), omit “reduction”, substitute “determination”.

(6) Schedule 1, item 81, page 31 (line 35) to page 32 (line 5), omit subsection 99ACD(6), substitute:

(6) If, on a day before the determination day:
(a) one or more of the listed component drugs contained in the drug in the existing item had been subject to a 12.5% price reduction; and
(b) because of that price reduction, the approved price to pharmacists of the existing brand of the existing item was reduced;
then the reduction referred to in subsection (5) is to be adjusted to reflect:
(c) the extent to which the 12.5% price reduction was taken into account in working out the amount of the reduction to the approved price to pharmacists; and
(d) the quantity of the listed component drug contained in the drug in the existing item.

(7) Schedule 1, item 81, page 34 (lines 21 to 27), omit subsection 99ACE(5), substitute:

(5) If, on a day before the reduction day:
(a) one or more of the listed component drugs contained in the drug in the related item had been subject to a 12.5% price reduction; and
(b) because of that price reduction, the approved price to pharmacists of the related brand of the related item was reduced;
then the reduction referred to in subsection (3) or (4) is to be adjusted to reflect:
(c) the extent to which the 12.5% price reduction was taken into account in working out the amount of the reduction to the approved price to pharmacists; and

(d) the quantity of the listed component drug contained in the drug in the related item.

(8) Schedule 1, item 83, page 62 (after line 18), after subsection 101(4AB), insert:

*Function relating to Minister’s decisions about prices of combination items*

(4AC) If the Committee is satisfied that therapy involving a combination item provides, for some patients:

(a) a significant improvement in patient compliance with the therapy; or

(b) a significant improvement in efficacy or reduction in toxicity;

over alternative therapies, then the Committee must advise the Minister accordingly.

(9) Schedule 1, Part 1, page 63 (after line 14), at the end of the Part, add:

93A After section 104A

Insert:

104B Report on impact of National Health Amendment (Pharmaceutical Benefits Scheme) Act 2007

(1) The Minister must prepare a report on:

(a) the impact of the reforms made by the National Health Amendment (Pharmaceutical Benefits Scheme) Act 2007; and

(b) the impact on the cost of pharmaceutical benefits to patients as a consequence of the reforms.

(2) The preparation of the report must be completed by 31 December 2009.

(3) The Minister must cause a copy of the report to be laid before each House of the Parliament within 5 sitting days of that House after the day of the completion of the preparation of the report.

(10) Schedule 1, page 66 (after line 23), after item 99, insert:

99A Transitional provision—approved price to pharmacists

If the determination day or reduction day referred to in subsection 99ACD(6) or 99ACE(5) of the National Health Act 1953 is a day that is on or after this Schedule commences, then the reference in those subsections to the approved price to pharmacists on a day (the relevant day) before the determination day or reduction day is a reference to the approved price to pharmacists within the meaning of subsection 98B(3) of that Act as in force on the relevant day.

Mr PYNE (Sturt—Minister for Ageing) (10.56 am)—It is my duty to make a statement to the House concerning a Senate amendment with respect to this bill and the matter of constitutional principle it raises.

Proposed Senate amendment No. 3 is expected, if enacted, to have the effect of increasing payments to suppliers of pharmaceutical products. That is, it is expected to have the effect of increasing expenditure under the standing appropriation in the principal Act.

There is doubt that the Senate may proceed in these circumstances by way of amendment because of section 53 of the Constitution. Among other things, this section prohibits the Senate from amending a bill so as to increase ‘any proposed charge or burden on the people’.

The view has been taken that where expenditure is appropriated in these circumstances, section 56 of the Constitution requires that the proposed appropriation must be recommended by a message from the Governor-General. I understand that such a message has been obtained in this case.

The House will need to consider the way in which it should proceed to deal with the matters raised in Senate amendment No. 3. If it wishes to entertain the proposal reflected in the amendment, it may choose to proceed by alternative means.
The matter for consideration is not so much one of the privileges and rights between the two Houses but observance of the requirements of the Constitution concerning the appropriation of revenue.

I move:

That the House endorses the statement of the Speaker in relation to the constitutional questions raised by Message No. 554 transmitted by the Senate in relation to the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007.

Question agreed to.

Mr PYNE (Sturt—Minister for Ageing) (10.57 am)—I indicate to the House that the government proposes that Senate amendments (1) and (2) and (4) to (10) be agreed to, and that amendment (3) be disagreed to but that an amendment be made in place thereof. I suggest, therefore, that it may suit the convenience of the House to first consider amendments (1) and (2) and (4) to (10) and, when those amendments have been disposed of, to consider amendment (3). I move:

That Senate amendments Nos 1, 2 and 4 to 10 be agreed to.

Ms ROXON (Gellibrand) (11.00 am)—The Minister for Ageing might be able to assist in this process. My understanding is that the amendments that were moved in the Senate will be moved here. I understand that, with the constitutional restrictions, an identical alternative amendment will be moved. The minister might be able to explain whether that is his understanding of the process that is going to be followed. Clearly, the amendment that was moved, with the support of the government and Labor, in the other place is an agreed position between the government and the opposition, and with the minor parties as well, as a result of the Senate committee process. It was my understanding that that amendment would be moved here as well. Certainly, I am happy to speak on the others. I understand that it is more about the technical nature of what can be moved in the Senate compared to what can be moved in the House, rather than any opposition to the content of the amendment. Could the minister clarify whether that is the government’s intention before I make some short comments.

Mr PYNE (Sturt—Minister for Ageing) (11.01 am)—I do not propose to get into a debate about this. Obviously, I am not the minister responsible for the Pharmaceutical Benefits Scheme. My understanding is that the minor parties’ amendment is being disagreed to by the government, but we are enacting our own amendment this morning which is virtually in the same detail as the Senate amendment, which I understand has been agreed to by the opposition and the government. So we are disagreeing to their Senate amendment (3) but substituting our own government amendment.

Ms ROXON (Gellibrand) (11.01 am)—Thank you for that clarification. That was my understanding as well, but I thought it was important that we have that on the record. Labor does support the passage of the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007 and the amendments that have been passed in the other place. We are disappointed that a number of the issues that were raised during a fairly truncated Senate committee process have not been able to be explored adequately. When such major changes are being made to the PBS—a very important part of the health support that the government gives to the nation—we need to make sure that we get the detail of these changes right. We are pleased, given our concerns about some of the issues that have been raised both on behalf of consumers and on behalf of the generics industry, that a number of the changes that have been accepted during the Senate process will at least allow for a proper and adequate re-
view of whether these measures do have the intended effect.

I think everybody is in furious agreement about the intended effect. Whether or not there might be some extra impact or burden on consumers—we have some fears that it may—will now at least be able to be properly monitored and reported on at the end of a review process. The government has agreed, following the Senate inquiry, to include that provision in this legislation. We welcome that and believe that it will be of benefit to consumers and that it will provide some extra protection and confidence which were not really able to be provided to the broader community during the very quick Senate inquiry process.

We are also pleased that a number of the amendments will ensure that the departmental processes for implementing these reforms will be made more transparent. Other players in the pharmaceuticals industry will understand that, with respect to negotiations which are quite rightly held between the department, Medicines Australia and other pharmaceutical companies, there will be an extra level of scrutiny of those negotiations so that we can maintain the community’s confidence that this scheme is getting the best value for government and also protecting the needs and interests of consumers. I welcome the fact that these amendments have been agreed to, and I commend them to the House.

Question agreed to.

Mr PYNE (Sturt—Minister for Ageing) (11.04 am)—I move:

That Senate amendment No. 3 be disagreed to.

Question agreed to.

Message from the Governor-General recommending appropriation announced.

Mr PYNE (Sturt—Minister for Ageing) (11.04 am)—I move:

That Government amendment No. 1 be made in place of the Senate's amendment No. 3 which was disagreed to.

I think the debate has been covered by both the member for Gellibrand and me, so I will not give any further explanation.

Question agreed to.

COMMUNICATIONS LEGISLATION AMENDMENT (CONTENT SERVICES) BILL 2007

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate’s amendments—

(1) Schedule 1, item 77, page 16 (after line 8), after the definition of adult chat service in clause 2, insert:

ancillary subscription television content service has the meaning given by clause 9A.

(2) Schedule 1, item 77, page 24 (after line 19), after the definition of special link-deletion notice in clause 2, insert:

special service-cessation notice means a notice under clause 59A.

(3) Schedule 1, item 77, page 25 (lines 8 to 14), omit paragraphs 3(1)(b) and (c), substitute:

(b) in the case of a live content service—the live content service is provided from Australia.

(4) Schedule 1, item 77, page 25 (after line 14), at the end of subclause 3(1), add:

Note: A link is an example of content. If a link provided by a content service is hosted in Australia, the content service will have an Australian connection (see paragraph (a)).

(5) Schedule 1, item 77, page 26 (line 8), before “For”, insert “(1)”.

(6) Schedule 1, item 77, page 26 (after line 10), at the end of clause 5, add:
(2) For the purposes of this Schedule, a person does not provide a content service merely because the person provides a billing service, or a fee collection service, in relation to a content service.

(7) Schedule 1, item 77, page 27 (after line 12), after clause 9, insert:

9A Ancillary subscription television content service

(1) For the purposes of this Schedule, an ancillary subscription television content service is a service that:

(a) delivers content by way of television programs to persons having equipment appropriate for receiving that content, where:

(i) those television programs are stored on the equipment (whether temporarily or otherwise); and

(ii) the equipment is also capable of receiving one or more subscription television broadcasting services provided in accordance with a licence allocated by the ACMA under this Act; and

(iii) those television programs are delivered to a subscriber to such a subscription television broadcasting service under a contract with the relevant subscription television broadcasting licensee; and

(b) complies with such other requirements (if any) as are specified in the regulations.

(2) For the purposes of subsection (1), it is immaterial whether the equipment is capable of receiving:

(a) content by way of television programs; or

(b) subscription television broadcasting services;

when used:

(c) in isolation; or

(d) in conjunction with any other equipment.

(8) Schedule 1, item 77, page 33 (line 6), omit “otherwise); or”, substitute “otherwise);”.

(9) Schedule 1, item 77, page 33 (after line 6), at the end of paragraph 20(1)(c), add:

(vi) the content service is not an ancillary subscription television content service; or

(10) Schedule 1, item 77, page 56 (line 29), omit “such steps as are necessary”, substitute “all reasonable steps”.

(11) Schedule 1, item 77, page 56 (line 36), omit “such steps as are necessary”, substitute “all reasonable steps”.

(12) Schedule 1, item 77, page 63 (after line 28), after clause 59, insert:

59A Anti-avoidance—special service-cessation notices

(1) If:

(a) an interim service-cessation notice or a final service-cessation notice relating to a particular live content service is applicable to a particular live content service provider; and

(b) the ACMA is satisfied that the live content service provider:

(i) is providing; or

(ii) is proposing to provide;

another live content service that is substantially similar to the first-mentioned live content service; and

(c) the ACMA is satisfied that the other live content service:

(i) has provided; or

(ii) is providing; or

(iii) is likely to provide; prohibited content or potential prohibited content;

the ACMA may:

(d) if the interim service-cessation notice or final service-cessation notice, as the case may be, was given under
paragraph 56(1)(c), (2)(d) or (4)(b) of this Schedule—give the live content service provider a written notice (a *special service-cessation notice*) directing the provider to take all reasonable steps to ensure that a type A remedial situation exists in relation to the other live content service at any time when the interim service-cessation notice or final service-cessation notice, as the case may be, is in force; or

(e) in any other case—give the live content service provider a written notice (a *special service-cessation notice*) directing the provider to take all reasonable steps to ensure that a type B remedial situation exists in relation to the other live content service at any time when the interim service-cessation notice or final service-cessation notice, as the case may be, is in force.

Note 1: For *type A remedial situation*, see subclause (2).

Note 2: For *type B remedial situation*, see subclause (3).

**Type A remedial situation**

(2) For the purposes of the application of this clause to a live content service provider, a *type A remedial situation* exists in relation to a live content service if the provider does not provide the live content service.

**Type B remedial situation**

(3) For the purposes of the application of this clause to a live content service provider, a *type B remedial situation* exists in relation to a live content service if:

(a) the provider does not provide the live content service; or

(b) access to any R 18+ or MA 15+ content provided by the live content service is subject to a restricted access system.

(13) Schedule 1, item 77, page 64 (after line 5), after subclause 60(2), insert:

*$Special service-cessation notice*$

(2A) A live content service provider must comply with a special service-cessation notice that applies to the provider as soon as practicable, and in any event by 6 pm on the next business day, after the notice was given to the provider.

(14) Schedule 1, item 77, page 64 (line 10), after “(2),” insert “(2A).”

(15) Schedule 1, item 77, page 70 (line 36), omit “such steps as are necessary”, substitute “all reasonable steps”.

(16) Schedule 1, item 77, page 71 (line 7), omit “such steps as are necessary”, substitute “all reasonable steps”.

(17) Schedule 1, item 77, page 99 (after line 26), after paragraph 113(3)(b), insert:

(ba) a decision to give a live content service provider a special service-cessation notice;

(18) Schedule 1, item 77, page 103 (after line 20), after clause 117, insert:

**117A Meaning of broadcasting service**

Disregard the following provisions of this Schedule in determining the meaning of the expression *broadcasting service*:

(a) clause 9A;

(b) subparagraph 20(1)(c)(vi).

The DEPUTY SPEAKER (Hon. BK Bishop)—I understand it is the wish of the House to consider the amendments together.

Mrs DE-ANNE KELLY (Dawson—Parliamentary Secretary to the Minister for Transport and Regional Services) (11.05 am)—I move:

That the amendments be agreed to.

Mr ALBANESE (Grayndler) (11.06 am)—The government’s proposed amendments to the Communications Legislation Amendment (Content Services) Bill 2007 appear to address some of the issues raised
by me as shadow minister representing the shadow minister for communications in the House during the debate and indeed in amendments that were pursued by the opposition in the Senate. There were also submissions made to the Senate Standing Committee on Environment, Communications, Information Technology and the Arts at the inquiry into the bill.

The amendments, inter alia, exclude on-demand subscription television services from the bill, allowing subscription TV broadcasting services to broadcast MA15+ programs on the internet or 3G phones without age-verification systems; provide ACMA with the power to issue special service cessation notices in relation to live content services; insert certain anti-avoidance measures for content service providers, for example, service providers can take all reasonable steps to abate act or acts in breach of the bill; clarify that a content or hosting service will only be subject to the bill where it has an ‘Australian connection’ and clarify what an ‘Australian connection’ is; and, provide that a person does not provide a content service merely because the person provides a billing service or a fee collection service in relation to a content service.

However, the opposition believes that the amendments do not address all issues raised in the submissions or at the inquiry. For example, the amendments, perhaps most importantly, do not prevent prohibited material being accessed from overseas content providers; they do not remove or clarify the access requirements for MA15+ or R18+ content, except for on-demand subscription television services; they still prohibit content rated RC and X18+, which means that films rated X18+, which are currently legally available in the ACT and Northern Territory and can be purchased interstate via mail order, are now prohibited via the internet; they still discriminate against artists that use media technology for the creation and dissemination of their work, that is, video artwork, web and sound art and short film; and they do not clarify the definition of ‘content service’, which, with its 22 exemptions, can be quite confusing for people seeking to understand the practical application of this legislation.

Notwithstanding the above, the amendments do improve the bill, such as it is. However, I wish to inform the House that Labor considers the amendments should have gone further and should have taken into account the submissions received by the committee and evidence given at the inquiry into the legislation. Labor will be voting to support these amendments but would urge the government to consider the points raised. The opposition express some disappointment that these amendments do not go as far as we believe they should have gone.

Question agreed to.

COMMITTEES

Public Works Committee

Reference

Mr LINDSAY (Herbert—Parliamentary Secretary to the Minister for Defence) (11.10 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Robertson Barracks redevelopment, Darwin, Northern Territory.

The Department of Defence proposes to undertake a redevelopment of Robertson Barracks, the home of the Army’s 1st Brigade, a brigade that is almost as good as 3rd Brigade in Townsville. The works now proposed are required to meet the requirements of the Australian Army in a complex strategic environment and to meet the requirements of the government’s Hardened and Networked Army initiative and introduction of the
Abrams tank fleet. The works consist primarily of extension or replication of existing facilities. The estimated turn-out cost of the proposal is $72.1 million, plus GST. Subject to parliamentary approval, the works would be commenced in early 2008 with the objective of having them completed by 2010.

I commend the motion to the House.

Question agreed to.

Public Works Committee
Reference

Mr LINDSAY (Herbert—Parliamentary Secretary to the Minister for Defence) (11.12 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Airborne Early Warning and Control Facilities, RAAF Base Tindal, Northern Territory.

The proposal will provide new infrastructure at RAAF Base Tindal in the Northern Territory to enable the new airborne early warning and control aircraft to operate effectively from the base. This new capability will be an integral part of a layered Australian Defence Force air defence system. The airborne early warning and control capability will enhance surveillance, air defence, fleet support and force coordination operation in defence of Australia’s sovereignty and her national interests.

The aircraft will be home based at RAAF Base Williamtown in New South Wales and will use RAAF Base Tindal as a forward operating base. The first aircraft are scheduled for delivery in March 2009. The proposal will provide new taxiways, aprons, shelters, hydrant refuelling and associated infrastructure. The estimated turn-out cost of the proposal is $64.2 million plus GST. Subject to parliamentary approval, construction is expected to commence in May next year with completion in late 2009.

I commend the motion to the House.

Question agreed to.

Public Works Committee
Reference

Mr LINDSAY (Herbert—Parliamentary Secretary to the Minister for Defence) (11.13 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Refurbishment of staff apartments, Australian Embassy complex, Tokyo, Japan.

The Department of Foreign Affairs and Trade proposes to refurbish 43 staff apartments at the Australian Embassy complex in Tokyo, Japan. The Australian government built the existing embassy complex and has occupied it since 1990. The complex comprises the chancery, apartments and recreational facilities. The proposal is to undertake internal refurbishment of all 43 staff apartments. The works will include upgrading building services and will ensure compliance with current standards and building codes and enhanced amenity for tenants.

The Australian government owns the embassy complex, which was valued at $258.25 million in 2006. The estimated turn-out cost of the proposal is $22 million. Subject to parliamentary approval, construction is expected to commence in early 2008 with completion in 2010.

I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Mr LINDSAY (Herbert—Parliamentary Secretary to the Minister for Defence) (11.15 am)—I move:
That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Provision of facilities for Project Single LEAP—Phase 2.

This is indeed an expedient project and I would welcome the parliament’s support for this motion today. The Department of Defence intends to deliver new single residential accommodation, associated facilities, infrastructure and services on 17 Defence Force bases in all states and territories except Tasmania. I am pleased as the local member for Townsville, which has Australia’s largest defence base, Lavarack Barracks, home of the 3rd Brigade—which, Madam Deputy Speaker Bishop, you have visited on many occasions—that there will be several hundred single-soldier accommodation units built to augment the 1,100 already on base.

The strategy being proposed by the Department of Defence is to engage a ‘strategic partner’ for the delivery of:

- financing;
- planning the development;
- construction;
- maintenance; and
- operation.

The government announced funding in the 2004-05 budget for Project Single LEAP—phase 1 and phase 2 inclusive—of $113.2 million over four years and then an annual allocation of approximately $60 million thereafter. The cost of phase 2 will be determined through a competitive tender process, subject to government selection of a preferred tenderer and parliamentary approval. The estimated out-turned cost is $1.2 billion—net present value—and will involve a regular service payment by Defence over 30 years for buildings, infrastructure, facilities management services, maintenance and life cycle costs.

In its report, the Public Works Committee recommended that these works proceed subject to the recommendations of the committee. I am pleased to advise the House that the Department of Defence accepts and will implement those recommendations. Subject to parliamentary approval, construction is planned to commence in early 2009 and be completed in 2012.

On behalf of the government I would like to thank the chair of the committee and member for Pearce, Judi Moylan, and the committee for its support and hard work in processing this project quickly and in a timely way. I commend the motion to the House.

Question agreed to.

**Procedure Committee Report**

*Mrs May* (McPherson) (11.19 am)—On behalf of the Standing Committee on Procedure I present the committee’s report entitled *Options for nursing mothers*, together with the minutes of proceedings.

Ordered that the report be made a parliamentary paper.

*Mrs May*—by leave—I am pleased to present this report on behalf of the Procedure Committee. I am conscious this morning that time is limited, so I will keep my remarks brief.

On 15 February 2007 the Standing Committee on Procedure was asked to consider a proposal to allow nursing mothers a proxy vote. While the committee spent considerable time discussing this proposal, it could not reach a unanimous decision either in support of or against proxy voting. A significant obstacle for a number of committee members was the concern that a somewhat dangerous precedent could be established by
introducing proxy voting, even on a limited basis, for nursing mothers in the House of Representatives.

Given the level of dissent, the committee resolved to present a report detailing the arguments for and against the proposal. Perhaps more importantly, this report represents an acknowledgement that women in the House of Representatives face a level of difficulty when nursing newborn infants. While women themselves are not necessarily calling for any special attention, it is important that the House appreciates women’s dual roles in the early months of their children’s lives and that some accommodating measures be implemented. This could be in the form of a blanket allowance of three months maternity leave or the provision of adequate child care in the House. The committee sincerely hopes this report will encourage greater awareness and discussion of the issue.

On a personal note, as chairman of the Procedure Committee I would like to extend thanks to all the women of the House who gave me the time to talk through their concerns with this proposal. In fact, the women of the House were not seeking any changes. They recognise the difficulty they have with newborn infants, but I think all of them were also very much aware of their commitment to the parliament and to the job that they have undertaken. That is not to say that we cannot in the future look at some ways in which we can assist nursing mothers who return to the parliament with young children—but that is for a later date and for further discussion.

I would like to acknowledge Madam Deputy Speaker Bishop, who is a member of my committee and took part in the deliberations undertaken by the committee. I would also like to thank my deputy chair, the member for Banks, for his support during this inquiry, and I thank the committee secretariat for their help in putting the report together. I commend the report to the House.

The DEPUTY SPEAKER (Hon. BK Bishop)—Does the member for McPherson wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mrs MAY—I move:

That the House take note of the report.

The DEPUTY SPEAKER—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.

Treaties Committee Report

Dr SOUTHCOTT (Boothby) (11.23 am)—On behalf of the Joint Standing Committee on Treaties I present the committee’s report entitled Report 85: Treaties tabled on 6, 7 and 27 February 2007.

Ordered that the report be made a parliamentary paper.

Dr SOUTHCOTT—by leave—Report 85 contains the committee’s findings on five treaty actions. The committee found all the treaties reviewed were in Australia’s national interest and, where a recommendation was required, recommended that binding treaty action be taken. I will comment on all the treaties reviewed in report 85.

Under the social security agreement with the Swiss Confederation, residents of Australia and Switzerland will be able to move between the two countries safe in the knowledge that their right to benefits is recognised in both Australia and Switzerland. The agreement provides for enhanced access to certain Australian and Swiss social security benefits and greater portability of most of these benefits between countries.
The agreement with Finland on the avoidance of double taxation is a revised version of an existing treaty. The changes are designed to further aid in the elimination of obstacles to investment as a result of international double taxation. The agreement will reduce rates of withholding taxes on dividends, interest and royalties and bring into line the treatment of capital gains tax with OECD practice and integrity measures. In particular, the agreement includes rules to allow for the cross-border collection of tax debts and rules for the exchange of information on tax matters.

Australia has a strong interest in maintaining biodiversity generally and in protecting migratory bird species which visit our shores. The agreement with the Republic of Korea on the protection of migratory birds will help protect bird species which regularly migrate between Australia and the Republic of Korea. This agreement complements the two similar agreements Australia has in place with China and Japan.

Measure 4 (2006) Specially Protected Species: Fur Seals removes Antarctic fur seals from the list of specially protected species established under the Antarctic Treaty. Research has determined that these fur seals are no longer at significant risk of extinction, meaning they no longer require specially protected species status to ensure their conservation. Fur seals will continue to receive the comprehensive general protections afforded to all Antarctic seal species.

I would finally like to comment on the Treaty between Australia and Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea, known as the CMATS treaty. The principal aim of the CMATS treaty is to allow for the exploitation of the Greater Sunrise natural gas field, located between Australia and East Timor in the Timor Sea. Upstream revenues from this resource will be shared equally between Australia and East Timor. It is estimated that this resource will yield around US$20 billion over the life of the field. The treaty also prevents both countries from asserting or pursuing their maritime boundary claims in the Timor Sea for 50 years.

Many of the submissions received by the committee in relation to the inquiry expressed strong reservations about certain aspects of the treaty. Particularly, there was concern regarding the 50-year moratorium on asserting claims to maritime boundaries. Several submissions accused Australia of contravening international laws in this respect, claiming that, if permanent maritime boundaries were concluded along the median line halfway between the coastlines of Australia and East Timor coastlines, the Greater Sunrise field would lie entirely within East Timor’s exclusive economic zone. This related to a further concern over the equal share of upstream revenues from the Greater Sunrise field. Many of the submissions received pointed out that the delimitation of maritime boundaries along the median line would result in all of the revenue from Greater Sunrise belonging to East Timor.

While the committee acknowledged these concerns, it noted that, under the United Nations Convention on the Law of the Sea, if the two countries were unable to agree to a permanent maritime boundary, they were obliged to enter into provisional arrangements of a practical nature without prejudice to the final decision. This has been achieved through the CMATS treaty. Further, the equal share of upstream revenue from Greater Sunrise is a vast improvement on the previous 18 per cent East Timor was entitled to prior to the CMATS treaty. The apportionment of Greater Sunrise under this treaty is a positive step for East Timor and the committee supports the sharing arrangement established by CMATS.
I should mention briefly the government’s use of the national interest exemption to bring the CMATS treaty into force prior to the committee reporting. The exemption is intended for use in only extreme situations, and the committee would have preferred the opportunity to review the treaty and report in a shorter than usual time frame. The committee acknowledges that the immediate development of the Greater Sunrise field will be a significant benefit to the people and economies of both Australia and East Timor and that the ratification of the CMATS treaty was required before that development could occur.

I thank the committee secretariat for their work in assisting the committee during the public hearings, in the receipt of submissions and in the preparation of the report. I thank all members of the committee. I see that the member for Swan and the member for Lyons are here. They are both very diligent and hardworking members of the committee. I commend the report to the House.

Mr WILKIE (Swan) (11.29 am)—by leave—The Joint Standing Committee on Treaties Report 85: Treaties tabled on 6, 7 and 27 February 2007 contains the review of five treaty actions. The Agreement between Australia and the Swiss Confederation on Social Security is one of Australia’s many international social security agreements. Australia already has social security agreements in place with 18 other countries. We have recently signed agreements with Korea, Japan, Germany and, most prominently, with Greece. Australia is currently negotiating eight further social security agreements. These social security agreements close the gaps in social security coverage for people who migrate between Australia and other countries, which I believe to be in the national interest of Australia. In a similar way, the Agreement with the Government of Finland for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion is one of a number of such treaties Australia has with other countries, and we expect to review more such treaties in the future. The measures are sensible and should be supported.

The Agreement with the Government of the Republic of Korea on the Protection of Migratory Birds requires both Australia and the Republic of Korea to prohibit the taking, sale, purchase or exchange of birds and their eggs, with a small number of exceptions, such as for scientific research. My electorate of Swan has a very significant migratory bird habitat, particularly at the Milyu Nature Reserve, and any effort that can be made to protect those species and conserve their habitats is very valuable.

In relation to the fur seals measure, the committee was informed that the Antarctic fur seal population has grown to over 1.6 million. The committee is satisfied that the removal of fur seals from the specially protected species list will not result in any potential threat of future commercial exploitation.

Finally, I would like to make some comment on the Treaty between Australia and the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea, which provides a fifty-fifty income split for royalties from the Greater Sunrise oil and gas fields and prevents maritime boundary disputes from being contested for 50 years. While I agree with the committee’s conclusion that the treaty is in Australia’s national interest, I would like to emphasise my dissatisfaction with the government’s decision to invoke the national interest exemption and make comment on the overall process that has led to this treaty.

The Minister for Foreign Affairs explained that the exemption was invoked to take ad-
vantage of immediate short-term opportunity in East Timor to bring the CMATS treaty into force. However, both the minister and the Department of Foreign Affairs and Trade informed the committee that the CMATS treaty had been publicly available since its signature in January 2006. Given this early public availability, it has not been adequately explained why the treaty was not referred several months earlier for review.

The national interest exemption should not have been invoked before the committee was given a reasonable opportunity to consider and report on the treaty. The committee has previously reported within a very short time frame—for instance, in relation to the Cambodia prisoner transfer agreement, where the committee heard evidence on the evening of Tuesday, 5 December 2006 and made an interim report on the morning of Thursday, 7 December 2006 to enable work to progress immediately to bring that agreement into force. The government was aware that the opportunity to ratify the CMATS treaty with East Timor was a possibility in the days leading up to its eventuality. It should have taken this opportunity to approach the committee with a request for an early hearing and a prompt interim report on the agreement. Personally, I blame incompetence and inefficiency of the minister and the department. Not to do so would lead one to the conclusion that they were deliberately ignoring Australia’s proper treaty review process.

I also take this opportunity to comment on why we have the CMATS treaty before us today. A few years ago the Joint Standing Committee on Treaties conducted a review of the Timor Sea Treaty and the division of royalties from resource projects in the Joint Petroleum Development Area between Australia and East Timor. This included the International Unitisation Agreement, which set out the income split for resource royalties, including those from the Greater Sunrise oil and gas fields. This agreement would have seen East Timor receive 90 per cent of the royalties from 10 per cent of the Greater Sunrise field—which is in the Joint Petroleum Development Area—which equates to roughly 18 per cent overall.

East Timor, however, refused to ratify the agreement, believing that it did not reflect an equitable split of the revenue stream. East Timor believed that, had the maritime boundaries between Australia and East Timor been set using the equal distance method, 100 per cent of the Greater Sunrise fields should have been located in their territorial waters. The nonresolution of this dispute meant that joint venture partners were prevented from commencing any projects, because they wanted to have certainty over tenure and income distribution before committing billions of dollars to project development.

East Timor has only now agreed to the CMATS treaty because it will allow projects to commence and royalties to be guaranteed. However, by agreeing, the East Timorese have agreed that the maritime boundaries will not be challenged for 50 years and that royalties from other possible projects in the disputed area go to Australia. This trade-off gives East Timor 50 per cent of the Greater Sunrise royalties. Given that Australia would probably have lost the rights to all of Greater Sunrise if the International Court of Justice had been allowed to rule on the dispute, this outcome is not bad for Australia.

East Timor is undoubtedly one of the poorest and most underdeveloped nations in the world. In order to develop, East Timor desperately needs to mobilise the full capacity of its resource sector. By denying the East Timorese this, the government was effectively robbing them of their right to development. And it surely must have come as
some surprise to the East Timorese that Australia, the nation that delivered them freedom, was now trying to hoodwink them out of the resource royalties that they so desperately needed to lay the foundations for their fledgling democracy.

Australians do not like a bully and they certainly do not like a bully who picks on the smallest and least able to defend themselves. But, sadly, this has been the approach of successive Australian governments in dealing with the Timorese on this issue—none more so than this government. It has tried to bully the East Timorese out of the oil and gas that so rightfully belongs to them. This government is guilty of blackmail of the highest order. Its approach to dealing with the East Timorese on this issue has been a disgrace and it runs counter to Australian values. A fair go is central to the Australian ethos. But according to this government our fair go ideal does not extend beyond our own borders, not even to one of the most poverty stricken nations on earth.

I support ratifying the Treaty on Certain Maritime Arrangements in the Timor Sea, but the income sharing provided for in this agreement should have been the starting point for negotiations, not the end point. We should never have been dragged kicking and screaming to this outcome.

I would like to thank the committee secretariat and all those who put in submissions and presented evidence on this treaty. As an aside, can I refer people to Paul Cleary’s book entitled Shakedown: Australia’s grab for Timor oil, which has recently been released and which gives a very accurate picture of what has been happening in the negotiations over the Timor Sea oil.

Dr SOUTHCOTT (Boothby) (11.37 am)—I move:

That the House take note of the report.
duced, that we have a bill here that involves a radical change from current practice. Some of those who have decided to take up the case of arguing genuinely and passionately against this piece of legislation have also worked on the basis that the bill we have before us involves radical change. While there were genuine expectations that that change would be in the legislation that would come before us, it is pretty difficult to see the bill that is now before the parliament, the Australian Citizenship Amendment (Citizenship Testing) Bill 2007, as constituting the sort of radical change from current practice which each side of this debate has implied we would see.

It matters to get the debate right. It really does. When you are talking about Australian citizenship, you are asking: ‘What does it actually mean to become a full member of Australian society?’ That is what citizenship is. As members of parliament, we all have the sensational privilege of going to citizenship ceremonies and seeing the moment where somebody whose life to that point has involved other nations, and often radically different societies, becomes as much a member, as much a stakeholder, of Australian society as any one of us who has the privilege of sitting in the House of Representatives.

One of the concerns that I have in this debate is an argument that has sometimes been put that, at the moment, people do not take Australian citizenship seriously. You only have to see what we who have that privilege do to see it is a really moving moment in people’s lives. People take a step that they know is not just one that they take on their own behalf but also one that will forever become part of the story of their descendents who will remember them as an ancestor. It becomes part of their journey, their story and their future identity as Australians.

In the context of this debate we have often gone back and forth over whether it is possible to have any sort of test and as to whether it is possible to ever identify Australian values. In that values discussion, one of the arguments we often hear against there being any concept of Australian values is that the values that people talk about are those that you will find in any one of a number of countries. In many respects, that is true. But, when somebody builds a project home, the home they build may look pretty much the same as three or four other identical homes in the same suburb, but they still know that one as their own. The fact that other nations may have similar values to our own does not stop there being some principles about which we can say, ‘Yes, that is part of being Australian.’ That becomes most clear to each and every one of us when a comment is made by someone purporting to be a public leader, in one way or another, and the comment is so out of sync with what the rest of Australia feels. We can often identify Australian values more easily by what they are not. It is not a static thing, and the values and the principles that characterise us change over time.

In February 2000, the Citizenship Council had a go at working out what those sorts of principles might be in an Australian compact. They referred to a commitment to the land, a commitment to the rule of law, equality under the law regardless of race and sex and a commitment to the basics of a representative liberal democracy, including freedom of opinion. They referred to a commitment to principles and fairness—they used the word ‘tolerance’; I probably prefer the word ‘inclusive’—a commitment to the acceptance of cultural diversity, a commitment to the well-being of all Australians and a commitment to recognising the unique status of Aboriginal and Torres Strait Islander peoples. Those sorts of principles all fit in with that discussion and, for anyone who argues that it is impossible to arrive at any set of values, they will always be fluid and they will always
change from time to time. But I do not think we do our nation any harm by having and embracing the discussion and by associating it with full membership of our society as citizenship.

As the former minister for multicultural affairs, the honourable member for Moreton, who is in the chamber, would be aware that, given the nature of my shadow portfolio, part of the job is that you do go to an extraordinary number of wonderful celebrations of diversity throughout the country. One concern that I have is that it is sometimes viewed as though there are three Australian stories. There are people who are Indigenous, people who are ethnic and people whose ethnicity is Australian. I like to think that there are essentially two Australian stories of getting here. For Indigenous Australians your cultural heritage is that you have always been here. For the rest of us the story of getting here—whether it is in our own lifetime or in past generations—is part of our Australian journey, part of our Australian story.

While it goes back quite a number of years, and while at particular moments—particularly in criminal terms—it is probably not that proud a history, I remain particularly proud of my Irish heritage. I should add that it is a different sense of pride now—as we found out more about the history of our family. We had always thought our convict ancestor, Bartholomew Taylor, was part of the Irish resistance, because we had been told that he was sent out here for stealing arms. But about 15 years ago, when my sister got the original documents, we discovered that the arms he had been stealing were spelt a-l-m-s. He had been taking money from the local church. Just as I know something about him because his journey here is part of my story of becoming an Australian, in the same way, people who take the citizenship oath provide that same opportunity and that same journey for their descendants—they will probably never know those descendents but their descendents will know them. That citizenship moment is of extraordinary importance and should never be devalued.

As a nation we now do citizenship better than we used to. My seat is named after the third Prime Minister of Australia, who, on the official records of this parliament, is recorded as John Christian Watson. Back then there was no such thing as Australian citizenship. To be eligible to be a member of this parliament, to vote and to have what was regarded as full citizenship rights, you merely had to be a member of the British Empire. John Christian Watson was actually not his name. His real name was Johan Christian Tanck. He concocted the story of his own birth. Having been born in Chile, he said that he was actually born on a ship, the Julia, which sailed 50 miles outside Chilean waters into international waters and, because the ship was flying the British flag, the Union Jack, he was able to claim British citizenship even though his father was German and he was born outside the British Empire. Had he told the truth about his citizenship and had our system been more watertight—say, in the fashion that it is today—he not only would never have been Prime Minister but also would not have been allowed to vote. And, because his dad was German, he would have been locked up during the First World War.

Since the Citizenship Act 1948 came into force, we have done citizenship in a much better way. Whether the tests are more rigid or less rigid, there have in fact always been tests imposed. This is why I say that the argument about today’s changes being radical does not really take account of what happens right now and what has happened ever since we introduced Australian citizenship. When the Citizenship Act was first introduced, applicants had to have adequate English, they had to produce three references, they had to
declare an intention to naturalise—as the term was then—two years before the naturalisation would come into force and they had to have already lived in Australia for five years. They also had to place an advertisement in the newspaper notifying of their intention. Those were the tests and proof of good character back then.

In a good number of the media conferences that government members have done on this issue, it has been lost that there is a citizenship test at the moment. It is conducted over the counter and it involves a test of capacity in the English language. It has been quite non-controversial and there have not been arguments about it needing to be abolished, which creates some questions as to why what we have before us today is said to be a radical change. The more you look at the bill and the minister’s second reading speech, the more you see that what we actually have in front of us is a formalising which may involve a harshening of the test—but not necessarily. It actually depends on the determinations that the minister makes. Under the bill before us, those determinations can be changed at any point with any extra number of exemptions the minister might choose to put in place.

This bill was first announced just after the leadership change on my side of the House. A joint media conference was held—in, I think it is fair to say, a bit of a rush—by the Prime Minister and the member for Goldstein, who at that time was Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs. In that media conference the government announced that there would be a 30-question multiple choice test for citizenship and that those questions would be drawn from a list of 200 questions that would be drawn from a source document. That night, after consulting with the new Leader of the Opposition, I wrote a letter to the parliamentary secretary, saying that it would be greatly appreciated if the opposition could have a copy of an example of one of the test’s 30 questions—of the 200 questions they were to be drawn from—and a copy of the source document from which all of the questions were to originate. I received a letter from the parliamentary secretary about a week later—though I am not sure of the precise time—saying that they did not yet have a 30-question test, that not one of the 200 questions had yet been written and the source document had not yet been completed.

When I received my briefing from the department on the legal nature of the bill, I put a question to the minister’s office saying: ‘Can you just let me know whether I am going to get a copy of these three things before the vote on the bill, after the vote on the bill or never?’ I have been told that the source document will be made public at some point. That still has not happened, so I guess that means it will be after the vote on the bill. As to when we will see a copy of the 200 questions and the 30-question test—which, from the minister’s second reading speech, has now become a 20-question test—the answer apparently is never.

What that means is that this bill is entirely shell legislation. Obviously we do not expect that the government is going to put each question from a test into a piece of legislation; that would be insane. But in terms of the question, ‘Is the test reasonable?’ the answer to that will have to be determined at a later date. This legislation deals with two questions. It deals with whether, in principle, there should be a test or not and whether, in principle, the minister should have the discretion to create a whole lot of exemptions to take into account different circumstances. As to whether those two questions are outrageous, the answer is they are not outrageous. As to whether there should be a test at all, the answer is yes. Should the minister have
the discretion to provide extra exemptions? The logical answer to that is yes again. That is reasonable. There is already a test and it has never been controversial. In the whole of this debate I have yet to hear anybody stand up and argue that the current test is an outrageous restriction on people’s citizenship. It would be quite open for the minister to determine that one of the options is for the current test to continue.

What we have to go on is what the minister said in his second reading speech, but the Australian public actually think there is more to go on than that. Because of discussions between a couple of the News Ltd papers and the minister, which resulted in a whole lot of questions being put on the front page of a couple of the News Ltd papers, the Australian public actually think they have seen some of the questions. Those questions were not written by the government. Those questions were written by a journalist. I discovered this when I rang the journalist and said, ‘It is only a trivial side point, but one of the answers is actually wrong.’ The question which had a wrong answer—and if anyone applying for citizenship actually knows this, you would really have to worry about how hard they have studied—is a question that is often thrown up: ‘What are the animals on the Australian coat of arms?’ The answer that was given was: kangaroo and emu—most people would say that. If you go to the DFAT website, you will see that the kangaroo and the emu are the animals holding up the coat of arms. The coat of arms is the bit of metal between the kangaroo and the emu. That means that, in a bizarre fashion, the correct answer is: a red lion, a golden lion, a black swan and a piping shrike. That is not generally known to members of the parliament. I did a ParlInfo search, and I think that I am the first person in a good 20 years to refer to the piping shrike within this parliament. But those are the animals on our coat of arms. The kangaroo and emu are not actually there; they are the bearers of our coat of arms.

Mr Hardgrave—This will be on Temptation next!

Mr BURKE—In the same way, the question is often asked: ‘What is the second verse of the national anthem?’—as though that would be an appropriate question for citizenship. Many people would claim that part of being an Australian is not knowing the second verse to the national anthem! Before I get too much of a response from the member for Moreton, I would add that what we view as the second verse of Advance Australia Fair is actually the third verse. Advance Australia Fair has four verses. The second one, which I hope we never get around to incorporating when we sing the national anthem, concludes with the line, ‘Britannia rules the wave’. In terms of the questions that are thrown up, it is the second verse that people often say should be on the test.

What really matters is that we end up with a reasonable test. We do not want this to end up being some bizarre Trivial Pursuit game. We do not want this to be something which sets people up to fail. We do not want this to be a barrier to people who would make fine Australian citizens. Whether it ends up that way or not, we cannot tell from this bill. All we can tell from this bill is that the principle of having a citizenship test, which has been with us since 1949, would remain. As a principle, I am not going to argue against that. That is a completely reasonable principle and that is all that the bill actually tells us. In fact, it has been acknowledged on a number of occasions that originally part of the context of this debate was keeping people from becoming citizens, weeding out undesirables, and the fact that some people had become citizens who should not have and this would be a way to stop them. The member for Goldstein made clear in his media confer-
ence that the bill is not designed in any way to keep some people out. In an interview with Leon Delaney, the minister was asked, ‘So it’s not intended to weed out undesirables; it is more an instructive process?’ the minister responded, ‘That’s right.’

If, in good faith, that is what we end up with, then we simply have a codification of a reasonable system. That is what we have. It is quite within the realms of possibility, and certainly within the legislative options for the government, to come up with something that is less reasonable. I think that, as a matter of transparency, the government making the questions available is completely in the interests of citizenship being a process of unifying Australians. It is a logical thing to do, and it is completely in the interests of the government to do so.

At the time of my briefing, I raised two questions which the minister’s office subsequently got back to me about. The first was: will determinations of this nature—of what the different exemptions are for the different tests—be made public, even if the questions are not made public? The second question was: will the government guarantee that it will not put exemptions on tests which then create a situation where someone who otherwise would have been eligible to sit for a citizenship test has no test available to them anymore? On those two questions, we have been told verbally by the minister’s office—that the determination will be made public, and we have been told that the test will be used only in such a way as to guarantee that anyone who, under the act, would expect to be able to sit for a test will have a test available for them. I have put those questions to the minister in writing, and they have been answered verbally. I am not in a position to confirm that they have come back to us, but I would be surprised if those undertakings that were given over the phone have not been confirmed by the time we come to a vote on this bill. I would certainly be surprised by that.

I was pleased to hear the minister raise in his second reading speech some of the concerns about options for people who have difficulty with English literacy. That is a really important part of this debate. The government, with the support of the opposition, has made some decisions on the humanitarian program to really find some of the most desperate people in the world and offer them a new life in Australia, and that has bipartisan support. There has not always been bipartisan support for the quality of the settlement program then offered but certainly there has been bipartisan support for the selection of people by the government, done in consultation with UNHCR.

That has meant that we have had in increasing numbers people settling permanently in Australia who not only do not have literacy in English but also do not have literacy in their language of origin. In those circumstances to expect that, in the space of four years, someone will necessarily be sitting in front of a computer reading English well enough to pass a multiple-choice test is potentially highly unreasonable. I was pleased that when the former parliamentary secretary, the member for Goldstein, first raised this he said there would be exceptions in respect of that. The minister in his second reading speech flagged that, where there is a specific literacy issue for people, the test will be done through a conversation, I guess using similar principles to the conversation over the counter which is done at the moment but obviously in a more detailed fashion and taking into account extra questions that might be involved.

We want this test to be something that is not used in a fashion that sets people up to fail. I will come to a second reading amend-
ment in a moment but, to that end, Labor believes it is essential that you not just test but also you teach. It is not good enough to just test; you also have to teach. You have to make sure that there is adequate funding for the Adult Migrant English Program. You have to make sure there is adequate funding for settlement services so that people who come to Australia with the least opportunity and the least advantage do not find themselves in circumstances where it will always be phenomenally difficult for them to take on their role as full members of Australian society.

To that end, some of the statistics for functional English outcomes that have come from AMEP do show a need for a renewed emphasis on resources for teaching. They do show that, although the AMEP does a good job for its limit of 510 hours, if there is a barrier based on competency in English, and potentially a higher barrier to the English test we already have, we need to ensure the resources are there to get people over that hurdle. The best outcome is never people failing the test. The best outcome is people being given the resources to learn English and to have a start in life in Australia. An objection that has been made a number of times is to point to sensational Australian citizens who do not speak much English at all and to say, ‘Are you saying this person should never have been allowed to be a full member of society?’ If anyone is saying that in this debate, I reckon they are wrong. We are talking about some well-established communities that have built so much of this nation. We are not saying that those individuals should be denied citizenship. We are saying how much better would that individual’s life have been if they had had the full opportunity to learn English and been able to have the full discussion over the counter with whomever the shopkeeper was, able to read their own child’s school reports and able to get jobs fully commensurate with the skills they held? Those opportunities all mean that, if you are going to test, you need to teach. To that end, I will later move a second reading amendment in the following terms:

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

“whilst not declining to give the bill a second reading and whilst welcoming the formalising of the current test for Australian Citizenship, the House:

(1) notes that the issue is whether the citizenship tests to be determined under the legislation are reasonable;

(2) notes the importance of teaching in the development of English language skills and the acquisition of knowledge of Australian history, culture and values; and

(3) calls on the Government to provide improvements to the Adult Migrant English Program and other settlement services to assist migrants to participate fully in the Australian community and to pass the citizenship test”.

At the conclusion of my remarks I will formally move those words. How much of a departure from current practice does the bill before us represent? We will know within about a month after it has gone through. We will know only when people who have sat the test start to release what the questions were. That is the current path, and I sorely recommend to the government that, on issues meant to unite, the smart path is to talk to the opposition and let them know what the questions are going to be. It is a smarter path to take, so that there is no question mark hanging over this process. In the same way, I hope the government comes back in writing with the guarantees given over the phone.

This bill has already been referred to a Senate committee inquiry which will look at a number of issues, including that which came out of the inquiry of the Senate Standing Committee for the Scrutiny of Bills—
that is, whether a determination that is not a disallowable instrument and not open to scrutiny is the appropriate vehicle for the test to proceed under. That is a reasonable question for the Senate to inquire into. We will await the outcome of that inquiry before we make final decisions on amendments to that part of the bill.

I cannot stress enough that what we have before us is not the test that was on the front page of the *Herald Sun* and the *Telegraph*. What we have before us is not one thing and one thing only, and that is the principle of whether there should be a citizenship test. If what follows this bill is an unreasonable set of questions then there will be an argument to be had and there will be an argument that we will engage in. But the concept of having questions at all is something that has been with us for as long as Australian citizenship has been with us. To have questions and that extra level of value on Australian citizenship is surely a good thing. This is about becoming a full member of what we all regard as the best country on the planet, and that full membership is something to be embraced, not feared. I move:

> That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the bill a second reading and whilst welcoming the formalising of the current test for Australian Citizenship, the House:

1. notes that the issue is whether the citizenship tests to be determined under the legislation are reasonable;

2. notes the importance of teaching in the development of English language skills and the acquisition of knowledge of Australian history, culture and values; and

3. calls on the Government to provide improvements to the Adult Migrant English Program and other settlement services to assist migrants to participate fully in the Australian community and to pass the citizenship test”.

**The DEPUTY SPEAKER (Ms Corcoran)**—Is the amendment seconded?

**Mr Laurie Ferguson**—I second the amendment and reserve my right to speak.

**Mr HARDGRAVE** (Moreton) (12.08 pm)—I am pleased to be associated with the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 and commend the member for Watson—or is it Tanck?—for his fine contribution to this debate. I share many of his views, as expressed here this morning, and would share some concerns if there was any question about the opportunity for bipartisan nation-building, which is what citizenship and immigration are all about, and I would certainly urge the Minister for Immigration and Citizenship to put that to bed as well. I note that the member for Reid is in the chamber and is due to speak after me. He and I shared many of the platforms—I sound like I am an old man, at 47, reminiscing—of citizenship and multicultural affairs over a number of years at a very difficult time in Australia’s history. I was appointed the first ever citizenship minister in this place immediately after the September 11 atrocities—a time when I think Australia could have gone pear shaped. I say on the record that the member for Reid, in the advocacy within his party ranks—and I would like to believe that the member for Berowra, as the senior minister, and I—played a part in helping communities work together and build together in finding common ground rather than turning to things that could divide us and cause our nation to fall apart.

As the member for Watson has reflected, that is what this legislation is all about. Citizenship is the glue which essentially holds our family, our society, together. Yet, out of 21 million people in this country, something like one million plus are not citizens. It is
extraordinary to me, as a former minister for citizenship, that about 60 per cent or more of those are from either the UK or New Zealand. These are people who come from countries similar to Australia and who live here for decades but choose not to be citizens. In the mid-1980s further changes were made dealing with the recognition of British subjects within Australia's electoral framework. There are something like 200,000 British citizens—not Australian citizens—who are able to vote in this country. I find that offensive. I hope that all of those in my electorate who are now offended by that comment will still support me at a later point in the year.

I make the point that there is a real ambition by the government to draw everyone together under the reasonable challenge of signing up not just to the rights but to the responsibilities. The citizenship ceremony is a public statement of signing up to the responsibilities of being an Australian citizen. It is about saying very plainly that we believe in the rule of the law. As the member for Watson said, tolerance is not good enough; it is about respect—that we accept there are people in our country who come from a divergent range of cultures and backgrounds and if we do not have some time for respect in our heart we will have fights in our streets every day of the week. We do not want that.

Some of the worst people at understanding that are those who have been in this country for generations. They say: 'I don't know who that person is over there. They've got dark skin and they wear different clothes.' There is not a dress code in this country. I do not care whether somebody wears a hijab or a chador. I find it very confronting, I must confess, when all you see is an eye-slit and somebody's eyes. But it is not a religious practice; it is a cultural practice. I hope that over time they will wear down the practice. Too many Australians stand on their side of the street and forget to cross the street and say: 'You're new, You're welcome. Find out about what is going on in Australia. Let me help you.' My big challenge out of this morning's debate morning is to say again that more Australians need to cross the street. They need to see that person they have never met before, they need to see that person who is dressed differently and they need to show them the way. Do not criticise them. Do not say: ‘They never talk in English. They talk in their own lingo. They keep to themselves.’

The message they are getting from too many Australians is: keep to yourself; talk in your own language. As the member for Watson said, the government is challenging those who are newer to Australia to get the confidence and the credentials to participate. With that sense of confidence and that competence you get a connection which allows you to have a sense of ownership about this country.

In the post September 11 environment some very fine words were said about those in various parts of the world who have no ambition of citizenship of any country. They are the big threat in the world. They do not care about any country. Those people are the problem, not those who perhaps take citizenship of two or more countries. I was very proud to introduce a bill, which became law, where those born in this nation could travel to another country, become a citizen somewhere else and not lose their Australian citizenship. There are probably a million people around the world—certainly hundreds of thousands—who lost their citizenship of Australia because they took out citizenship somewhere else. Australia has grown up. Australia is no longer its own self-imposed victim of a cultural cringe that we are not good enough and are not capable enough.

Australia also is the most culturally diverse nation in the world. Twenty-five per
cent of our current population were born in another country and between 20 and 25 per cent have at least one parent who was born in another country. There is no other nation—save for Canada, where about 19 or 20 per cent of people were born outside the country—that matches our 25 per cent in both those categories or that comes close to the sorts of challenges we have. We could disintegrate as a nation, we could balkanise, we could go into lots of little tribes. There is plenty of banter in this place. I am two parts Irish, two parts Scottish, and one part English and I have joked publicly that this means that I like a drink, but I want someone else to pay for it. But I am proud of my family’s history. One part of my family has been here for over 200 years. We did not come as convicts—I am envious of the member for Watson—we came as free settlers. I am proud of my family’s history: I like to do things Irish, I like to do things Scottish and I like to do things British. I also enjoy the fact that there are so many people from other countries who are proud of their cultures and traditions and who find new ways to share.

I am enormously blessed by a cultural diversity in my electorate that is so strong and yet so mature, so dedicated to Australia. There are people in my electorate who are going to be directly impacted by the citizenship test, if they want to be citizens, and who feel perhaps as though they are victims of a test that, as the member for Watson said, has been set up as a way of excluding people. But this test, as he said, is about inviting people. It is about challenging the many Australians who seem afraid to cross the street and welcome new faces into their neighbourhood. They seem afraid to do as The Bible says: ‘Do unto others as you would have them do unto you’. This test is saying to those people, ‘These people have passed all the tests we have put in front of them. They passed our character test, our security test, and our health test to get here in the first place. Now they are going to pass this citizenship test.’ We are resourcing in record numbers—510 hours of the adult migrant English program, plus further hours, are given to people who, as the member for Watson said, are not even literate in the language they speak, the language of their childhood; they cannot read and write. Many of those people are refugees from war-torn African nations, where the opportunity to learn was never there. The government is putting record amounts of money into this.

This is the big problem—and the officials can brief their minister if I am wrong. My recollection is that only about 180 hours of the 510 hours of the adult migrant English program are actually used by the people who participate in it. My genuine concern is that unless people take up what is offered to them there is a chance that they are not going to fully equip themselves for life here. Some people from Indo-Chinese backgrounds—and I have seen it on television; it must be right—who work in the market gardens around the back of Sydney airport have never spoken anything but Cambodian or Vietnamese in their entire time in Australia and they have been here for decades. That is not to say that all Vietnamese or Cambodians would fit that category. They are amongst the most articulate, capable and achieving of Australians.

It is important to see this as a test built around giving credibility to those migrants. This is not a test that is built around trying to exclude people. It is about trying to satisfy the half of the Australian family who do not have a direct first or second generation experience when it comes to migration—the groups of Australians who want to brief the rest of society, it seems, against those they perceive to be different, people with a different skin, with a different religion, with dif-
ifferent dress codes or whatever. We tend to go through this as a country—we tend to test different migrant groups. The key Australian value is the sense of a fair go, but the key Australian challenge is the test of whether you are fair dinkum. I know it all sounds very colloquial but, at the end of it, that is what we do to generation after generation. I am old enough to remember the sixties. As a kid, the ‘odd’ ones in the school grounds were those whose names ended in ‘opolous’—the Greeks—and also the Italians. They are all very much, and very proudly, part of the mainstream now. The grandchildren and the great grandchildren of those early Greek migrants, who have suffered their entire lives speaking English with a Greek accent, now go off to Athens speaking Greek with an Australian accent. That is the way Australia has evolved over the years. The same thing has happened to the Vietnamese and the Taiwanese and the Chinese in my electorate. These people have their ABCs. They are Australian-born Vietnamese, Taiwanese or Chinese. They have the broadest of Australian accents, but Asian faces.

The same now is beginning to happen in the early part of our response to the needs of African refugees coming to this country. Knowing the stories that I know, knowing the people I know in the electorate of Moreton, and having visited the Kakuma camp in Kenya in 2003, I know that you can put whatever test you like in front of these people, and they will pass it. The first people to take up citizenship, no matter whether they had to wait one year, two years, three years or five years, are those who have been rejected by their old country. They have been through hell and back and worse. I do not need to labour the point about the atrocities they have had to endure on a personal level, on a family level and on a society level. They are tough people. They are people with a burning desire to win. That may be at the most elementary levels, but it is going to lift them up from the absolute despair they have been in. You can set as tough a test as you like—they are going to bust a gut to pass it, to prove something. They have the burning desire to belong. The sense of belonging that comes from being an Australian citizen brings a tear to your eye. You have to be tough stuff if you are not moved by the sheer emotion of grown-up people who have been through hell and back, grabbing hold of that Australian citizenship certificate and kissing it. The government is not going hard on them.

There are those who like to try and create trouble in these debates, to over-ethnicise society, to divide it up into lots of little chunks rather than to see it as threads of a marvellously strong social fabric, who try to break it up into little pebbles rather than see the fact that we are all part of the mainstream: the first Australians; those Australians of longer standing, such as my family who came in the 1790s on Mum’s side and the 1840s on Dad’s side; those who were part of the massive nation building exercise in the post Second World War period, where the Poles and the Germans, people who were opposing each other in war, came together in peace to build this country; the Italians; the Greeks; the Turks. All these people have come to Australia since the Second World War. Part of the energy and strength of this country, part of the reason this country is economically so successful and the society is so successful is that all of those people have come here to advance.

I have said it before and I say it again: nobody ever leaves their country of birth to go backwards. Whether you are the poorest refugee or the richest business migrant, you come to do better, and that is part of the energy in Australian society today. And, as I said, some people still do not get it. The fact that a million people who could be citizens—
350,000 British and something like 240,000 New Zealanders—see it as an optional extra is astonishing. I think the next biggest group is 8,000 or 10,000 Italians. We need to challenge those of longer standing with English skills and those who have been here for a long time to sign up.

We need to make sure that those of us who have been here for many generations find a way of giving a sense of welcome to everybody. One of the things I have noted at many citizenship ceremonies—I have presided where there has been one person; I have presided where there have been 5,000, in the Exhibition Building in Melbourne a few years ago—is the affirmation of Australian citizenship. As my father always said, ‘I was born here, my father was born here, my grandfather was born here and my great grandfather came here. How come I can’t say something about my commitment to Australia?’ So over the last five, six or seven years, the government—at the instigation of the member for Berowra, Mr Ruddock, when he was Australia’s longest serving immigration minister—brought in this affirmation of Australian citizenship to give those of us born here a chance to stand with those who have just become citizens and say: ‘We feel as passionate about this as you do.’

So I welcome this test for the same reasons the member for Watson welcomes this test: it is a nation-building exercise, consistent with the expectations that society has. Since 1949 there have been a variety of criteria and tests to be met. Canada, as I said, is the only really comparable country to Australia. America has about 10 per cent overseas born, Canada has about 20 per cent and we have 25 per cent—hence my focus on Canada. I believe Canadian authorities make you wait five years, that you undergo intensive compulsory training in societal values and that you have to learn either English or French. If you are in Quebec, the Quebecois will insist upon French. Either way, it is then put before an independent third party, a citizenship judge. I saw the supreme judge of the citizenship court in action in Canada a few years ago. There is a huge, amazing sense of achievement for new Canadian citizens: ‘Hey, look—all the tests, all the barriers, all of the questions have been asked of us, and we’ve passed!’

For this particular test, 60 per cent is the pass mark. There are 20 questions randomly selected from a computer grouping. For the AMEP students, the ones who come from a non-English-speaking background, there is an opportunity to do sample papers to understand the test. In every possible way, what we are doing here is very consistent with our long-term ambition for nation building. It ensures that the people in society, indeed the people in this place, who do not get it can in fact be put in their place on this.

The member for Watson and I are going to be at one on a lot of these things, but I say to the member for Watson it is important for him to brief some members of his caucus about their comments. On 29 November last year, Senator Faulkner said in the Senate that he was very concerned about this. He said:

Language and civics tests will tell us nothing about the fitness of new arrivals for citizenship and its rights and obligations.

Just how social cohesion is promoted by applying pointless tests for full entry into the life of the country is not explained.

The member for Banks said just a month ago, on 21 May:

The test is the first thing that should be repealed when there is a change of government; it should not decide who becomes an Australian citizen.

The member for Swan is also on record in the Hansard being critical about this, as is the member for Canberra. Lindy Nelson-Carr, the Queensland Minister for Multicul-
turalism, who is more adept at branch stacking in my electorate than anything else, says this test is divisive and unnecessary. Their words are a complete contrast to what the member for Watson said. I would like to believe that the member for Watson’s comments are more consistent with good social cohesion and good nation building, as is this bill, than those of other members I have named. I call upon him to bring them into line. I really do recommend this bill to the House. I say to all members to remember that this is about nation building. It is not about excluding; it is about including.

Mr LAURIE FERGUSON (Reid) (12.28 pm)—At the outset I indicate that, since the member for Watson spoke, he has received correspondence from the minister allaying remaining concerns of the opposition. In reality he has confirmed that the ministerial determination under section 23A could not be inconsistent with the provisions of the act, and that is especially the case with the general eligibility in section 21(2). Furthermore, he confirmed that the intention is that the capacity to limit the eligibility requirements for any citizenship test will be used to limit access to additional tests that may be necessary if it is found that there is a cohort of people for whom a less formal approach to testing is appropriate. I do not want to have too much backslapping here, but I also congratulate the previous speaker in relation to his role as the minister for a period. I had him in my electorate on many occasions, and he did bring to this portfolio great enthusiasm and interest.

I would agree with previous speakers that, having regard to the way in which the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 has emerged, it is not of grave concern. There are exemptions regarding those aged under 18 and over 60. There is provision for exemption for those with mental incapacity. The minister has a degree of discretion to look at the situation of people with other needs. There are also provisions relating to those with literacy problems.

However, when people quote and denigrate speakers who have expressed concerns over the last year or so and who have said that the legislation is unfair, we have to remember the context in which the legislation arose. Reference has been made to recent comments by the member for Goldstein, but I remind the House of his initial comments. For instance, on 19 September last year, in regard to citizenship, he made these comments which were reported in the Australian on that date:

They know people are going to come here, but they want it on our terms. That gives them a sense of control.

He was speaking about the Australian people. He also commented—and this was paraphrased in the newspaper article—that ‘the Australian values based regime is designed to give the community a sense of security’. That was said by the article’s author to echo John Howard’s pledge on border protection during the 2001 election campaign. So whilst it is interesting to philosophise on how we got to this far more moderate legislation, the context in which it was originally introduced was such that people would have been concerned.

I refer to the infamous outburst, as I would see it, by the Prime Minister while touring a Greek aged persons organisation in Melbourne, reported by Patricia Kavalas in the Australian. She noticed that the vast majority of older Greeks present at that function did not speak English. She put it to the Prime Minister:

‘These new English tests, Prime Minister, most of the people here can’t speak English, and they have been here for so long.’ The Prime Minister then said, ‘Oh, but they helped build Australia.’ The point I am
making is that I believe that the original intention behind this legislation is not reflected by what came out in the end. We see from those comments by the then parliamentary secretary and the Prime Minister that the original intention would have to be seen by any objective person to have involved an emphasis on security and a possible attempt to marginalise people.

It is uncertain why there has been this major change, having regard to the way in which the legislation was originally moving. It could be because of the reaction from the opposition. Equally, it could be because a journalist whom I respect, who had an extensive interview with the parliamentary secretary, was assured that deep down he was a person with a commitment to a multicultural Australia, that people should live together and that it should be about nation building. Maybe there was reconsideration among government ranks. Equally, it is possible that the government concluded that any campaign around security and the marginalisation of minorities was not going to go anywhere because it did not represent the facts.

Whilst I note that the Prime Minister has set himself up for a new task in life, as a major expert on historical writing, even though he has limited academic credentials in that field, we should not forget this country’s history and what could possibly happen. In the First World War, every Greek family in this country was investigated by the precursor to ASIO. Their loyalty was doubted because the then King of Greece was regarded as having affinity for the Germans, as opposed to the democratic government of Venizelos in Greece. Also, during the First World War, the Russian Club in South Brisbane was burned to the ground. In the Second World War, Germans and Italians were incarcerated.

An article in the _Royal Australian Historical Journal_ in the last year or so talked about the situation on the border in Albury, where there were two Lutheran ministers. One of them, a convert from Judaism, was shoved into detention as a possible Nazi sympathiser. Another article in that journal just in the last month or so looked at the situation of Italian fascists in this country. With respect to those people who joined the Fascist Party, in Queensland in particular, it was found that they largely joined because of business pressure from the Italian consulate, and a belief that they would be disadvantaged in trade situations if they did not join. We all know that large numbers of Italians were incarcerated during the Second World War.

I do not think this country is any worse than others; we are a bit too inclined to persecute ourselves over such matters. Racism and marginalisation have been phenomena around the world. These things are always possible. We do know that since September 11 one community in particular has attracted deep interest from some segments of our population. I refer to people of the Islamic faith. One of the reasons the approach which first led to this kind of legislation would have had no credibility in driving home that campaign is that the statistics do not really assist that kind of campaign. Many speakers have referred to the reality in this country—that, of the large numbers of people who have qualified to become Australian citizens, they are disproportionately of British and New Zealand extraction, with an Italian presence as well. It is worth noting that the citizenship rate for Italians is 65½ per cent. The rate for New Zealanders is 37.7 per cent and for those from the Netherlands it is 78.3 per cent. In contrast, many communities that are newly arrived here are far more keen to become citizens and their rates are very high.

If this law in the next few years were to massively change the requirements in regard to citizenship—and we know it has in one sense, in that there is a requirement that peo-
people now have to be permanent residents here for four years rather than what was previously two years—those most affected, those that would be hit the hardest if they decided to become citizens for whatever reason in the near future, would not be, to any major degree, people from the Islamic world. As indicated by previous speakers and by me, they would be predominantly from Europe, New Zealand et cetera.

If we look at the intake to this country over the last few years, what do we find regarding people who might become eligible for citizenship over the next few years? The first reason that not many of them are going to be affected by the legislation is that they are coming here under the skilled category, with increasingly—and quite rightly—more stringent English requirements in order to enter. If we look at the breakdown of the intake over recent years, we see that it is predominantly once again from the UK, as well as India and China.

It is interesting to note the July to December 2006 intake figures into this country: India had a little over 6,000; Sri Lanka about 1,200; China 5,500; Philippines 2,500; Vietnam 1,600; Europe nearly 16,000; the UK 12,000. Not many Muslims have come through from what I can perceive. Over the latter half of last year, Sudan had 1,600, and I would argue that they are predominantly Christians from the south, and Iraq had nearly 1,200 and, to a large degree, they are going to be religious victims of events over the last year or so who have been fleeing predominantly to Syria and Jordan. There might be some Shi’ites in there. The number of Sunnis entering is not going to be worth worrying too much about.

The government has certainly come up with fairly innocuous legislation. There are still concerns about the degree of discretion on what is going to occur. The comments that foreshadowed this legislation were of a very different nature from what we have arrived at. You could not say that the government has succeeded in meeting its expectations of early pronouncements about security, with the Australian people deciding who is going to become citizens. As previous speakers have said, we have had tests since the 1948 legislation. Occasionally you come across people that have been rejected. I have come across one or two myself.

Despite outbursts of marginalisation of people, discrimination and denigration, Australia is, by international standards, an accepting nation. I have often alluded in citizenship speeches to countries of the former Soviet Union. The Russian minority in those countries, which were once so dominant, find themselves isolated, unable to move back to Russia proper, denied citizenship in many of the new nations and some of them have language tests. Over the years we have all watched what happened in Germany: their severe struggle to change citizenship laws. A one vote majority in the Bundesrat was accomplished by the social democrats breaking every convention of West German politics to vote the legislation through, leading to the abandonment of the German situation where people got citizenship by blood. Volga Germans, who had moved to Russia three centuries beforehand, could walk in next morning and become citizens, whereas Turkish and Kurdish residents of Germany who had lived there for three of four generations were denied citizenship.

By any standards we have been liberal, we have been accepting, we have been tolerant. That is still largely encased in this new legislation. As I say, there are reasons to be concerned. In the Melbourne Age of 11 June last year, when there was some debate around these measures, a young schoolgirl, Adela Aliaga-Yori, talked of her family’s experience. She stated:
I remember both of my parents going every morning to take them—English classes—They used to tell me that it is not enough to fully understand the language.

They also had to stop taking the lessons because they had to work and provide for me and my brother. After a few years now, they speak English so much better than when they first came. My father was finally able to get a job in his career because his English improved. My mother also works and is happy to communicate in her new language.

She noted concerns which were understandable. She goes on:

Luckily, my family and I were able to attain citizenship because we came when the law only required migrants to live in Australia for a given period of time before acquiring the citizenship. However, this does not make me any less affected by it because I know and see the complications and fears fellow migrants are experiencing through the test. Luckily her fears, which were legitimate at that stage because of comments, did not eventuate.

Eric Bana recently appeared in a very worthwhile film Romulus, My Father about a Romanian migrant family in this country and their experiences and, being of Croatian and German extraction, also looked at his situation in life. These are very telling comments because he did appear in a film which portrayed the experience of Eastern European migrants:

My father spoke very limited English, my mother was slightly more fluent ...

I know for a fact my grandparents would not have passed any of those tests. I would not be standing here had those tests been enforced in the late 1940s.

These are real-life experiences of people. The Labor Party amendment speaks of the need for more emphasis on English testing, and I think that is right and proper.

Our country has essentially stressed the acceptance of people. If we are worried about security in this country we might feel that it would help if we did not let doubtful people become citizens. One of the earlier speakers, I think it was the member for Moreton, said that most people come to this country to improve their circumstance in life. Most of them come here hoping to be accepted, to get employment, to prosper and for their children to become part of the society. There are a few exceptions. It is normally when they feel that they are ostracised, marginalised and outside the system that they are seized upon and liable to be attracted to extremist forces. My emphasis as an individual would always be on ensuring that we maximise the possibilities of people being accepted.

This test is in the same ballpark as that which preceded it. If we are concerned about security and incorporating people into society, the $123 million that is expended over the next five years might more effectively, to my mind, be spent better in one particular segment: community broadcasting. Yesterday the member for Lindsay presented a unanimous report from a parliamentary committee. Four million Australians listen to community radio during a year. It has trained large numbers of Australians—7,500 a year—in worthwhile communication work and encompasses 23,000 volunteers nationally. Of the 480 ethnic stations that exist, there are seven full-time ethnic stations in this country.

It is worth noting the funding for this sector. If we look at 3ZZZ, the flagship station for the ethnic community in this country, we will find that its funding over the last decade has gone from $48 to $34 per hour. I did not catch the full contribution the member for Lindsay made yesterday, but I think there were some concerns expressed in that report about funding. Some $10 million has been
given to digitalisation over the next few years. That will be helpful, but it is not enough. The reason I stress this is that the listening audience in this country is increasingly subject, in terms of globalisation, to penetration by overseas broadcasters. When I go into many households now, particularly in the Turkish community, I find they have seven or eight, who knows how many, television stations broadcasting into their homes 24 hours a day from Turkey. Much of this is innocuous: soap operas, trivia shows and these types of things that the Australian mass audience is also into. But there is, in some cases, the increasing possibility that stations pushing extremist messages will be more widely accepted, viewed and listened to in this country.

When we talk about acceptance and about trying to make sure that people have our values, are part of our culture and are in the same frame of reference as us, it is important that we promote community radio and television in this country in these ethnic communities because the people running these stations are, in 99 per cent of the cases, people who have passed Australian citizenship ceremonies, have lived in this country for many decades and are affected by our laws with regard to what can be published and with regard to racial vilification and discrimination. They are people who understand the nuances of our society. They live here, they know what we think and they are affected by it.

During this debate on the issue of citizenship, one thing we should not underestimate for a moment is the need to fund this sector. In some communities, there is a real battle on for people’s minds, and there is heavy subsidisation of overseas television stations that, in some cases, have pushed very extremist messages. It is important that particularly young people are given the opportunity to be influenced by more Australian values.

SBS did a survey some years ago of seven ethnic communities in this country, and it was interesting that the vast majority of their attitudes on a wide variety issues and that what they listened to and were interested in were very close to Australian values in general. One exception was the Lebanese community, both of Christian extraction and Moslem extraction. They stood out because the children said that they got their interest in the media from their parents. Most other communities said they got it from other young people and from the broader society. I have diverged slightly from the main point of this legislation, but that is an example of a community where we need to push Australian-grown media options rather than having it inculcated over a long period that the overseas media is better. In conclusion, the outcome of a very long road—and given the government’s initial much-vaunted promises—is this piece of legislation before the House today, and the opposition supports it. It is not a mirror of what was alluded to and what was inferred; it is very moderate and a very reasonable outcome. (Time expired)

Mr CADMAN (Mitchell) (12.48 pm)—From my perspective, the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 has been long awaited. From the time that I first came in contact with a wide range of ethnic groups and communities around Australia in the mid-eighties, I have been anxious that we really explain to new citizens taking the oath of allegiance so that they understand something of the commitment they are making. I think the only way in which we can influence those who want to subvert or change Australia to their own form of dictatorship or dominance and who want to be separate from the bulk of Australians is to have them understand that most Australians really do know what this country stands for and do want to support it and see it prosper. They want to see their families, and
the generations who follow, prosper in an open, free and democratic society. The only way in which that can be achieved is through the Citizenship Act and by having the Citizenship Act as a basis of understanding: if somebody who has taken the oath seeks to corrupt or ignore, they become answerable to the processes of law.

In my mind a lot hinges on the acceptance and the granting of citizenship. It is a privilege and it is a responsibility rolled into one. Citizenship has a special character. There are the legal aspects of it and then there are the cultural aspects of it. It is the most precious thing Australians can give to others. In granting citizenship, we are saying that we are inviting the new citizen to share in all of the achievements of this nation and contribute not only to the present but also to the future. We are saying, ‘We want to honour you by giving you an equality of citizenship with those of us who were born here and had no choice in our citizenship and those who have come here since and have chosen to take it up.’

How is that done? Some of my forebears were among the first arrivals. They did not have too much choice about coming here. The pioneering spirit of those days often goes unrecognised: the hardships experienced by women and families in remote areas as they carved out a nation from the land, first of all establishing their own survival and then, following that survival, the achievements of growth, development and export. Then there was the proud establishment of a nation, often through war, through the striving of brave and courageous Australians as they gave their lives to defend the things that we believe in. Those have been very precious moments in our history and they are very fine achievements. The sharing of that heritage is something that is epitomised and concentrated on in the decision of citizenship. That is the process that has been considered from 1949, with consequential changes until these changes arrived.

I would have to say that I was disappointed with some of the changes that the previous Labor government brought to citizenship. I saw them as weakening the process of commitment to the nation. I thought that was a great shame. It was in part misguided because the Labor Party listened to the argument that people were being required to give up their culture by accepting Australian citizenship. Nothing could be further from the truth. Culture is something personal. Accepting the Australian identity goes beyond culture and is something that encompasses everything; it is the overarching process of living together as an Australian family. Those changes reduced the length of time spent in Australia and changed the oath. It made the acceptance of citizenship something whereby I saw people grabbing it so that they could have a safe haven for their families, often taking free education and our welfare system for granted while they explored economic opportunities elsewhere in the world, mainly in Asia. That lack of commitment was something that I felt was a detrimental step. Since the change of government in 1996, there have been changes that I have basically been very happy with. I am not at all sure at this point whether the dual citizenship decision will serve Australia well in the long run. I have some doubts about whether that was a step in the right direction, although I know it is a popular and international thing to do.

The privileges of citizenship are outlined on the website of the Department of Immigration and Citizenship. Under the heading of ‘Privileges and Responsibilities of Australian Citizenship’ it says:

Privileges of Australian Citizens
It entitles you to privileges of Australian citizenship giving you the right to:
- live in Australia
- apply for an Australian passport and to leave and re-enter Australia without applying for a resident return visa
- seek assistance from Australian diplomatic representatives while overseas
- vote to help elect Australia's governments
- stand for Parliament
- work in the public service
- serve in the armed forces
- register as Australian citizens by descent any of your children born overseas after you become an Australian citizen.

Responsibilities of Australian Citizens

- obey Australian laws
- enrol on Federal and state/territory electoral registers
- vote in elections
- defend Australia should the need arise
- serve on a jury if called to do so.

The step from residency to citizenship gives privileges and responsibilities. As a parliament we are deciding on what additional measures should be in the process other than, after a couple of years, turning up at a ceremony at the local council chambers.

I have been to many citizenship ceremonies and one of the most regrettable factors in citizenship ceremonies that I have observed—not in all of them but in a considerable number—is the wish of those gaining citizenship to grab the certificate and leave the hall as quickly as possible. I know that in some instances family commitments must impose that on people, and often young children are involved, but to see through the whole ceremony and pay tribute to your fellow Australians taking the oath at that time is something I would have thought was fundamental in gaining of citizenship: sharing the celebration. Many of the occasions are done wonderfully by local government. Mostly they are very good. There is some form of entertainment, there is always a supper, or there is a chance to meet local representatives and mix with community representatives who attend and want to welcome people into the Australian family. The wish to get out of there as quickly as possible—get the passport, get the recognition, get the certificate and leave—is something that I think has been detrimental to some of our ceremonies. In this instance it is a building block. It is not complete because there are many elements to the process.

Editorials in newspapers like the Herald Sun are interesting. Regarding agreement to the 20-question citizenship test, the editorial, dated 19 May, says:

If you answered a) you would be correct because there is no reason migrants who want to be citizens should not have a basic knowledge of Australian history and values.

The proposed questions, revealed in the Herald Sun, serve an important purpose. They concentrate the minds of potential citizens on the need to know who we are and why being an Australian is a privilege.

The amendment is approved by a Herald Sun poll of readers—a sample of almost 2,000 people: 72 per cent to 28 per cent. I think that is the general attitude of Australians. Some in the chamber, even within my own party, feel that this is too onerous a task to impose on others, but, when you analyse the citizenship acts of nations from which people have come to Australia, one has to realise that this is just a very modest requirement compared to most. Most of them have at least a four-year wait; most have a more substantial test; most have a more substantial oath than Australia requires. Compared with the citizenship or residency requirements of Greece, Italy, the United States or practically any country in our region, where the commitment of a citizen is substantial, the Aus-
Australian citizenship requirements need to be substantial as well.

If one looks at the proposals outlined by the parliamentary secretary in September 2006 one sees that there are a number of citizenship tests around the world. The United Kingdom’s test, entitled ‘Life in the UK’, tests a person’s knowledge of the UK and the English language. Applicants are tested on chapters 2, 3 and 4 of the Life in the UK book. Topics covered in the test include migration, the role of women, children, family and young people, population, religion and tolerance, regions of Britain, customs and traditions, systems of government and those sort of things. This test was first introduced into the UK on 1 November 2005. It is conducted via computer and consists of 24 multiple-choice questions. Applicants are provided with 45 minutes to complete the test. Questions are randomly allocated to applicants from a bank of 200 questions which are refreshed regularly. The pass mark is around 75 per cent but may vary depending on the type of questions asked in each test. There are alternatives to sitting the test and speaking the language. People aged 75 years and over or people with health problems such as long-term illness, disability and mental impairments may be exempt from the test. That is a very simple provision.

In Canada a written test was introduced in 1994, and it replaced oral citizenship interviews. The paper based test consists of 20 multiple-choice questions with applicants recording their answers on a computer based scantron answer sheet. The test takes about 30 minutes to complete. To be eligible for citizenship a person is required to have an adequate knowledge of Canada, of the responsibilities and privileges of citizenship and of one of the official languages—English or French. So there is a double whammy for Canadians about what they should or should not know. There are some exceptions, of course, based on age or infirmity. Examples from the Canadian test include: Who are the aboriginal peoples of Canada? Where did the first European settlers in Canada come from? What does ‘confederation’ mean? They are simple questions that are critical for a basic knowledge of the land that you are making your home.

The Netherlands also has a test. The test was introduced on 1 April 2003. It is a knowledge test, and the components are conducted via computer and contain 40 multiple-choice questions. Applicants are provided with 45 minutes to complete the test. The questions are changed every six months and the pass mark is 70 per cent. There are four modules: listening, speaking, reading and writing. To be eligible for citizenship a person must be sufficiently integrated into Dutch society and the test must be passed before an application for citizenship is lodged. This is just a sample. The United States has had a test since 1980, and it is currently under review. In the US the pass mark is 60 per cent but there is also a requirement for a longer period of residency and a greater strength is placed on permanency under their citizenship laws.

I have picked out just a few of the tests that are required of people taking citizenship from around the world. Australia has decided that we will have a citizenship tests, and I think that is an excellent idea. The test is outlined in the legislation under subsection 21(2). Paragraph (f) has been expanded to include the requirement that an applicant has ‘an adequate knowledge of Australia’ in addition to the requirement that an applicant has an adequate knowledge of ‘the responsibilities and privileges of Australian citizenship’. Subsection 21(2A) states that a person is:

... taken to be satisfied if and only if the Minister is satisfied that the person has, before making the application:
(a) sat a test approved in a determination under section 23A; and
(b) successfully completed that test ...

There is no way for these criteria to be satisfied other than by successfully completing a test. A person applying under subsection 21(2) will not be eligible to become an Australian citizen unless he or she has successfully completed a test prior to applying for citizenship. It also requires the minister to personally approve a test by a determination in writing under a new subsection. That is the basis of it.

There has been all sorts of speculation about what type of test is going to be adopted. I think there is a general understanding in the House that it will be basic and fairly simple and one that those who are students at school certificate level, or something less than that, would understand. It will not be onerous but it will inculcate over a period of time into people gaining citizenship a real knowledge of what it is to be an Aussie.

I am delighted that these changes are being introduced into our Citizenship Act. I had the great pleasure of being with the minister when he met the committee of the migrant resource centre in Parramatta, when there was a free-flowing discussion about citizenship and the proposed changes. I would have to say there was general satisfaction from people from a wide variety of nationalities, many of whom are already Australian citizens, that there would be no offence given to anybody and there would only be genuine acceptance if the minister went ahead, as he outlined the laws on that day. There was a huge understanding from those responsible citizens who work so hard to assist their fellow former migrants or newly arrived migrants that a commitment to Australia is essential and an understanding of English is essential. They understood that, wherever possible, bringing together an understanding of English and a test where people answer basic questions about the character, history, traditions and values of Australia is an absolute, basic requirement for obtaining citizenship.

I am very pleased that the government has moved to provide this test. It will make sure that those who do not seek to accept Australia will have a greater responsibility to understand Australia placed on them and will be required to make a commitment to abide by that basic nationality test. It is a good thing that we are doing today. I commend the opposition for their approval. I have not seen an amendment that is so supportive of a government initiative before, and I am very pleased that they have decided to move an amendment in the terms that they have. (Time expired)

Dr Emerson (Rankin) (1.09 pm)—This Australian Citizenship Amendment (Citizenship Testing) Bill 2007 provides for the introduction of an Australian citizenship test. The question is: why? Why, after 11 years in office, would the government decide that the time has come for an Australian citizenship test to be formalised? There is already a citizenship test. Citizenship is not handed out like confetti to anyone who has been in the country for a specified period of time. Applicants for citizenship are expected to know about Australia, to have functional English and, basically, to be able to demonstrate that they are of good character. Yet, after 11 years, the government has decided that something new has to be done. Why wouldn’t the government have done this in its first term or even in its second term?

The answer is that there has been a development in the last couple of years, and that development was the Cronulla riots. The Cronulla riots sharpened public opinion, particularly in Sydney but more broadly around
Australia, about the whole issue of the contribution or otherwise of people from other countries to the development of Australia. Now, it is reasonable that the Australian people ask such questions, but the truth of the matter is that this government was responding to public opinion polls. If you want to know what really makes this government jump, what really makes it change a position, it is public opinion polls.

This is a political response to an unfortunate set of developments in south-west Sydney. Those developments were not only the Cronulla riots but also the activities of some members of the Muslim community. The sad truth is that the Howard government has sought to capitalise on the anxiety and division created by the behaviour of a small minority of members of the Muslim community in part of Sydney.

Have there been any major developments over the last 12 months or so in terms of the relationship between long-settled Australians and those who have arrived more recently in Melbourne? Perhaps, but I am not aware of any particular crisis that would have caused the government’s changed position. Have there been any such developments in Adelaide or in Perth? Indeed, in my home city of Brisbane and, more particularly, in Logan City, the area that I represent in this parliament, have there been any major divisions or riots, any ruckus? No, Mr Deputy Speaker, there have not.

In fact, in Logan City, we assert that we have the most diverse population anywhere in Australia—not the highest concentration of people from overseas, including people from non-English-speaking backgrounds, but the greatest diversity. We assert that there are people living in Logan City from more than 160 different homelands. The second reading speech described Australia as a country that has welcomed people from 200 different homelands, so we are right up there; we are only 40 short of the total number of countries from which Australia has drawn citizens over the last 150 years. So Logan City is an incredibly diverse area. Different people live side by side. Wave after wave of migrants who come to Australia come to Logan City.

The most recent wave of migrants is from African countries. Initially, they were Sudanese, but now they are Congolese, people from Somalia, people from Burundi—people from all over Africa. And the people who are already settled in Logan City welcome them with open arms. The people who come from these African countries do not live in enclaves. The sort of picture that is created and painted by this government, a picture of non-integration and people unwilling to declare themselves true Aussies, is not the reality in Logan City, nor is it necessarily the reality anywhere else. Yet that one event, built on simmering tensions, the Cronulla riots, has caused the government to go down this particular path.

In addition to the changes set out in this legislation, the government has made it harder for people from overseas to qualify for citizenship, by extending the qualifying period from two years to four years. Let us be clear about what the government is doing: instead of inviting people to Australia and asking them to make a commitment to Australia through becoming Australian citizens, the government is making it harder to become a citizen. Why would it do that? Isn’t it what the Australian public wants—that those who do come here make a commitment to our country through taking out citizenship?

I argued to the ethnic communities of Logan City that as a federal member I would want as many of them as possible to make a commitment to Australia through becoming citizens. In my view, it is not a desirable situation for people from other countries to come to Aus-
tralia and remain noncitizens indefinitely. We should encourage citizenship not discourage it. Yet through those two separate measures, the government seems to be discouraging citizenship by extending the qualifying period from two to four years and by applying a citizenship test.

Originally, with the first measure the government decided to extend the citizenship qualifying period from two to three years. It must have then thought that it was not hard enough, so made it four years, and then accompanied it with the test. There is already a test, but this formalises the testing arrangements. The main test will be the selection of 20 multiple choice questions drawn randomly from a large pool. Each test is expected to include three questions on the responsibilities and privileges of Australian citizenship. The pass mark is expected to be 60 per cent and the three mandatory questions must be answered correctly.

Interestingly, the provisions contained in this legislation are far more moderate than those originally foreshadowed by the minister. To that extent, we welcome the moderation and Labor will support the measures contained in this legislation. Special arrangements will be made for people whose literacy skills mean that they have difficulty undertaking a test. The minister has a large degree of discretion to provide a different test and exemptions for the test. For example, exemptions will include people under the age of 18 or over 60, and also those with a permanent physical or mental incapacity which prevents them from understanding the nature of their application. There has been moderation from the original intent of this legislation and we welcome that moderation.

Labor also understands that people who come to Australia from non-English-speaking backgrounds, especially those who come from very poor countries and often in dire circumstances, need assistance in learning English. When I speak to the Sudanese and other people from Africa who are settling in Logan City, the first thing they say they want to do is learn English. It is not as if Australia is riddled with enclaves of people who do not want to learn English. The people from these African countries know that, in order to get a job, sustain their families and perhaps bring other people to Australia, they need to be at least functionally literate. They seek help to learn English and Labor says that help should be provided. Isn’t that going to the heart of the issue? We want to assist people to learn English and therefore play out a fuller role in our community. Labor is taking a positive approach on these issues, whereas, sadly, the coalition is taking a negative approach.

Let us ponder for a moment what the possible rationale for this measure could be beyond capitalising on some strong public opinion emanating out of the Cronulla riots. Let us ask whether this citizenship test would stop bad people from becoming citizens. If a bad person wants to become a citizen, do you think they would set out to fail the test? They would be doing their very best to pass the test. Are we saying that someone who is hostile to the Australian way of life may have terrorist intentions? Who would say, ‘I was going to be a really bad guy, but they tripped me up on that citizenship test. I was just about to get away with some heinous crime and then I did the citizenship test, got less than 60 per cent and failed, so I have been exposed.’ It is just ludicrous that this testing procedure could be, in any way, conceived as a means of filtering out bad people, because strongly motivated bad people will pass the test.

Who might fail the test? One group who might fail the test are women from very poor countries from non-English-speaking backgrounds. They come from poor circum-
stances, are poorly educated in their home countries and come to Australia with heavy commitments to their families. They could easily struggle with this test. Do we really want that? Are they the sort of people we want to prevent from becoming Australian citizens? I thought we would want to encourage them. Why not recognise the difficult circumstances of women from poor countries of non-English-speaking backgrounds and assist them in learning English? They do not have a lot of time on their hands, they do not have the educational background to be able to pick up a new language easily and they are the sorts of people who could experience difficulty. They are the people that, I would have thought, we would want to become Australian citizens, not the sorts of the people we would want to deter.

Can this test be abused? Can it be abused by the government of the day instructing the authorities to make the test more difficult or the decision as to whether they have passed or not tougher for particular groups? I do not know, but I fear that it could. Could it be used to keep people from particular ethnic backgrounds from becoming Australian citizens? We cannot really answer that because we have not actually seen the test at this stage but I certainly do hope that that is not the motivation.

Having read the second reading speech, I am none the wiser as to the motivation behind this other than, ‘Isn’t it good that people make a commitment to Australia and understand our culture?’ Of course, that is good, but will a citizenship test make that happen? I doubt it. As I said at the outset, it is not as if there is no test already—there is a test. However, because this particular test as outlined in the legislation is far more moderate than that originally proposed, Labor will support it but we would back it up by committing extra resources to the teaching of English.

Australia needs a strong immigration program and I will acknowledge freely that immigration to Australia over the last few years has increased very substantially. This is a good development and I thank the government for presiding over such an increase in immigration. For example, excluding the humanitarian program, in the mid-nineties we had a total program of a bit over 82,000. Now, in 2006-07, it is 144,000 and it is expected in 2007-08 to be more than 150,000. These are welcome developments. The humanitarian program has remained at around 13,000 a year for the last few years. This is very important for Australia’s future.

The Intergenerational report identifies and quantifies the problem of the ageing of the population. As the Treasurer has said, ‘Demography is destiny’. Decisions that were made through the 1960s, 1970s and 1980s have caused the current situation so not only is the population ageing with us but there is not a great deal that we can do about it in the short term. Something that we can do is to lift the fertility rates of women of childbearing age and there are plenty of policy proposals that have been put forward which are designed to do that. Most of them come from the Labor side of politics, including from the shadow Treasurer, who has identified problems in the family payment system and the disincentives involved in the interaction of the family payment system with the income tax system plus the high cost of child care which mean that women of childbearing age tend not to go back to work as quickly as otherwise they might. There are issues with our declining fertility. There has been a lift in fertility in the last year or so. Some people say that it is a temporary phenomenon as women who approach their mid to late 30s realise that their clocks are ticking and that they need to have their babies if they are going to have them. It is not assured that the temporary lift in fertility that we have
experienced in the last two years will be sustained.

So what do we do about the ageing of the population? We are having debates in this parliament and outside the parliament about productivity. It is vital that we lift the nation’s productivity but there is another way as well to complement a lift in participation in the workforce and that is with a lift in immigration. The difference between the original Intergenerational report and the updated Intergenerational report released by the Treasurer in early April is that the government had not anticipated the strength with which the contribution of an increase in immigration would modify the ageing of the population. That is, the government had not expected that it would be possible to bring in enough younger migrants to help offset the impact of population ageing. It appears that perhaps immigration has greater potential to help offset the adverse consequences of population ageing than had been understood at the time of the original Intergenerational report in 2002. If that is the case, that is very welcome news.

Given that we will not be able to fundamentally turn around the population ageing phenomenon we will need as many younger migrants as possible to bolster the working age population in Australia. There will be shortages of both skilled and unskilled labour not only next year and the year after but right through the foreseeable period. It is understood that there will be skill shortages, but what is not so readily understood is that there will be shortages of people with lower levels of skills as well. With the ageing of the population, we will need working age people perhaps with somewhat lower levels of skills to do a lot of the less glamorous work. We will need people without high skill levels to work in our aged-care facilities as people live through their 90s and become more than 100 years of age. These will be very frail people. So we do need that boost in immigration. I welcome the boost in immigration that this government has presided over but it is vitally important that we make it easier not harder for migrants to come to Australia and we make it easier not harder for migrants to make a commitment to Australia by becoming Australian citizens. (Time expired)

Mr MICHAEL FERGUSON (Bass) (1.29 pm)—I thank you, Mr Deputy Speaker, for the opportunity to speak to the Australian Citizenship Amendment (Citizenship Testing) Bill 2007. This bill is very important to me and I believe it is a subject that is held in high importance by all members of this House. We need to exercise our obligation at all times for greater social cohesion in this great country. It is also my belief that all candidates for citizenship ought to be able to do a citizenship test voluntarily even if they are exempt from the test, and it is on this point that I express my view that the law may need to be changed in the future. Today I want to outline why the Commonwealth government ought to assist these people and why I ask that it be considered in future reviews of this legislation.

In December 2006, the Australian government announced its intention to introduce a test for certain applicants for Australian citizenship. In announcing the plan, the then Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Andrew Robb, said that it would help migrants to integrate and maximise the opportunities available to them in Australia. It was true then and it is true now that this measure will be of benefit not just to candidates for citizenship but indeed to our whole country. Under the proposed test, future migrants will need to demonstrate a basic level of English language skills as well as knowledge of the Australian way of life and shared values. At the time, Mr Robb said:
Australian Citizenship is a privilege not a right. This citizenship test is an important extension of the Government’s broader philosophy of mutual obligation.

A practical, commonsense test will serve to enhance the value of Australian Citizenship as something worth striving for.

Community support for such a test came through with more than 1,600 responses to the discussion paper and, of those responses, 60 per cent indicated their clear support for a formal citizenship test. I feel greatly encouraged that such a large number of people and interest groups put forward their positive proposals in helping to formulate the policy that we are discussing today.

New citizens will undertake a web based test requiring people to demonstrate their knowledge of the English language and of Australia, and there will also be an oral component to the test. While all prospective citizens will need to take a test, there will be provision for alternative testing arrangements for people who cannot attain the literacy standards required. Prospective applicants for citizenship will also be asked to sign a statement of commitment to Australia.

As I outlined earlier, I am also of the strong belief that, if they want to, even those people who are not required to sit the test but who are approaching candidacy for citizenship ought to be offered the opportunity to be given the booklet to study for and undertake the test, if for nothing else but their own sense of pride and achievement. It would have the flow-on benefit of increasing the level of English ability and the knowledge of Australia which will stand them in very good stead into the future.

I have a couple of comments about my electorate of Bass in northern Tasmania, which informs my views on the subject. Bass is not a place, and neither is Tasmania, where we have seen immigration levels such as have been witnessed in other states around Australia. Immigration levels have historically been strong in Tasmania, but in recent decades they have certainly not been at the rate experienced in New South Wales and Victoria. Approximately 13 per cent of people living in my electorate of Bass were born overseas, and approximately 900 people per year immigrate to Tasmania. In the financial year 2005-06 there were 177 immigrants from the United Kingdom, 82 from the Sudan, 47 from India, 33 from the United States of America and 34 from South Africa. There is a strong component, particularly from the African nations, of refugee and humanitarian entrants, and by far the majority of people are entering under skilled work programs and family reunion.

I have a strong affection for our migrant community in northern Tasmania. We have an excellent community of people who have a commitment to Australia and to Tasmania and, while there are pulls and attractions to move closer to some of their fellow countrymen interstate in some of the bigger cities, the ones who choose to stay in Tasmania really love the place. I note that the Africans, in particular, struggle with the cold at times—particularly on a day like today, the winter solstice—but they have a love for Tasmania, which is something which has grown in them even though, if they were refugees, at first they may not have had any choice as to where they would be settled.

I particularly draw the House’s attention to two refugees who have come a great way in Launceston, Tasmania. I hope they do not mind me mentioning them: their names are Abdul and Aminata Succoh. They are a wonderful family with a large number of children, including their youngest, Shalom—a beautiful little child—and they have made and are making the transition from languishing in a refugee camp in Africa. One day the truck rolled by, literally, and they were told that their number had come up and they were
moving to Australia. They have made a tremendous contribution to our community in northern Tasmania and they are exemplars of the African community which they represent. They have opened a business; they are an enterprising family. They are engaged in tailoring, hair braiding and the sale of products—all things African. I pay tribute to them today as people who represent the African community in northern Tasmania and who—I may say this because I have asked—greatly support the Australian government’s immigration policies, including the citizenship test. They are interested in community; they are not interested in politics. They are interested in watching and supporting their people and helping them to make the transition which they have made and are making to have a better life, to appreciate and be part of the country which gave them new hope and a new future and to enthusiastically embrace it. After all, they fled their home country. That is not to say that they do not miss it and it is certainly not to say that they do not miss those loved ones that they left behind, because they do, but they have a deep affection and a deep love for this country, even a deeper love than many people have who were born here in Australia who perhaps have grown up in this wonderful country of ours and, from time to time, take it for granted.

I will in passing make the unusual step of paying tribute to my late father-in-law, Salvatore Fasano, who passed away a few years ago, and who was an Italian immigrant—in fact, a prisoner of war, taken by the Allied forces in the Second World War and placed on the West Tamar in Northern Tasmania to work on a farm there. At the end of the war, he was given the opportunity to return to his home country, but he had in that time developed such a love for and an affinity with Australia that he—through the usual processes—came back here, found a new life here and started his family here. He was another battler who made his way as a man with nothing and made his contribution to his new country.

It would be interesting to know what Sydney’s Sheikh Taj El-Din Hilaly thought of this idea of a voluntary test. It has been well documented that Hilaly arrived in Australia on a tourist visa but did not leave before the visa expired. In 1988, attempts were made to have him deported for inciting hatred and being against so-called Australian values. This did not happen and Hilaly was in fact granted permanent residence in 1990 because the then Prime Minister, Paul Keating, rejected all advice and legitimised his status, which eventually led to him being awarded citizenship. In more recent times, we have heard a lot in the media about Hilaly. In January this year, Sheikh Hilaly appeared on an Egyptian television program and made a number of comments that resulted in widespread criticism here in Australia—bipartisan criticism from all major parties in Australia. He said that, because many British and Irish settlers had been convicts, Muslims had more right to Australia, because they paid their own way. He also said that prison sentences handed down to Lebanese-Australian Muslims for the gang rapes in Sydney were excessive and influenced by the 2001 terrorists attacks in the United States. The sheik also said that Western people—and he singled out the ‘English race’—are the biggest liars and oppressors. There is no such thing as an English race, so I am unclear if he meant the English people or the whole of the Commonwealth. And, as Andrew Bolt reports, what a symbol of determined apartness he was, with so little English after 30 years here—pretty un-Australian.

As a short comment: what worries me still and makes me feel uncomfortable is that the infamous Hilaly, amid all the rumblings, machinations and internal politics of the Is-
Islamic community and the real public hope that he would be impeached, was apparently made an offer to continue in the role by the same Australian National Imams Council which then appointed his successor in the same week.

There are clearly still problems here. I acknowledge that it is very hard to talk about them honestly and openly without opening up a slanging match. But I want to say that I applaud the work of all those who have stretched out the hand of friendship to the Muslim community in Australia in the expectation that there will need to be more and better integration of the Muslim cultural community and other new Australians into the Australian way of life in order for our nation to be a stable and harmonious one into future. This is not about the clash of religions so much as about differences in cultures. Today, I rededicate myself to working positively wherever I can to soothe this problem that I refer to and rededicate myself to maintaining the values that our country cherishes. These values include, as the minister has said, respect for freedoms, including freedom of religion; the dignity of the individual; support for democracy and the parliamentary system; a commitment to the rule of law, under which men and women are equal in every way; respect for all races and cultures; the spirit of a fair go, which is distinctly Australian; mutual respect; compassion for those in need; and promoting the interests of the community generally, making Australia even better.

This change that I have mentioned, and which I continue to propose, ought to be considered after the arrangements we are today debating have been bedded down. It would ensure that those people who wish to become an Australian citizen can do so by also demonstrating an understanding of and a commitment to Australia and our way of life. To those new citizens who are not required to do the test but still want to, I would like to give an opportunity to make further commitment to this great nation. I am not moving an amendment; I simply signal that this is something that I believe ought to be considered by the government after the changes have been implemented and stabilised.

The proposed test outlined in this bill will require demonstration of a knowledge and understanding of our history, values and culture and of the institutions that underpin our free and open democratic society. And what a proud history that is. Notwithstanding our fair share of mistakes, we have come a long way and we—along with our forebears and the unmistakable guiding hand of God—have shaped and inherited a great nation. While this parliament represents and symbolises much of what is great and democratic about Australia, I suspect not enough is spoken in this House about our proud history as an independent nation since 1901. That leads this former schoolteacher—not a history teacher but one interested in his country—to take the chamber back to some selected democratic and social achievements made by a modern nation.

On 1 January 1901, Australia celebrated becoming a federation of states, as Edmund Barton became our first Prime Minister and Lord Hopetoun our first Governor-General. What I love about that era is the catchcry slogans of the federalists. This is part of our heritage and, I hope, our vision for Australia. Their catchcries were: ‘One people, one destiny’ and ‘Unity is strength.’ In 1902 the Commonwealth Franchise Act guaranteed women the right to vote in federal elections and the right to sit in federal parliament, long before other nations took the same step. In 1903 the Defence Act gave the federal government control over its own Army. The first powered airline flight was made in Australia in 1909. Australia’s population was recorded as 4.5 million in our first census, which was
conducted in 1911. The famous Anzac spirit was defined in 1915 at Gallipoli. Sir Douglas Mawson made Australia proud by charting more than 6,000 kilometres of Antarctic coastline in 1931. Tasmania’s own Joe Lyons became my home state’s first Prime Minister in 1932.

I used to teach my science students about the great work of Howard Florey, who, in 1940, along with his team of scientists, developed penicillin for the world. Australia became a founding member of the United Nations in 1945. The Olympics came to Melbourne in 1956 and Sydney in 2000. In 1967 the first Australians, Aboriginal Australians, gained the right to citizenship after an overwhelming referendum result. In 1986 the Australia Act cut all of the remaining legislative apron strings that the UK had to pass laws for our country. In 1999 Australian soldiers were deployed to East Timor as part of a peacekeeping force, confirming our international leadership role which continues to this day in more than 10 places around the world.

There is so much more that could be said, but from what I have said I am sure that you will agree, Mr Deputy Speaker Causley, that our country has offered so much. It continues to be an attractive place for people to call home or to make their home. As a young Australian myself, I recognise my own failure to appreciate as I was growing up the great bounty that we take for granted in Australia.

Many countries around the world have a test such as the one we are discussing today. These include Canada, the United Kingdom, the Netherlands and the United States. In Canada the residency requirement is to spend three years out of four living in Canada as a permanent resident before applying. Applicants have to be able to communicate in English or French and they must know about Canada. They must ‘know about the rights and responsibilities of citizenship’. In the United Kingdom, since November 2005, all new applicants are required to demonstrate knowledge of English and also to have passed the so-called Life in the UK Test.

The Netherlands have led the way in the modern era in this regard. Since 2003 they have required that candidates for citizenship undertake a four-hour test on the Dutch language and national knowledge. In our physically and socially close neighbour, New Zealand, the residency requirement is three years permanent residence—although I acknowledge that there is no test of the nature that we are describing today. In the United States, which proudly boasts of being the land of the free, applicants for citizenship must show that they are a person ‘of good moral character’ for a five-year period. They also need to demonstrate that they can read, write, speak and understand words in ordinary usage. They must also demonstrate a knowledge and understanding of the fundamentals of the history, principles and form of government of the United States.

In closing, let me say that a formal citizenship test is a way to ensure that migrants are absolutely committed and ready to participate in the wider community. It is not a foolproof method but it is another layer of security for our immigration program here in Australia. We again extend the invitation to those abroad who wish to live here: they are welcome. (Time expired)

Mr GAVAN O’CONNOR (Corio) (1.49 pm)—The process by which the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 has come to the floor of this House clearly demonstrates the moral bankruptcy of a tired government grasping for an issue with which to play wedge politics yet again and on which to divide Australians under the guise of uniting them. Let me say
from the outset that my concern with this legislation stems not from any objection to a more formalised citizenship test, as long as it is reasonably structured, but from what we know of this government’s history of using and abusing sensitive community issues purely for its own political advantage, regardless of the cost and consequences to our community.

The process of this bill’s formation is cynical politics at its worst and an indictment of any government that claims to govern for Australians. When the Prime Minister announced in December 2006 that the government would introduce a citizenship test, he stated that that migrants wanting to become citizens would be required to sit a formal exam in English and answer 30 questions about Australian values, traditions, institutions and history which would be drawn from a pool of 200 questions. I note the presence in the chamber of the honourable member for Corangamite, who comes from the Geelong area, as I do. I would say that he would have difficulty answering 30 questions from a list of 200 from a resource book. But, be that as it may, we are going to have 30 questions about Australian values, traditions, institutions and history, and they will be drawn from a pool of 200. Knowing the government’s ugly history of attempting to deliberately manipulate these sensitive community issues for its own political purpose, the opposition requested a copy of the proposed test, a copy of the 200 questions on the aforementioned matters and a copy of the resource documents from which the government had drawn its 200 questions.

Mr McArthur—In English.

Mr GAVAN O’CONNOR—Not surprisingly, Member for Corangamite, none were available. So we have the Prime Minister of this country saying to the migrant population of Australia: ‘It is time that you took a test; you are going to be tested out of 200 questions and you are going to have to answer 30 with a pass mark of 60 per cent and it is all going to come out of a resource book. But, by the way, we haven’t even done any of that. We don’t even know which values we are talking about. We don’t really know which historical questions there will be,’ et cetera. I think that at that point the process of this bill coming into existence was exposed. There is nobody in this chamber who would deny that citizenship is a very important source of identity for us all. When we travel, we love to be considered as and let everybody know that we are Australians. Indeed, when citizenship ceremonies are held, we welcome those people who have made that momentous decision and we encourage and support them in making that great decision to become citizens that enhances their identity as Australians. Nobody has argument with that particular proposition. What we on this side of the House have argument with is a government that seeks to deliberately manipulate this issue for its own political purpose.

As I said, the Prime Minister made the statement and then, when we asked him to front up to the crease and bat out some questions that were involved in the test, he could not even answer them. The Prime Minister is asking people who want to take out Australian citizenship to answer questions that the government has not even thought about or thought through in proposing this legislation. The facts of the matter were that there was no test devised, there was no reference list of 200 questions and there was no base document from which the questions were sourced. So the fraudulent behaviour and confected concerns of members of the Howard government were exposed for us all to see. The government was prepared to risk community division and deliberately cause anxiety and concern among our migrant communities—
all for the sake of wringing the political rag
to pander yet again to the more ugly and de-
structive elements of its conservative con-
stituency. The people of Geelong and the rest
of the nation deserve better.

I want to share with members of govern-
ment and my side of the House aspects of the
Geelong experience. It is something of which
our community is extremely proud. We are a
multicultural community in Geelong and
proud of it. I have been the member for
Corio since 1993 and have seen my commu-
nity mature and grow in tolerance and un-
derstanding over that time. As each new wave
of settlers has sought sanctuary in Geelong to
build a better life for themselves and their
families, through their efforts, those migrants
have made an enormous contribution to the
economic prosperity of the region, and they
have enriched its social and cultural life im-
mensely. On behalf of the wider community,
I thank each and every one of them for
choosing Geelong as their home and for their
personal contribution to making Geelong the
great city and wonderful place to live that it
is. Geelong’s diverse ethnic communities
come together under the umbrella of the
Geelong Ethnic Communities Council,
which, since its inception, has played a very
constructive role in giving each community
an opportunity to formally have its say on
issues affecting migrants and the provision of
services to migrant families. Not only that, it
is a major promoter and supporter of Gee-
long’s great Pako Festa, a multicultural festi-
val that is now acknowledged to be one of
the best in the country.

It is not only in the economic, cultural and
social fields that migrants have made a great
contribution. There has been one in the sport-
ing field as well. Members of this House will
note that Geelong is on the top of the AFL
ladder.

Mr Nairn—Hear, hear!

Mr GAVAN O’CONNOR—The member
for Eden-Monaro has entered the chamber. I
know what a diehard supporter of Geelong
he is. As he would appreciate, in the current
team are ‘Bomber’ Wojcinski, Kane Tenace
and Travis Varcoe—an Indigenous player of
great skill and potential. Past players with
ethnic backgrounds include Peter Riccardi
and Brent Grgic. Of course, we can go back
in history to the great Peter Pianto and Paul
Vinar and in doing so we are getting back to
the era of the honourable member for Coran-
gamite. If we go to soccer, Josip Skoko,
Steve Horvat and Joey Didulica are great
current or immediate past contributors to
Australian national and international soccer.
And, while I am on my feet talking about the
importance of sport for the region of Gee-
long—and I note that the Prime Minister has
entered the chamber—we will be approach-
ing the government for a $26 million contribu-
tion to Skilled Stadium. I hope the Prime
Minister will look quite favourably on that
request, because Geelong is an important,
iconic foundation member of the Australian
Football League and Kardinia Park is a
community complex. We want to secure it
long term for the total population of Geelong
and improve its capacity to serve those great
ethnic communities that have made impor-
tant contributions to the Geelong Football
Club and the AFL and to soccer in Australia.

In respect of the substance of the bill, I
note that the Geelong Ethnic Communities
Council, through the Ethnic Communities
Council of Victoria, the ECCV, has ex-
pressed its opposition to the new proposals in
the bill on the basis of their judgement that
the discussion paper Australian citizenship:
much more than a ceremony, which under-
pins what the government is doing in a pol-
icy sense, fails to demonstrate a convincing
case for the need to overhaul Australia’s citi-
zension requirements. I have read the
ECCV’s submission and I must say to the
House that the views expressed are logical, coherent, substantial, well articulated and deserving—

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

MINISTERIAL ARRANGEMENTS

Mr HOWARD (Bennelong—Prime Minister) (2.00 pm)—I inform the House that the Minister for Trade will be absent from question time today. He is travelling to Germany to attend a G6 meeting and WTO negotiations. In his absence, the Minister for Foreign Affairs will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Child Abuse

Mr RUDD (2.00 pm)—My question is to the Prime Minister. I refer to the Prime Minister’s policy announcement just before question time, outlining his response to the crisis of child abuse in Indigenous communities, as revealed in the report *Little children are sacred*. I indicate to the Prime Minister that I will do whatever I can to work with him to address this response to the crisis of child abuse in Australian Indigenous communities. On that basis, would the Prime Minister and his minister, the Minister for Families, Community Services and Indigenous Affairs, provide an urgent briefing to the shadow minister and me on the proposals that he has put forward, their detail and the funding attached to them, subsequent to question time?

Mr HOWARD—I will be happy to facilitate a full briefing. I will speak to my minister. I welcome what the Leader of the Opposition has said. This is a national emergency. There is no greater obligation that this parliament has than the obligation of caring for the young and vulnerable in our community. We are dealing with a group of young Australians for whom the concept of childhood innocence has never been present. That is a sad and tragic event. Exceptional measures are required to deal with an exceptionally tragic situation. That has been the substance of what I announced a few minutes ago.

In the course of saying that, I pay tribute to the minister responsible, the Minister for Families, Community Services and Indigenous Affairs. From the moment he assumed that portfolio, he identified this problem and he pursued it. He was ridiculed and criticised by some for doing so. If he had not pursued it, the inquiry which has led to this response would never have been established. I thank him for the contribution he has made. I know that he is very committed and will be very happy to brief your shadow minister on the substance of the matter.

Child Abuse

Mr TOLLNER (2.02 pm)—My question is also addressed to the Prime Minister. Would the Prime Minister advise the House now of details of the Australian government’s response to the emergency outlined in the Northern Territory report into the protection of Aboriginal children from sexual abuse?

Mr HOWARD—I thank the member for Solomon for his question and I also thank him for the advice and counsel he provided to me and to the relevant minister regarding this matter prior to the government’s final decision. The measures are essentially as follows, and they are couched against the background of believing that this is a national emergency. The Minister for Families, Community Services and Indigenous Affairs put it to me very powerfully yesterday when he said that if this report had been about events in the suburb of Dickson, here in the Australian Capital Territory, there would
have been a massive and immediate community response and a demand that something along the scale that I outlined a few minutes ago be undertaken by the government. We take the view that the same attitude should be adopted in relation to the Indigenous children of the Northern Territory.

The actions that the government has announced will be overseen by a task force of eminent Australians, including logistics and other specialists and child protection experts. I am very happy to announce that Dr Sue Gordon, the eminent Western Australian magistrate, has agreed to assume a leadership role in the task force. Essentially, what the government has in mind is the introduction of widespread alcohol restrictions on Northern Territory Aboriginal land for six months—banning the sale, the possession, the transportation and the consumption—and broader monitoring of takeaway sales across the Northern Territory. We will be appealing to the Australian Medical Association to encourage the provision of doctors to undertake a medical examination of every Indigenous child in the Northern Territory under the age of 16. The federal government will bear all of the additional costs involved in relation to those health checks. I have no doubt that the Australian Medical Association, given its longstanding interest in this issue, will respond very enthusiastically to what the government has in mind.

We propose a major change in the area of welfare in order to stem the flow of cash going towards alcohol abuse and to ensure that funds that are meant to be used for children’s welfare are actually used for that purpose. The main intention here is that 50 per cent of these welfare payments will effectively be quarantined for the purchase of food and other essential items. That will apply to all families receiving these payments anywhere in the affected areas. We will be enforcing school attendance by linking income support and family assistance payments to school attendance for all people living on Aboriginal land. We will be ensuring the provision of meals for children at school, with parents paying for those meals.

The Commonwealth government will take control of townships through five-year leases to ensure that property and public housing can be improved. That will include, if appropriate, the payment of just terms compensation. We will be requiring intensive on-ground clean-up of communities to make them safer and healthier by marshalling local workforces through Work for the Dole arrangements. We intend to scrap the permit system for common areas and road corridors on Aboriginal land. We intend to ban the possession of X-rated pornography in the prescribed areas and we will check all publicly funded computers for evidence of storage of pornography.

In the area of law enforcement, there will be an immediate increase in policing levels, which have been woefully inadequate for many years in the Northern Territory. We will be calling on the state police services to provide at least 10 additional officers at Commonwealth expense, and they will be sworn in as Territory police officers to assist with the policing task. We will provide additional resources to set up an Australian government sexual abuse reporting desk, and we will appoint managers of all government businesses in all of the relevant communities. Next Thursday there will be a meeting of the Intergovernmental Committee on the Australian Crime Commission, and the federal representative on that body, the Minister for Justice and Customs, will ask his fellow ministers to refer to the Australian Crime Commission a reference to allow the commission to identify and locate perpetrators of sexual abuse of Indigenous children in other areas of Australia. After the identification of those
I also indicate to the House that the minister will be bringing to cabinet at its next meeting proposals for further extending the conditionality of welfare payments to all Australians receiving income support, to ensure that these payments are used for the benefit of their children. I should put the House on notice that it may be necessary for parliament to be recalled from the winter break in order to pass the legislation needed to give effect to this package. That legislation will involve amendments to the Northern Territory (Self-Government) Act and to the Northern Territory land rights legislation. At this stage I am advised that amendments to other pieces of legislation will not be required.

Many in the House will know that the terrible, sad and tragic set of circumstances revealed by this report in Northern Territory is duplicated in other parts of the country. The difference between the Territory and other parts of the country is that this parliament has the constitutional power and authority to do something about it in the Territory. We do not have the constitutional power to act in the same way in the states. I would appeal directly to every state Premier who has got the same problem in some part of his state to do the same as I have announced this morning. I appeal directly to the Premier of Queensland, to the Premier of New South Wales, and particularly to the Premier of Western Australia. They know that they have the same problem, and many of them have had reports saying that. I am asking them to do the same for their Aboriginal children as we have today announced a willingness to do for the Aboriginal children of the Northern Territory.

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**Sea King Helicopter Accident**

**Mr FITZGIBBON** (2.10 pm)—My question is to the Minister for Defence. Can the minister confirm that large sections of the board of inquiry report on the Sea King helicopter crash have been deleted? Further, is the minister satisfied with the report, and will he now move to ensure that all due processes were properly followed, that all the facts relating to the accident and responsibilities for it are made public, and that all the families of the nine personnel who lost their lives are given full closure?

**Dr NELSON**—I thank the member for Hunter for his question. Today the Chief of the Australian Defence Force, the Chief of Navy and the Maritime Commander for Australia are releasing the board of inquiry report into the Sea King tragedy which occurred on 2 April 2005. Every one of the 256 recommendations in that report are being implemented fully. Thirty per cent have been implemented already and by the end of this year 90 per cent will be implemented. It has been a very painful process, particularly for the families of those who lost their lives, for the two men who survived and their families, and for all of those in the Royal Australian Navy—and No. 817 Squadron in particular.

There are issues of natural justice which need to be addressed. A significant amount of legal opinion has been applied to the report prior to its release, and there are a number of redactions throughout the 1,700 pages of the report. Those redactions—or deletions, as the member for Hunter may choose to call them—reflect operational requirements, they reflect issues of natural justice, and they also reflect very strong legal advice which was provided to the Royal Australian Navy and the board of inquiry.

I wish to reassure not only the member for Hunter and the House; I particularly wish to reassure the families and every Australian
who has an interest in making sure that a tragedy like this, for these reasons, does not ever occur again. Whilst there are redactions in that report, every single one of the individuals who have been identified—irrespective of his or her rank—will be pursued with the full force of the law but with the application of natural justice.

**Child Abuse**

Mr FAWCETT (2.12 pm)—My question is addressed to the Minister for Families, Community Services and Indigenous Affairs. Would the minister outline to the House the immediate steps the government will be taking on the scourge of alcohol abuse and child abuse affecting Indigenous children in the Northern Territory?

Mr BROUGH—I thank the honourable member for Wakefield for the question. As a man who puts the family first in everything he does, he understands the significance when a family unit breaks down because of grog, because of marijuana, because of sexual abuse, or because of domestic violence, and knows that it is an issue of national significance and national emergency.

I refer to the very first recommendation of the report. It states: ‘That this be designated an issue of urgent national significance by both the Australian and the Northern Territory governments.’ I have likened this to the action we should take when a community is struck by a cyclone or a flood. Certain things have to be put aside. Certain normalities have to be discarded. You have to move boldly and you have to do it quickly. When I first came into this job, the Chief Minister of the Northern Territory said to me that the town camps in Alice Springs were her No. 1 priority. Here we are, some 16 or 17 months later and, unfortunately, I cannot report any significant improvement—in fact there is no improvement in the town camps. It has not been through lack of money, resources or will on behalf of the Howard government that it has not happened. What we are calling for here is not to delay another day. I could not live with myself and I know that not one member of this House would want to live with themselves knowing that we sat on a report like this for eight weeks and then said for another six or eight weeks that we would wait and try and come up with some answers and then start to implement them.

The children deserve and need us to implement things today. The first thing that we can do that does not require legislative change, that does not need the recall of the parliament, is for the premiers of the other states in this country to stand up, to come up to the plate, to come forward with the police resources so that we can have them sworn in as Northern Territory police and have them on the ground. We know for a fact that when police are on the ground people come forward. In Kulumburru, when the Western Australian government put a police station there, in very short order a young woman came forward and as a result of her evidence we now have 13 men who have been charged with child sex abuses. That is 13 males out of an adult male population of about 90. That is just unbelievable in this country. And no-one should think for a moment that that is the only community. Without police, without someone responsible to report that abuse to, it could not happen. We can do something about that now.

In the same way as this country responded to the tsunami—we had people up in the Indonesian archipelago and other places within days—we need that to happen here. We are prepared to stand by and have the military forces of this country provide their logistics, their vehicles and their communications, and the language skills of the Indigenous parts of our defence forces to support the men and women of the Australian police forces in
their duty. That will give comfort. That will give real purpose to what we are doing. That is the first thing that needs to happen and it does not need to take weeks. I ask the state premiers to start working on this now in the interests of these children.

One other issue that I would go to, in the multitude of things that we are undertaking here, is the compulsory acquisition under just terms. We are doing that because we need to be able to ensure that people are living in hygienic conditions, so that the conditions that currently prevail where people are living in overcrowded houses, where there are no norms and where all of the abuse can take place can stop. But we need to have control over the homes—the condition they are in, who is in them and what is occurring in them.

We are asking for that now, so that we can do that and return normality over the next five years. There are three phases to what we are doing: (1) stabilisation, (2) normalisation and (3) exit. This will require the entire support of the Northern Territory government. Phase 2 will deal with the issues that many of you will think need to be dealt with. But, first of all, we have to stabilise. The grog has to be restricted. As a senior woman in Wad-eye said to me, ‘Please stop the cash flowing into these communities because they are buying grog, they are buying gunga and they are then destroying our children, and this is money that we need to have.’ These are the steps we have announced today. These are the steps no less that will deal with the insidious crime against the children of our nation.

**Interest Rates**

**Mr SWAN** (2.18 pm)—My question is directed to the Prime Minister. How can the Prime Minister claim that working families in Australia have never been better off when new Reserve Bank figures released today show a further increase in the proportion of household income consumed by mortgage interest has reached a record 9.5 per cent? Prime Minister, is it a fact that the proportion of household income consumed by mortgage interest has more than doubled since 1991, with the majority of the increase occurring since interest rates started rising in 2002?

**Mr HOWARD**—It is the case that people are buying ever more expensive houses, and they are doing that because of a number of factors. One of them is that interest rates are lower and people can borrow more. The member for Lilley is very good at selectively quoting from things.

**Opposition members interjecting—**

**Mr HOWARD**—Well, he is. The Reserve Bank’s March 2007 Financial Stability Review says:

> **The average mortgage repayment on a new owner-occupied loan as a share of average disposable income is below its peak in 1989. In other words, notwithstanding the fact that people can now afford to buy ever more expensive houses, it is still below the 1989 peak.**

I do not know what the member for Lilley is talking about. I recognise that some Australian families are doing it tough. I always have and I always will. No matter who is in office, there will always be some families who miss out. If you look at overall wages, if you look at unemployment, which is at a 33-year low, you will find that if fairness is the chance of a job of then, as Tony Blair famously said and truthfully said, fairness in Australia is at a 32-year high.

**Workplace Relations**

**Dr SOUTHCOTT** (2.20 pm)—My question is addressed to the Treasurer. Will the Treasurer inform the House of the link between a flexible industrial relations system and productivity growth. How would greater union involvement in the industrial relations system affect the Australian economy?
Mr COSTELLO—I thank the honourable member for Boothby for his question. I think I can say that all the international advice from all of the respected agencies, including the OECD and the IMF, is that the more flexible the labour market is the higher the productivity outcomes you will get, all other things being equal. The point was made yesterday by the OECD in their Employment outlook where they said:

The clearest result emerging from our analysis is that too strict statutory employment protection for regular contracts appears to dampen productivity growth, most likely by restricting the movement of labour into emerging high-productivity activities, firms or industries.

What they are saying is, ‘Don’t tie your labour market down with too strict statutory controls such as unfair dismissal laws. Make sure that it’s flexible enough for people to be able to move into high-growth, high-productivity activities and for those firms to pick them up.’ That is the best way of having a productivity-centred industrial relations system.

This week, of course, we have been witnessing the gaffs of the Leader of the Opposition in relation to productivity. But, leaving aside all of the gaffs that he has made, what policy lessons are there to draw in relation to productivity? The first is this: if you really want a system that is pro-productivity, you will support flexible industrial relations; you will not want to have a return to the past. Another thing that you will want is workplaces where people can get on with work without having to put up with thuggery and intimidation. That is why this government introduced the ABCC: to bring an end to thuggery and intimidation. The Leader of the Opposition, it appears, has discovered for the first time in his life that thuggery and intimidation occurs on building sites, not just in Western Australia but as goes on on hundreds of building sites and other workplaces around Australia.

Having suddenly discovered what everybody who knows anything about industrial relations in Australia has known for decades, the Leader of the Opposition says that he is going to get rid of Joe McDonald. He says he is going to draw a line in the sand. I have this question to ask the Leader of the Opposition: on which side of that line in the sand will Kevin Harkins, the ALP candidate for Franklin, stand? Joe McDonald is not the only building official who has engaged in intimidation. One of the candidates that is lining up as a Rudd Labor candidate at the next election, in the seat of Franklin, Mr Kevin Harkins, an official of the ETU, is in exactly the same situation. He is still, to this day, being paid by the ETU, having been despatched to Tasmania by Dean Mighell. He has been described by Harry Quick, the current member for Franklin, as ‘a foul-mouthed, bullying trade union person of the worst ilk’. Seeing that Mr Rudd is now in the business of getting rid of bullying union officials—

The SPEAKER—Order! The Treasurer will refer to the Leader of the Opposition by his title.

Mr COSTELLO—the Leader of the Opposition ought to have a very careful look at Kevin Harkins. You can take the word of the member for Franklin or you can take the word of the Royal Commission into the Assistant Secretary of the CFMEU, engaging in that very behaviour in Western Australia. It came to light because the ABCC, investigating, managed to get some video. But, of course, if the Leader of the Opposition had had his way, there would have been no ABCC, there would have been no video and there would have been no end to the continuing pattern of behaviour of Joe McDonald and his cohorts on building sites, not just in Western Australia but as goes on on hundreds of building sites and other workplaces around Australia.
Building and Construction Industry, which found that Kevin Harkins had ‘engaged in unlawful conduct’. At the Melbourne Eastlands project he threatened a builder by saying, ‘If necessary, the union will block off the entrance to our site with a truck, in the middle of a concrete pour.’ That is the Labor candidate for Franklin. It is all very well to say, just because Joe McDonald got caught on video and you are embarrassed about it, that you want to do something about Joe McDonald, but I call on the leader of the Labor Party and the whole of the Labor Party to dissociate themselves from this ETU official, Kevin Harkins, to make it clear that they will stand up against thuggery, whether it is captured on videotape or not, and to immediately disendorse Kevin Harkins as the ALP candidate for Franklin.

Broadband

Mr TANNER (2.26 pm)—My question is to the Prime Minister. Can the Prime Minister confirm the assessment of Gartner mobile and wireless research director, Robin Simpson, that access to the government’s WiMAX broadband network will cost users in rural and regional Australia up to $1,000 in installation costs? Can he confirm that no existing laptop will be able to access the WiMAX network without the attachment of a special network card costing up to $300?

Mr HOWARD—No, I will not and cannot confirm it.

Workplace Relations

Mr TICEHURST (2.27 pm)—My question is addressed to the Prime Minister. Is the Prime Minister aware of any support for the government’s tough approach to the building industry? Is there evidence of this approach benefiting the economy? Is the Prime Minister aware of any alternative views?

Mr HOWARD—I thank the member for Dobell for his very perceptive question. I can report to the member for Dobell that the level of industrial disputation in the building and construction industry is at an all-time low. There has been a fall from something like a factor of 35 out of 1,000 days of work, in the number of strikes, to something less than two as a result of the legislation introduced by this government. It is very interesting that, in the past 24 hours, the Leader of the Opposition has told the Australian people that he will adopt a policy of zero tolerance towards thuggery and illegal behaviour in the building and construction industry. They are fine words and they might be believable if they had been matched by action. But let me point out to the House that, far from exhibiting zero tolerance towards thuggery in the building industry, the Leader of the Opposition has exhibited maximum toleration towards thuggery in the building industry. He now wants the Australian people to believe that if he were to become Prime Minister he would seriously retain in its present form the ABCC—that is, the watchdog that protects people in the building industry against the likes of Joe McDonald, Dean Mighell and Kevin Reynolds.

Mr Costello—And Kevin Harkins.

Mr HOWARD—Yes, and Kevin Harkins. The ABCC is the watchdog, and what the Leader of the Opposition is now saying is: ‘I’ll keep it for two years.’ That is not much of a concession on its own. Of course we all know that if he were to become Prime Minister he might keep it in its form for two years but he would deny it funding, he would withdraw its staff, he would denude it of resources and he would make it an absolutely toothless operation from the moment he assumed office.

If you think I exaggerate, let me remind you that, on two occasions when the Labor Party and the other parties had the numbers in the Senate, the Leader of the Opposition joined with others to stop this body coming
into operation. I have got a couple of division lists. In 2003 on the Building and Construction Industry Improvement Bill, the ayes include a number of very meritorious people like ‘M. Vaile’, ‘P. Costello’, ‘A. Downer’, ‘A. Abbott’, and so the list goes on; I think you get my drift. But I now go to the noes. I am sorry to report they include these people. There are ‘Adams’ and ‘Albanese’ and as I scroll down I come across the name ‘Gillard’, that of the deputy leader. How was she voting? She was voting against the very laws that the Leader of the Opposition would now have us believe he has sworn to uphold if he becomes the Prime Minister of this country.

If I scroll down a bit further, I come across another name. It comes after ‘Roxon’ and it comes before ‘Sawford’. What is it? It is ‘Rudd’. Mr Rudd is the member for Griffith and he is now the Leader of the Opposition—and he voted to kill the watchdog. And he now wants us to believe that he would be in the corner of the average punter on a building site protecting them from the thuggery of Reynolds, McDonald, Mighell and Harkins! Yet when he had the opportunity, he voted against this body being brought into operation.

If it had not been for the wisdom of the voters of Queensland, I am pleased to say, at the last election that gave this parliament four coalition senators, we would never have had the protection of this body and Joe McDonald would have been able to do his worst on every building site in Western Australia. The only reason this video was taken—the only reason this is an issue—was that the very body that the opposition leader tried to stop being created in the first place came into existence because we were able to pass this through the Australian parliament.

The trickery of the Leader of the Opposition on this subject knows no bounds. This morning he was asked about returning the donations of the CFMEU in Western Australia. This is what he had to say, and this is a measure of how tricky he is on this subject. He said:

Furthermore, others have raised with me the question of campaign contributions from the Western Australian division of the general construction division of which Mr McDonald comes.

Listen to this; isn’t it tortuous? He goes on to say:

I have spoken to the national secretary of the party about this this morning—you know: ‘Tell us the truth, Tim, all about this’—and I’ve confirmed with him that the federal campaign has received no contributions from this division of the union—the federal campaign—and I have also confirmed with the national secretary that he will be seeking no campaign contributions from this division of the party as well.

That is the greatest piece of trickery and a great charade. I happen to have in my hand a document. It is called ‘Donor to political parties annual return’. The name of the organisation—I think I can read the handwriting—is: ‘Construction, Forestry, Mining and Energy Union, C&C division, Western Australia’. And who is the person completing this form? None other than Joseph McDonald, who is shown as the ‘Assistant Secretary’. The endearing Joseph lists, in his own fair hand, donations totalling about $70,000 in the financial year 2004-05. The name of the organisation—I think I can read the handwriting—is: ‘Construction, Forestry, Mining and Energy Union, C&C division, Western Australia’. And who is the person completing this form? None other than Joseph McDonald, who is shown as the ‘Assistant Secretary’. The endearing Joseph lists, in his own fair hand, donations totalling about $70,000 in the financial year 2004-05. What the Leader of the Opposition is asking us to accept is that, if the union of which the dreaded Mr McDonald is assistant secretary gives $70,000 to the Western Australian branch of the Australian Labor Party, none of that is beneficial to the federal aspirations of the Labor Party in Western Australia. All I can say is that on occasions—
Mr Albanese—Mr Speaker, I rise on a point of order. To assist the Prime Minister, I seek leave to table the article ‘Union gave $1,450 to CLP poll war chest’, which—

The SPEAKER—The Manager of Opposition Business will resume his seat.

Mr Albanese—outlines the—

The SPEAKER—The Manager of Opposition Business will resume his seat.

Mr Albanese—CFMEU construction—

The SPEAKER—The Manager of Opposition Business will resume his seat! I say to the Manager of Opposition Business he should not use that way of trying to interrupt an answer to a question. If he wishes to table something he will do it at the end of the answer. The Prime Minister is in order.

Mr HOWARD—Can I just remind the House that this return signed by Brother Joseph is to the Australian Electoral Commission and that the Australian Electoral Commission, the last time I checked, was responsible for Commonwealth electoral matters and not for electoral matters in the state of Western Australia. So if Brother Joseph believes there was a federal destination for this money, are we seriously to believe this tortuous, tortured and sneaky explanation that has come from the Leader of the Opposition about this money? The truth of the matter is that the Leader of the Opposition has once again contorted the truth. He has been less than candid, he has been very tricky and he is so far in with the likes of McDonald and Reynolds that he has to resort to those devices. As to what he is trying to do today with this meaningless stunt of having McDonald expelled from the Australian Labor Party—and it is a meaningless stunt—if the Leader of the Opposition wanted to demonstrate how tough he is with the unions he would dump the legislation that would bring back the thugs.

Mr Albanese—Mr Speaker, I seek leave to table the article about the CFMEU supporting the Country Liberal Party.

Leave granted.

Prime Minister

Mr McMULLAN (2.37 pm)—My question is to the Prime Minister. Consequent upon him referring in that last answer to what might happen in 2010, I ask: will the Prime Minister commit to serving a full term if he wins the next election?

Government members interjecting—

Mr HOWARD—I will commit—

The SPEAKER—Order! Order! The Prime Minister will resume his seat. The Prime Minister will be heard. I call the Prime Minister.

Mr HOWARD—I am prepared to commit to a lot of things, and the first thing I am going to commit to is pursuing, while I have breath, the undoubted links between the union thugs and the Australian Labor Party. Mr Speaker, that is the first thing—and I tell you what: you will hear a lot of things about that over the years ahead, and I refer you to the previous statements I have made on the subject.

Transport Infrastructure

Mr CAMERON THOMPSON (2.39 pm)—Hear, hear, Mr Speaker! My question is to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the Deputy Prime Minister advise the House how the government’s investment in road and rail will boost the Australian economy, including in my electorate of Blair, where the population of Ipswich is set to double to 330,000 people in the next 18 years? Are there any threats to the delivery of this investment?

Mr VAILE—I thank the member for Blair for his question. The member for Blair would be well aware that the government is in the
middle of delivering $38 billion worth of investment, via the Australian construction industry, in infrastructure in Australia—much-needed infrastructure that will power growth and productivity in the Australian economy well into the future. Of course, very important to that in south-east Queensland is the level of commitment from our government in terms of making sure the infrastructure in south-east Queensland keeps pace with the growth in population that the member for Blair indicated in his question, particularly in that area outside Brisbane and out towards Ipswich.

One of the significant announcements already made, a project to which funding will be going in the early stages of and through AusLink 2, is the development of the Goodna bypass between Brisbane and Ipswich. It is a visionary project that has been championed by the member for Blair against the nay-sayers in the Queensland Labor government and others—

Mr Bevis—and the Queensland Liberal Party.

Mr VAILE—and one that shows a great deal—

Mr Bevis—and the Queensland Liberal Party.

The SPEAKER—The member for Brisbane!

Mr VAILE—of vision—

Mr Bevis interjecting—

The SPEAKER—The member for Brisbane!

Mr VAILE—building a piece of infrastructure that will last for 30 years after it has been built—

Mr Bevis interjecting—

The SPEAKER—I warn the member for Brisbane!

Mr VAILE—and that is what we are on about. But we want to make sure that this record level of investment that we propose to make in infrastructure across Australia delivers on the ground—that every dollar we have allocated gets spent on building infrastructure, not wasted on either inefficient state bureaucracies or inefficient work practices in those industries.

We have seen and heard a lot recently about some of those practices that used to exist in Australia—about a lot of the union intimidation that used to take place when subcontractors were not complying with their wishes. I mentioned earlier this week an example in my own area of a family small business that was nearly drummed out of business, sent bankrupt, because of intimidation by the CFMEU in the construction industry. To their credit, those people went along and gave evidence to the Cole royal commission into the building industry, and as a result of that and other evidence the recommendations of the Cole royal commission were implemented and today we have the Australian Building and Construction Commission as a watchdog, to ensure that those intimidatory practices no longer exist in construction industry workplaces in Australia.

As the Treasurer and the Prime Minister have indicated in their comments, what we have been witnessing, what Australians have been appalled by witnessing on television in the last 24 hours, is evidence that those practices do still exist in this industry—evidence that is available only because of the existence of the Australian Building and Construction Commission, which provides support and advice to employers in these industries and on these construction sites across Australia. Now, we know what the Labor Party is going to do. We know what the Leader of the Opposition is going to do: he will bone out this commission between now and 2010 until it no longer exists. There will
be nobody there protecting the investment that taxpayers make, protecting employers in these industries from the thuggery of some of these unionists like Joe McDonald in Western Australia.

But it does not stop there. That evidence has come from the west coast, but there are also all sorts of interesting activities on the east coast—and not just by the CFMEU; this is rampant throughout the union movement. We read with interest a story in the media today, in the *Daily Telegraph*, entitled ‘Union violence: officials charged’. The story read:

Two National Union of Workers officials, organisers Charlie Morgan and Bruno Mendonca, were yesterday charged with assaulting and intimidating a Transport Workers Union official, allegedly stomping on and fracturing his feet and throwing him against a wall.

These are not other workers. These are not employers. These are not employees intimidating other employees. This is cannibalism within the union movement. This is about turf warfare. This is the NUW wanting to muscle up and strengthen its numbers in advance of the possible election of a Rudd Labor government—and they are salivating about getting back into power.

Do you know what the slogan of the NUW is? It is not ‘The interests of workers’, it is not ‘Improving the pay of workers’ and it is not ‘Improving the safety of workers’. Their slogan is: ‘Organising for power’—that is, political power in Australia through the Australian Labor Party. We all know the support they have provided for the Australian Labor Party over the years. While the coalition government is putting in place common-sense policies that are delivering new jobs in the Australian economy, the Labor Party is preparing to wreck the economy and hand power back to the union movement.

Prime Minister

Mr McMULLAN (2.45 pm)—My question is to the Prime Minister. Prime Minister, isn’t it arrogant in the extreme to go to an election in three months time without being candid with the Australian people about your intentions for the next three years? Don’t the people have a right to know?

The SPEAKER—In calling the Prime Minister, I would point out that that is actually seeking an opinion. But the Prime Minister may choose to answer.

Mr HOWARD—That is a very interesting switch of questions. Where is the concerted IR attack? What about broadband, IR, tax, the economy, social policy?

Mr Tanner interjecting—

The SPEAKER—Order! The member Melbourne is warned!

Mr HOWARD—Can I say to the member for Fraser that, in the end, the best judges of arrogance in public life in this country are the Australian people. I am glad that those who sit opposite nod their heads in agreement, because I seem to remember that the member for Fraser and his colleagues asked me the same question in 2004 and in 2001. I gave the answer then—and it was a truthful answer—that it is an enormous privilege to be the Leader of the Liberal Party of Australia. It is surpassed by only one other privilege that is even greater than that, and that is to be Prime Minister of this magnificent country. The people who decide how long I remain in my position as Leader of the Liberal Party of Australia are my parliamentary colleagues in the Liberal Party, and those who decide how long I remain Prime Minister of this country are the people of Australia. As always, I will accept with the very best of grace whatever judgement my fellow Australians make on the contribution I can make to the future of this country.
Mr BARRESI (2.48 pm)—My question is addressed to the Treasurer. Would the Treasurer inform the House of the government’s approach to tax policy? Is the Treasurer aware of any alternative approaches?

Mr COSTELLO—Can I, firstly, acknowledge the member for Deakin and congratulate him on the way he represents the electors of Deakin. I think all people who are against thuggery in Australia will be hoping that he is re-elected against the ETU candidate in Deakin, Mike Symon—the Dean Mighell ETU candidate in Deakin. I say that in passing because this Leader of the Opposition is so deeply in hock to the brutal face of trade unionism in this country that he just does not know how deeply he is in hock.

This government believes in cutting taxes where we can do so. Consistent with balancing our budget and paying off debt, and consistent with funding medical services, pharmaceutical services, defence services and educational services, we believe the tax burden should be as low as possible. That is why on 1 July those Australians who pay income tax will be receiving another income tax cut. 1 July is income tax cut day. It will be done in two ways: by increasing the low-income tax offset and by shifting the threshold for the lowest rate from $25,000 up to $30,000. I also want to remind Australians that, if you happen to be an age pensioner, this week you will be receiving a bonus of $500. Every age pensioner will be getting $500 and every age pensioner couple will be getting $1,000 in recognition of the work they have done in building the Australian economy. These are some of the social dividends that you can get from running a strong economy—help for the age pensioners, help for the self-funded retirees and income tax cuts for all Australians.

I do not want to let the session end without remembering some of the great milestones in this House in previous years. This is the last sitting day before the nation gets to the annual commemoration of ‘fundamental injustice day’. Fundamental injustice day was 30 June 1999. We have heard great speeches in this House but none in their own terms were delivered in a way which was designed to last 100 years so that, in 100 years time, men would still say that this was the finest hour of the member for Griffith. Let us remember his words on 30 June 1999. He said earnestly to this House:

When the history of this parliament, this nation and this century is written, 30 June 1999 will be recorded as a day of fundamental injustice—an injustice which is real, an injustice which is not simply conjured up by the fleeting rhetoric of politicians. It will be—

Mr Albanese interjecting—

The SPEAKER—The member for Grayndler is warned!

Mr COSTELLO—he was rising to the occasion—recorded as the day when the social compact that has governed this nation for the last 100 years was torn up.

I think what he had in mind is that, if this parliament and its people should last for another 100 years, men would still say this was fundamental injustice day. Let me say what has happened since fundamental injustice day on 30 June 1999. We cut tax on 1 July 2000; we cut tax on 1 July 2003; we cut tax on 1 July 2004; we cut tax on 1 July 2005, 2006, 2007; and we will cut it again on 1 July 2008. Sometimes in public life, you
come across people who have lofty rhetoric which is not matched by underlying values and underlying policy.

Mr Swan—Like your lack of courage.

Mr COSTELLO—Oh Swanee, how I love ya, how I love ya! If it had not been for me, this day would have been forgotten. I have single-handedly rescued fundamental injustice day.

Mr Swan—Like your lack of courage.

The SPEAKER—The member for Lilley is warned!

Mr COSTELLO—I have stamped it in the minds of Australians forever, and I hope that when they think about fundamental injustice day, from this day until the ending of the world, they will know that here was fraud if they ever saw it.

Honourable members interjecting—

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

Advertising Campaigns

Mr McMULLAN (2.55 pm)—My question is to the Prime Minister. Will the Prime Minister confirm the following three facts: that Mark Textor has conducted industrial relations—

Government members interjecting—

The SPEAKER—Order! Members on my right. The member for Fraser has the call and the member will be heard.

Mr Downer interjecting—

The SPEAKER—The Minister for Foreign Affairs is warned!

Mr McMULLAN—that Mark Textor is the campaign director for the joint BCA-ACCI advertising campaign; and that Mark Textor brags on his website:

Mark has been the common thread in Australian Prime Minister John Howard’s succession of election victories, serving as principal campaign pollster and consultant in 1996, 1998, 2001 and 2004.

The SPEAKER—Order! In calling the Prime Minister, I am not sure that he is responsible for every part of that question. I call the Prime Minister.

Mr HOWARD—I can confirm a number of things. I can confirm that Mark Textor has done polling for the Liberal Party at a federal level since the early 1990s. I can secondly confirm that his advice has been reasonably accurate over the years. I can thirdly confirm that he does research on a large number of things for the Liberal Party. I can fourthly confirm that that research remains confidential. I can fifthly confirm that Mark Textor, along with Lynton Crosby, a very fine former federal director of the Liberal Party, run a successful business and like anybody in business—I mean, you understand that people have more than one client in business; you do know that—they are entitled to have more than one client. In polling they do not operate a closed shop. I know that you have this mentality that a firm is only meant to have one union, but that does not apply in private enterprise. You can actually have more than one client, and Crosby/Textor have got more than one client—and good luck to them. They run a good show. They are good pollsters, and I wish them well.

Workplace Relations

Mr McARTHUR (2.58 pm)—My question is addressed to the Minister for Employment and Workplace Relations. Will the minister inform the House how a strong watchdog is fighting intimidation in the
workplace? Is the minister aware of any alternative policies?

Mr HOCKEY—I thank the member for Corangamite for his question and note that he and people on this side of the House believe that you have to have a strong watchdog taking care of the construction industry whilst they build Australia. You cannot in any way compromise that watchdog as it goes about its business ensuring that intimidation and thuggery are not part of the building sites and that people who engage in that sort of thuggery are brought to justice.

I know the Leader of the Opposition only last night discovered Joe McDonald. Only when there was a videotape from the Western Australian court obtained by six media organisations did the Leader of the Opposition discover that in his policy of zero tolerance there was no place for Joe McDonald. It is not as if Joe McDonald is new on the scene. In fact, I got a list of unlawful conduct, trespass and other charges against CFMEU officials, and Joe McDonald gets a lot of naming. These are the events where he was convicted of trespass: firstly in the early nineties, and then it goes 1998, June 2000, September 2000, 2001, 2003, 2004 and October 2005. He was convicted of assaulting two managers of a building company in August 2005, and then trespass again in February 2006, November 2006 and December 2006. Of course, this is Joe McDonald—and the Leader of the Opposition discovered it yesterday—facing charges for illegally entering Doric Constructions, Q-Con, Broad Constructions and Pindan Constructions.

The Leader of the Opposition yesterday discovered that Joe McDonald pointed at a camera held by one of our watchdogs and said, ‘Your days are numbered.’ So what does the Leader of the Opposition do? He goes to sack Joe McDonald, but he keeps the policy to make sure that the watchdog’s days are numbered. He sacks the messenger but keeps the policy. If that is not hypocrisy when it comes to zero tolerance, I am not sure what is.

But it goes even further. Kevin Reynolds, the branch secretary of the CFMEU, has 230 findings of unlawful conduct, the majority of findings against CFMEU officials. Kevin Reynolds is listed as a repeat offender. John Sutton, National Secretary of the CFMEU, on 19 May 2003 pleaded guilty to charges of malicious damage—the CFMEU national secretary engaging in malicious damage. But it goes further than just the CFMEU—what a surprise! The Prime Minister pointed out that in fact Joe McDonald was donating money to the Australian Labor Party—$70,000 on one occasion. What a surprise then that the Labor Party is not prepared to chuck out two people that have serious charges in the New South Wales courts—Charlie Morgan and Bruno Mendonca for engaging in alleged intimidation and assault. So Joe McDonald is thrown out for swearing at a cameraman, but two officials of the NUW still have so-called natural justice even though charges have been laid against them. Do you know what, Mr Speaker? Kevin Reynolds says—

Mr Crean interjecting—

The SPEAKER—Order! The member for Hotham!

Mr HOCKEY—Do you know what Kevin Reynolds said today? The member for Hotham is former NUW going in to bat for the boys—good on you. Kevin Reynolds said it this morning.

Mr Crean interjecting—

The SPEAKER—The member for Hotham does not need to respond.

Mr HOCKEY—When it was put to him about Joe McDonald, Kevin Reynolds said: ‘I’ve noticed there’s a couple of other union officials been arrested for being involved in a
punch-up and they are members of the Labor Party and I’m sure he’ll have to deal with them now. Well, he has to.’ That is Kevin Reynolds—still a member of the Labor Party. Kevin Reynolds says that there are two NUW officials currently with charges before the court, and now Kevin Reynolds is calling on the Leader of the Opposition to take action and draw a line in the sand—zero tolerance.

This is thick with hypocrisy. Dean Mighell was thrown out of the Labor Party for swearing, and yet the secretary of the Victorian ALP said, ‘After the election he’ll be back.’ The Leader of the Opposition said, ‘Not only are we throwing out the individual; we’re going to send the money back to the ETU.’ We have seen no receipt. No-one has seen any receipt. The money never went back to the ETU; it is still sitting in Labor Party coffers. Today, after he has seen a videotape of Joe McDonald, despite numerous previous convictions for intimidation and thuggery, now suddenly the Leader of the Opposition tends to believe he has to draw a line in the sand. ‘Zero tolerance,’ he says. That is not zero tolerance. Zero tolerance is getting rid of the links between the Labor Party and the union movement; zero tolerance is not accepting union money; zero tolerance is not accepting union candidates in seats; and zero tolerance is tearing up the Labor Party’s industrial relations laws.

Workplace Relations

Ms Gillard (3.05 pm)—My question is to the Minister for Employment and Workplace Relations. I refer to the Textor opinion poll research revealed in today’s newspapers which includes a quote, ‘Everyone is unhappy with the laws’—meaning the Work Choices laws. Has the minister or his office had any discussions with Mark Textor, the BCA, ACCI or their campaign team regarding the Textor polling or the contents or the timing of the BCA-ACCI advertising campaign?

Mr Hockey—Unlike the Deputy Leader of the Opposition, we do not set out to injure business and we do not set out to injure employers. I speak to Mark Textor from time to time. He is a very wise man from time to time. What you do not need to know from polling is that the Labor Party links with the trade union bosses are not well accepted in the community.

I speak to the business community all the time. I have no involvement in the business community campaign. I do not even have any detailed knowledge of the business community campaign; I am only aware of what I have read in the newspapers. Out of all of that, yesterday the Deputy Leader of the Opposition was saying that we were giving our research to Crosby/Textor; today she is suggesting that Crosby/Textor are giving us their research for some reason.

Ms Gillard—Exactly.

Mr Hockey—Is that right? I can tell you that Crosby/Textor have not given me any of their research associated with the Business Council campaign. That is why we are focused on the real deal, which is jobs, employment, higher wages, fewer strikes and getting rid of union thugs.

Privacy Act

Mr Schultz (3.07 pm)—Following that positive contribution, my question is addressed to the Attorney-General. Can the Attorney-General advise the House whether the Privacy Act provides protection for people whose personal details are being misused by organisations to which they belong?

Mr Kerr—I rise on a point of order, Mr Speaker. There has never been a more egregious example of seeking a legal opinion from the Attorney. It is out of order.
The SPEAKER—I listened closely to the question. I did not pick up anything about a legal opinion. It was asking for facts.

Mr Albanese—I rise on the same point of order, Mr Speaker. This question was quite clearly not within standing order 100.

The SPEAKER—the question was asking for information and details of an act. It was certainly in order. It was asking for details within the Attorney-General’s portfolio.

Mr Albanese—Because you did not hear the question—I think that was part of your response—I ask that the question be asked again.

The SPEAKER—the honourable member for Hume will ask his question again for the benefit of the House.

Mr Schultz—Thank you, Mr Speaker. My question is addressed to the Attorney-General. Would the Attorney-General advise the House whether the Privacy Act provides protection for people whose personal details are being misused by organisations to which they belong?

Mr Kerr—I rise on the same point of order, Mr Speaker: QED, Mr Speaker; QED.

The SPEAKER—the question was asking for details of an act that is the responsibility of the Attorney-General.

Mr McMullan—I rise on the same point of order, Mr Speaker. If a question asking for an interpretation of the implications of a piece of legislation is not seeking a legal opinion, what is?

The SPEAKER—I say again to the honourable member for Fraser that this is very much in order. In fact, thanks to the Clerk, I would refer honourable members to page 543 of House of Representatives Practice.

Mr Bowen—Further to the points of order raised previously and to your reference to page 543 of the House of Representatives Practice, Mr Speaker, I draw your attention to the sentence which states:

Legal opinions, such as the interpretation of a statute ... should not be sought in questions. This is clearly seeking the interpretation of a statute.

The SPEAKER—I thank the honourable member for Prospect, but there was more to that question than just that point. I rule the question in order and call the honourable Attorney-General.

Mr Ruddock—I thank the honourable member for Hume for his question. I am delighted that there is so much interest in privacy matters.

Mr Albanese—I rise on a point of order, Mr Speaker. This is a very clear breach of the standing order and of the House of Representatives Practice. We would ask you to rule this question out of order.

The SPEAKER—The Manager of Opposition Business will resume his seat. I have referred further to the House of Representatives Practice, including page 544. I rule the question in order and I call the honourable Attorney-General.

Mr Ruddock—I suspect that all members know where I am going, because the Privacy Act does provide protection for personal information that people hand over when they join an organisation. The expectation is that that information is needed for the organisation to be able to function or to be able to provide services to the person who is a member of that organisation. If the personal information is going to be used for other purposes or to be given to someone else, there is an obligation on that organisation to inform the individual at the time that they collect that information or to ask their permission.

For example, it might be of concern to some union members if their union were to...
collect personal details from its members and then give them to, for instance, a database company, like Magenta Linus, which can then match this up with other data about them, such as where they live and the electorate in which they live. They might be even more concerned if the union decided to hand the data to a market research company, like E-lect Interactive—

Ms Roxon interjecting—

The SPEAKER—The member for Gellibrand!

Mr Ruddock—and to survey members about their voting intention and their attitude to various policy issues.

Ms Roxon interjecting—

The SPEAKER—The member for Gellibrand is warned!

Mr Ruddock—After all, we do have secret ballots in this country. People are entitled to maintain the confidentiality of those matters. That concern might grow further if the union came back to them and started using all the information that they had collected without the person’s permission to follow the tactics that are outlined in the ACTU handbook and to lobby them about their voting intentions.

There are concerns about the way in which unions are using their members’ personal details. I want to inform members that the Privacy Commissioner is giving consideration to starting an own-motion inquiry in relation to the ACTU tactics on this matter. The Privacy Commissioner is an independent statutory officer. She makes her own decisions on these matters. But the Australian Electoral Commission examination relating to the handbook might provide some information which could be of particular interest to her. I would remind the community and members of unions generally that if their union seeks information from them they are entitled to know why and they should make sure that it is necessary for the union’s functions. If people believe their personal details are being misused in this way by an organisation that they belong to, they should make their complaints known to the Privacy Commissioner.

Ministerial Staff

Mr AlbaneSe (3.15 pm)—My question is to the Minister for Industry, Tourism and Resources. Can the minister confirm that he has been allocated more staff than the Treasurer? Are these extra staff deployed as members of the secret unit that operates out of his Brisbane ministerial office, performing the same role as the secret unit that operates out of the Attorney-General’s office in Sydney?

Mr Ian Macfarlane—There is no secret media unit in my office.

Health Care

Mr Causley (3.16 pm)—My question is directed to the Minister for Health and Ageing. Would the minister update the House on Commonwealth support for health services in New South Wales and, in particular, cancer services in my electorate of Page. Are there any threats to these services, and what is the government’s response?

Mr Abbott—I thank the member for his question. I regret to inform him that, despite $14 billion worth of Commonwealth funding under the health care agreements and despite almost $2 billion in GST windfall revenue over the last three years, the New South Wales government is still short-changing patients in that state. To give one example: the member for Gellibrand keeps saying that there is a dental crisis. She says that is why we need ‘Dentistry Gold’, at the cost of $4.7 billion every year. Do not accept what Labor says; watch what Labor does. The New South Wales budget allocated just $4 million more for public dentistry, even
though people with no teeth wait up to 2½ years and people in severe pain wait up to three weeks for treatment at the Westmead dental hospital.

Above all, the people of northern New South Wales know that you cannot trust Labor with health care. In June 2004, on the strength of an $8 million commitment from the Howard government, the New South Wales Labor government promised a new cancer centre for Lismore Base Hospital. The New South Wales government promised that construction would start by the middle of this year. Now the New South Wales Labor government will not start construction until 2010 at the earliest, and the New South Wales budget delivered a paltry $145,000 for planning, not the $20 million or more that this centre will need.

If the Leader of the Opposition can call a national executive meeting to expel Joe McDonald, why can’t he call a Premier to help cancer patients? If the Leader of the Opposition can make 11 phone calls to the editor of the Australian to support a lie, why can’t he make a single phone call to Morris Iemma to expedite the construction of this cancer centre? If the Leader of the Opposition can phone-stalk editors to kill stories, using language that would make Dean Mighell blush, why can’t he phone-stalk a few premiers to support health services? This guy sends more text messages than Shane Warne. I reckon the editor of the Australian is entitled to ask to go on a do not call register to protect himself from harassment from the Leader of the Opposition.

Mr Albanese—Mr Speaker, I rise on a point of order. Standing orders still matter: 62.

The SPEAKER—I point out to the honourable member for Grayndler that, as I understand it, standing order 62 is about people standing up and not moving quickly to their seats.

Mr Albanese—Standing order 64.

The SPEAKER—I call the minister.

Mr Abbott—I just make the point that the Leader of the Opposition should be just as interested and active in the support of patients as he is in the support of his own shabby political interests. I make this point: the people of Australia are waking up to this guy. They are waking up to this guy and they are rapidly coming to the conclusion that they will not let him do to Medicare what people like Morris Iemma and Bob Carr have done to public hospitals in New South Wales.

Climate Change

Mr Rudd (3.21 pm)—My question is to the Prime Minister and goes to the Prime Minister’s upcoming taxpayer funded television advertising campaign on climate change, which we assume will start in the break. Is the Prime Minister aware that the head of BHP Billiton, Mr Chip Goodyear, when asked this week about Labor’s target of 60 per cent cuts in emissions by 2050, stated: Well targets for us, we set targets in every aspect of our business whether it is around profitability or production or cost and so on. Targets give people something to focus on and that is OK by us.

Prime Minister, is Mr Goodyear wrong? Through this advertising campaign are you simply seeking to convince the Australian people that climate change sceptics have somehow just become part of the climate change solution?

Mr Howard—I think Mr Goodyear is a very fine businessman. He has run a company very successfully, and one of the things that have happened under his leadership and under the leadership of his predecessor, Paul Anderson, is that there has been a marked change in the industrial relations policies of BHP Billiton. In fact, the old BHP used to
believe in centralised wage fixation. The new BHP, now in the BHP Billiton manifestation, has moved progressively—

Ms Gillard interjecting—

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

Mr HOWARD—to a less regulated industrial relations system. I do not have to speak—

Mr Albanese—Mr Speaker, I rise on a point of order. This is a question about climate change.

The SPEAKER—I listened carefully to the question from the Leader of the Opposition. He spoke about the chief of BHP, and the Prime Minister is very much in order.

Mr HOWARD—Under his leadership, the company that he has so ably led has embraced, by their tens of thousands, AWAs. BHP Billiton is a stern and resolute opponent of the industrial relations policy of the Australian Labor Party, and I endorse everything that Chip Goodyear has said about that.

In respect of climate change targets, I also endorse what Mr Goodyear has said about targets, and the interesting thing—

Opposition members interjecting—

Mr HOWARD—I do. I endorse everything he says, because what he was clearly talking about is the climate change target we currently have. That is the climate change target set by Kyoto. That climate change target is extant until 2012.

Mr Albanese—Mr Speaker, I again rise on a point of order. The question was very clear—

The SPEAKER—The Prime Minister is answering that question. He is relevant, and, if the member continues to take these frivolous interjections, I will deal with him.

Mr HOWARD—We have a target, and that target is 108 per cent over our 1990 levels between 2008 and 2012. Although we have not subscribed to the Kyoto protocol or ratified it, Australia is going to be one of the few countries that will actually meet their target. Unlike many of these countries that have sermonised, hectored and lectured Australia, we are going to meet our target.

The Leader of the Opposition also asked about BHP Billiton. If my memory serves me correctly, one of the members of the task force that recommended the approach to targets embraced by the government and rejected by the opposition was none other than a Mr Lynch of BHP Billiton.

Foreign Policy

Mrs GASH (3.25 pm)—My question is addressed to the Minister for Foreign Affairs. Would the minister explain to the House why strong alliance relationships are vital to Australia’s security? Are our alliance relationships in good repair? Is the minister aware of any alternative policies, and what is the government’s response?

Mr DOWNER—I thank the honourable member for Gilmore. This is the last question time of the first six months of this year, and I appreciate the many members of the government who have asked me questions on great issues of foreign policy.

Mrs Irwin—This sounds like a testimonial!

The SPEAKER—The member for Fowler is warned!

Mr DOWNER—But not one member of the opposition has asked a single question about foreign policy in six months. That shows you how little they value the great things of Australian foreign policy like the strong alliance we have with the United States—

Mr Bowen interjecting—

The SPEAKER—The member for Prospect is warned!
Mr DOWNER—which they want to downgrade; the ties we have been building up with Japan, China, Indonesia and India; the pride with which we promote our country around the world; and the respect which Australia has won in many parts of the world.

All I can say in answer to the honourable member’s question about alternative approaches is that the reason that the opposition has not asked any questions about this issue in six months is that it does not fit in with the spin, it does not fit in with the Hawker Britton strategy and it does not fit in with the insincere and superficial approach that the Leader of the Opposition takes to public issues. But the Leader of the Opposition has occasionally ventured into the area of foreign policy and, of course, professes to be a great expert. Honourable members might recall that he made an overseas trip to the United States of America. They may not recall that, while he was in the United States of America, he did not meet with one single political leader, Democrat or Republican. So the main thing was that there were pictures of him in America, and it did not matter what happened in terms of the substance.

Honourable members might remember that the Leader of the Opposition was planning a second overseas visit, and that was to Vietnam. He was going to go to Long Tan and set up a fake dawn service with the Sunrise program. He told the media that he did not know anything about it. Two days later, it was revealed that his office knew all about it. Of course, that is life in the fast lane. Honourable members may remember that the Leader of the Opposition, coming to the end of this session, is a person who has been exposed as superficial and driven by focus groups and the advice of Hawker Britton, which is all very well if, beneath it all, there is a person of substance. But he is not a leader of substance; he is a weak and directionless Leader of the Opposition.

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

QUESTIONS TO THE SPEAKER
Parliament House: Demonstration

The SPEAKER (3.31 pm)—The members for Lindsay and Hume have asked me questions related to damage caused to the front doors and gift shop of Parliament House during a demonstration in 1996. While documentation related to these matters has been archived and is still being examined, in the interim I am able to offer some limited advice.

On 3 September 1996 the then Presiding Officers wrote to the Trades and Labour Council of the Australian Capital Territory and sought payment of $91,000 for the cost of the damage. The Trades and Labour...
Council issued a press release on 11 September 1996 accepting organisational responsibility for the demonstration but no apportionment of blame was accepted for the riot. The press release further stated the responsibility lay with those individuals directly involved with assault and vandalism.

On 25 March 1997 the Speaker advised the House that charges had been laid against 12 people and that a number of convictions had been made. I will provide further information to the members for Lindsay and Hume when available and as appropriate.

COMMITTEES

Reports: Government Responses

The SPEAKER (3.31 pm)—For the information of honourable members, I present a schedule of outstanding government responses to reports of House of Representatives and joint committees, incorporating reports tabled and details of government responses made in the period between 6 December 2006, the date of the last schedule, and 20 June 2007. Copies of the schedule are being made available to honourable members and it will be incorporated in Hansard.

The schedule read as follows

On 21 June 2007, the Government presented its response to a schedule of outstanding Government responses to parliamentary committee reports tabled in the House of Representatives on 7 December 2006.

It is Government policy to respond to parliamentary committee reports within three months of their presentation. In 1978 the Fraser Government implemented a policy of responding in the House by ministerial statement within six months of the tabling of a committee report. In 1983, the Hawke Government reduced this response time to three months but continued the practice of responding by ministerial statement. The Keating Government generally responded by means of a letter to a committee chair, with the letter being tabled in the House at the earliest opportunity. In 1996, the Howard Government affirmed the commitment to respond to relevant parliamentary committee reports within three months of their presentation.

The attached schedule lists committee reports tabled and government responses to House and joint committee reports made since the last schedule was presented on 7 December 2006. It also lists reports for which the House has received no government response. A schedule of outstanding responses will continue to be presented at approximately six monthly intervals, generally in the last sitting weeks of the winter and spring sittings.

The schedule does not include advisory reports on bills introduced into the House of Representatives unless the reports make recommendations which are wider than the provisions of the bills and which could be the subject of a government response. The Government’s response to these reports is apparent in the resumption of consideration of the relevant legislation by the House. Also not included are reports from the Parliamentary Standing Committee on Public Works, the House of Representatives Committee of Members’ Interests, the Committee of Privileges, the Publications Committee (other than reports on inquiries) and the Selection Committee. Government responses to reports of the Public Works Committee are normally reflected in motions for the approval of works after the relevant report has been presented and considered. Reports from other committees which do not include recommendations are only included when first tabled.

Reports of the Joint Committee of Public Accounts and Audit primarily make administrative recommendations but may make policy recommendations. A government response is required in respect of such policy recommendations made by the committee. However, responses to administrative recommendations are made in the form of an Executive Minute provided to, and subsequently tabled by, the committee. Agencies responding to administrative recommendations are required to provide an Executive Minute within 6 months of tabling a report. The committee monitors the provision of such responses. Reports which do not contain policy recommendations are only included when first tabled.
21 June 2007

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<td>Australian Intelligence Organisations Number 4 - Recruitment and Training Annual Report of Committee Activities 2005-2006</td>
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<td>Treaty tabled on 6 December 2006(84th Report)</td>
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**Notes**

1 The date of tabling is the date the report was presented to the House of Representatives. In the case of joint committees, the date shown is the date of first presentation to either the House or the Senate. Reports published when the House (or Houses) are not sitting are tabled at a later date.

2 If the source for the date is not the Votes and Proceedings of the House of Representatives or the Journals of the Senate, the source is shown in an endnote.

3 The time specified is three months from the date of tabling.

These notes incorporate the response circulated by the Leader of the House on 21 June 2007 entitled “Government Responses to Parliamentary Committee reports. Response to the schedule tabled by the Speaker of the House of Representatives on 7 December 2006”.

4 Amendments to the Aboriginal Land Rights (Northern Territory) Act 1976 reflecting the government’s reforms were introduced to Parliament on 31 May 2006 and passed 17 August 2006. The Aboriginal Land Rights (Northern Territory) Amendment Act 2006 received Royal Assent on 5 September 2006. The government has indicated that no further response is required. No formal response has been provided to the committee.

5 The government response is being considered and will be tabled in due course.

6 The government response will be finalised in the light of the outcomes of the Review of the Australian government Film Funding Support.

7 The government is currently consulting on a substantial number of initiatives to simplify corporate regulation. It is expected that some of these initiatives will impact on the regulation of proprietary companies. A response to the report will therefore be provided in due course.

8 The government is currently reviewing and consulting on a substantial number of initiatives to refine the regulation of financial services which take into account the recommendations made in this report. A response which takes into account the refinements will therefore be provided in due course.

9 The response is being updated to reflect recent developments and will be tabled in due course.
The response is being updated to reflect recent developments and will be tabled in conjunction with that for ‘Money Matters in the Bush’ (see above).

The government continues to respond to this report through changes to the Corporations Regulations and ongoing proposals to make further refinements to the regulation of financial services based on public comment. A response to this report will be tabled in due course.

A response is being prepared. However, before finalising this response, the Government considers it is important to incorporate any findings of the Ministerial Council on Consumer Affairs working party that is examining whether property investment advice warrants further regulation. The working party is currently finalising its position.

The government considers that the substance of the House of Representatives Standing Committee on Environment and Heritage recommendations of the ‘Public Good Conservation: Our Challenge for the 21st Century’ is effectively being addressed or considered by various policy and program development processes as overseen by the Natural Resource Management Ministerial Council and by the implementation of more recent Government Mechanisms, for example, the Natural Heritage Trust 2, The National Action Plan for Salinity and Water Quality, the Market Based Instruments Pilots Programme, Biodiversity Hotspots Programme, Tasmanian Forest Conservation Fund and changes to the Taxation Act in respect to donations of land for conservation. As such, the report has been overtaken by events and the government will not be tabling a further response.

A decision on Norfolk Island governance was made in 2006. A response to the report’s recommendations are being considered and will be tabled in due course.

The government response is being considered and will be tabled in due course. A response from the Speaker was received on 14 February 2007.

It is expected that the response will be finalised following conclusion of the 2007/08 Budget process.

Legislation to give effect to the Free Trade Agreement has now been passed. The government has stated that no further response is required. The committee awaits a response to recommendations of the Free Trade Agreement report.

**AUDITOR-GENERAL’S REPORTS**

Report No. 47 of 2006-07

The SPEAKER (3.31 pm)—I present the Auditor-General’s Audit report No. 47 of 2006-07 entitled Coordination of Australian government assistance to Solomon Islands—Department of Foreign Affairs and Trade—Australian Agency for International Development.

Ordered that the report be made a parliamentary paper.

**QUESTIONS TO THE SPEAKER**

Parliament House: Demonstration

Mr ABBOTT (3.32 pm)—Mr Speaker, if the ACTU can afford a $30 million advertising campaign, shouldn’t the union be able to repay that $91,000 immediately?

The SPEAKER—I say to the Leader of the House that that is a court matter. It is not a responsibility of the Speaker. As I said in my earlier answer, I have only limited access to the information at this stage and I am making further inquiries.

**PERSONAL EXPLANATIONS**

Mr MARTIN FERGUSON (Batman) (3.33 pm)—Mr Speaker, on 19 June the report of the Australian National Audit Office on the national black spots program of the Department of Transport and Regional Services was tabled. I wish to make a personal explanation concerning that report.

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

Mr MARTIN FERGUSON—Yes.
Mr MARTIN FERGUSON—That report identified problems relating to governance, project eligibility, project cost management, project benefits and project delivery—with fault at every level of government—and called on the Department of Transport and Regional Services to exercise more stringent accountability measures. That recommendation was rejected by the department.

On 20 June the Minister for Transport and Regional Services and Deputy Prime Minister issued an unfounded media release suggesting that the ALP in government would abolish the black spots program. That was a deliberate endeavour to mislead the Australian public. A federal Labor government will be totally committed to the black spots program. The black spots program is too important to the community for funds to be wasted. It is about reducing the loss of lives on Australian roads. But what a Labor government will not do is allow black spot funds to disappear into black holes, as the Minister for Transport and Regional Services is deliberately doing. He should come clean to the Australian public and account for taxpayers’ money which has been wasted.

QUESTIONS TO THE SPEAKER
Question Time

Mr BOWEN (3.34 pm)—Mr Speaker, my question relates to your ruling during question time that the interpretation of the Privacy Act was not seeking a legal opinion. As I brought to your attention earlier, page 543 of *House of Representatives Practice* states:

Legal opinions, such as the interpretation of a statute ... should not be sought in questions.

Could I also bring your attention to the fact that *House of Representatives Practice* goes on to approvingly cite Speaker Morrison of the House of Commons, who said:

A Question asking a Minister to interpret the domestic law offends against the rule of Ministerial responsibility, since such interpretation is not the responsibility of a Minister ... But it also offends against the rule that a Question may not ask for a Minister’s opinion.

Mr Speaker, could I ask you to reflect on whether your ruling during question time overturns that longstanding precedent? And, for the benefit of the House, when is interpreting a statute a legal opinion and when is it not?

The SPEAKER—I thank the member for Prospect. I would refer him to the following paragraph on the same page as he just quoted, where it goes on to say:

Questions asking about the extent to which federal legislation would prevail over State legislation or administrative action have been permitted. In addition it has been ruled that in response to a question dealing with the law a Minister may provide any facts, as opposed to legal opinions, the Minister may wish to give. Questions asking whether legislation existed on a specified subject, whether an agency was entitled to take a particular action, whether certain actions were in breach of regulations, whether offences against Commonwealth laws may have been committed, and what the consequences of certain actions had been, have been permitted.

SPECIAL ADJOURNMENT

Mr ABBOTT (Warringah—Leader of the House) (3.36 pm)—I move:

That the House, at its rising, adjourn until 2 p.m. on Tuesday, 7 August 2007, unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker, fixes an alternative day or hour of meeting.

Question agreed to.

QUESTIONS TO THE SPEAKER
Standing Orders

Mr TANNER (3.36 pm)—Mr Speaker, I have a question for you. It relates to your interpretation of standing order 104 and, in particular, to a question to the Prime Minister that was asked by the Leader of the Opposition regarding the views of Chip Goodyear
with respect to climate change. Is it your ruling that, where a question mentions a particular individual, it is sufficient for the Prime Minister or the minister answering the question to be relevant when talking about anything associated with that individual—anything at all—even if it has absolutely nothing to do with the subject matter of the question?

The SPEAKER— I thank the honourable member for Melbourne. I think if he refers to pages 552 and 553 of House of Representatives Practice he will note what previous occupiers of the chair have seen in their interpretation of standing order 104. As well, I would point out to him that the Leader of the Opposition did ask a reasonably lengthy question.

DOCUMENTS

Mr ABBOTT (Warringah—Leader of the House) (3.37 pm)— Documents are tabled as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:

Committee reports—Parliamentary committee reports—House of Representatives—Government responses to parliamentary committee reports—Response to the schedule tabled by the Speaker on 7 December 2006.

Department of Defence—Special purpose flights—Schedule for the period July to December 2007.

Department of Finance and Administration—Reports—

Former parliamentarians’ travel paid by the department for the period July to December 2006.

Parliamentarians’ overseas study travel reports for the period July to December 2006.

Parliamentarians’ travel paid by the department for the period July to December 2006.

Department of the Prime Minister and Cabinet—Expenditure on travel by former Governors-General paid by the department for the period 1 July to 31 December 2006.


National Health and Medical Research Council Act—National Health and Medical Research Council—Guidelines—Ethical guidelines on the use of assisted reproductive technology in clinical practice and research, June 2007.

Debate (on motion by Mr Albanese) adjourned.

Mr ABBOTT (Warringah—Leader of the House) (3.37 pm)—I present documents on the following subjects, being petitions which are not in accordance with the standing and sessional orders of the House.

Number of aged care beds in the Hunter and Central Coast regions of NSW—from the member for Shortland—6 Petitioners

The record of alleged activities of the former Ottoman Empire during WWI—from the member for Moore—753 Petitioners

Opposing nuclear reactors in Victoria—from the member for Jagajaga—1003 Petitioners

Safer pedestrian crossing for Cedar College on Fosters Road, SA—from the member for Sturt—652 Petitioners

LEAVE OF ABSENCE

Mr ABBOTT (Warringah—Leader of the House) (3.38 pm)—I move:

That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Climate Change

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

The Government’s systematic failure, over eleven years, to address the challenge of climate change and position the Australian economy for a low-carbon future.

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 Garrett (Kingsford Smith) (3.39 pm)—We started this session in the parliament with questions to the government about climate change. There were questions to the Minister for the Environment and Water Resources about whether he would increase the renewable energy target. Those questions were never answered. There were questions to the Prime Minister about whether he understood the consequences of climate change, and he allowed in those answers that perhaps a four- to six-degree increase in temperature might mean that things would be a little bit uncomfortable. We have the best possible evidence on climate change, and the Prime Minister and this government do not get it. Today, the Prime Minister answered the last question in the session before we go to winter recess by speaking about industrial relations. He did not address the subject of the question at all.

That is the summary of the Howard government’s approach on climate change. We started the session by asking them questions that they could not answer and we end the session by asking the Prime Minister a question which he completely failed to answer. Anybody sitting in their homes or in their cars, worrying about the impact of climate change on their communities, on their coastline or on their farmlands, will now have heard clearly—for once and for all—that when it comes to the dangerous threats posed by climate change to this country, the Prime Minister just does not get it. In 11 years we have had denial, delay and scepticism. We have had occasional grudging acceptance, but mainly we have had inaction. And the great tragedy of the Howard government’s inaction is that it leaves us poorly equipped to deal with the challenges that climate change represents—critically by staying out of Kyoto and by delaying all efforts to allow the market economy to do its work. Australian business has been let down, the Australian community has been let down, and the only way that that will change is for a leader like Kevin Rudd—who understands climate change, commits to addressing climate change and recognises the great moral, economic and environmental challenge that climate change poses for us—to be able to effect policies in this House.

More than two years ago, I talked with the then Sydney Futures Exchange—now part of the ASX—about their strong desire for a national carbon trading scheme and the need for such a scheme. That was after nine years of failure to act by this government. Remember, the Sydney Futures Exchange had taken major steps to establish itself as a regional hub for emissions trading. Not unreasonably, it saw the inevitability of emissions trading in Australia and then waited for government action—and it waited, and it waited, and it waited. While the community waits and while the business community waits, what is the government’s response? Let’s examine it. For those who call for profound action on climate change, there is abuse, ridicule and denigration. For those who believe that it is important to support Kyoto, there is abuse and denigration of the protocol process.

Mr Turnbull—What? No ridicule?
Mr GARRETT—‘What? No ridicule?’ says the minister, an expert in ridicule. I am sure there will be some coming from your side, Minister, but you will have your chance, don’t worry. When it comes to the most important issue for Australians who want to see positive action in developing clean and renewable energies, there is no response and no action. No wonder there is a mood for change in Australia. Australians know that the Howard government just does not get it on climate change. Look at what Andrew Richards, Chief Executive Officer of Pacific Hydro said. He said it simply:

... if Federal and State renewable energy targets were abolished ... We would probably take that $1.5 to $2 billion investment and take it offshore to places like Chile and Brazil and places like certain jurisdictions in North America like California and make those investments in those countries instead of Australia.

That is already happening under the Howard government. Whether it is Roaring Forties or whether it is Global Renewables, Australian industries and Australian businesses who want to produce solutions—and who have produced solutions and technology for climate change—are actually going offshore and setting up their businesses in other countries, because the Howard government has failed to provide the right framework for them to invest here in Australia.

For this government, when it comes to the climate change debate, it is all about myths and straw men. It is a myth that the government is already acting. It is a fact that the government has underspent on climate change programs by an average of more than 30 per cent over the last 11 years. The government’s plan to deal with emissions trading now is to dot nuclear reactors around the country, which will be up and running in 15, 20 or 25 years. That is the government plan. Critically, our greenhouse gas emissions are set to rise to 127 per cent of 1990 levels by 2020. That is government action. In an opinion piece in April this year, the Minister for the Environment and Water Resources said:

Our leadership in forums such as the Asia Pacific Partnership on Clean Development and Climate and the UN climate change framework are further examples of our active international engagement. I put it to the minister that nothing could be further from the truth. I put it to the minister that now, 18 months after the announcement of AP6, where we had a promise of some $360 million from the Bush administration and the Howard government over a period of five years, Australia has spent just $2.1 million and the Bush administration has allocated just $27 million towards this initiative—$26 million which went to the State Department and $1 million which went to the US EPA.

Additionally, we learnt quite recently that the government’s key climate change advisers, the Australian Greenhouse Office, have admitted that they have no significant involvement in the climate change side at APEC. In a speech to the Asia Society, the Prime Minister said:

The Sydney Summit will be one of the most important international gatherings of leaders to discuss climate change since the 1992 Rio Conference.

But how many of our officials are now working on this particular meeting? Very, very few. If the government’s key climate change advisers are not providing climate change advice then who is? The answer to that question in part lies in our refusal to sign Kyoto. As every Australian knows, Australia was going to sign Kyoto. The Prime Minister was in favour of it, the foreign minister was in favour of it and the environment minister at the time was in favour of Kyoto. But then, once the Americans had decided which way they were going to go, we followed the Republican administration on climate change policy and we did not follow the original
decision taken by the Howard government—and, frankly, a decision that should have been taken a long time ago.

Another one of the government’s myths is that we should not do anything about our emissions because our emissions are too small, and it is now up to China and India—these developing countries that are emitting a lot of greenhouse gases. This ignores the primary fact that it is up to every country to take responsibility for its emissions. Everyone has to play their part. Everybody has to do some heavy lifting. Australians want to do that. We are team players. We recognise that we need to make that kind of effort and take that kind of action. We realise that our emissions are not insignificant at all. They are significant emissions, particularly in terms of where they are going under the Howard government policies, with an increase of 127 per cent over 1990 levels by 2020.

The government likes to point the finger at China and India, but the truth is we are in this together. Some 70 per cent of human greenhouse gas in the atmosphere has been put there by developed nations. It has already been put there by us and by our developed nation partners. We represent some 20 per cent of the people on earth and we have a responsibility to ensure that we act here in our own home to reduce emissions. I think one of the most significant things that have happened in the last three weeks was the decision by the G8 when it said:

We have agreed that the UN climate process is the appropriate forum for negotiating future global action on climate change.

Let me say to the House and to the Australian people: that is Labor Party policy. That is what we have been saying in this House ever since this parliament first sat. That is policy that has been part of the Labor approach to climate change since the climate change blueprint was first developed. Yet the government refuses here and now to join in and still continues to denigrate Kyoto.

The next myth that is put about by the government is that renewable energy in particular cannot make a significant contribution to meeting our energy needs and reduce emissions. The Prime Minister said it clearly on 18 May. He said:

The greenhouse gas emissions from nuclear power are zilch, nothing, zero virtually, and just as good, if not better than solar and wind.

He said:

Now solar and wind are fantastic on the margins but you can’t run a power station on solar power, you’d have to have a lot of those panels wouldn’t you, they’d cover the whole of Queensland and the Northern Territory, I mean it’d be enormous.

We can’t rule out nuclear.

The Prime Minister is wrong about baseload issues generally in terms of what can be provided for baseload in this country, and a number of experts have pointed that out. More importantly, this is an irrational objection to the contribution that renewable energy can make to meet our energy needs. Instead, we get a plan for 25 nuclear reactors—not only nuclear reactors but, now it seems, following the comments from Mr Macfarlane, the Minister for Industry, Tourism and Resources, nuclear reactors which will also serve as nuclear waste dumps.

We have agreed that the UN climate process is the appropriate forum for negotiating future global action on climate change.

It was at this point that the fig leaf the Howard government had erected around itself to claim that by being an observer at international agreements it was supporting the UN framework completely fell away. Why is that? Because the government has always argued that other initiatives, multilateral initiatives, are going to be as significant as Kyoto. It has denigrated Kyoto. It has talked about new Kyotos and post Kyotos, yet the G8 itself specifically said:

We have agreed that the UN climate process is the appropriate forum for negotiating future global action on climate change.

The Prime Minister is wrong about baseload issues generally in terms of what can be provided for baseload in this country, and a number of experts have pointed that out. More importantly, this is an irrational objection to the contribution that renewable energy can make to meet our energy needs. Instead, we get a plan for 25 nuclear reactors—not only nuclear reactors but, now it seems, following the comments from Mr Macfarlane, the Minister for Industry, Tourism and Resources, nuclear reactors which will also serve as nuclear waste dumps.
For all those Australians living anywhere from Port Phillip Bay up the New South Wales coast past Jervis Bay up towards south-east Queensland, where nuclear reactors could be located, they are also going to get a nuclear waste dump. For the 25 or 30 years that they have a nuclear waste dump in their backyard—the term of the reactors that the Howard government plans to put in place in this country to deal with climate change—we will see the creation of some 40,000 tonnes of the most toxic substance that humanity produces: radioactive waste. Is this a climate change solution for Australia? No, it is not.

I was very interested to read in the just released *Trends in sustainable development* annual review report that global investment last year in sustainable energy was $70.9 billion. This UN report concluded that clean energy could provide almost a quarter of the world’s electricity by 2030. Whilst sustainable energy only accounts for two per cent of the world’s total now—and I know the minister will make this point—the report shows that 18 per cent of all power plants under construction are in this sector and that figure continues to grow. This is the future for dealing with climate change. Australians know we have abundant supplies of solar energy in the amount of sunlight that hits our continent, and that we have fantastic solar scientists who lead the world in technology and innovation. Why haven’t we got the best solar industry in the world? Why aren’t we now starting to produce power from solar energy, power that goes into the grid? Why haven’t Australians got solar panels on the roofs of their homes and their schools storing that clean power, that renewable energy? If they did that, they would be making a contribution to climate change.

The reason we are not able to do that, the reason we are not a solar nation and we are on the way to becoming a nuclear nation, is the Howard government. The Howard government just does not get it on renewables. The Howard government just does not get it at all. The Prime Minister insists that the only solution to climate change is to build nuclear reactors that produce radioactive waste. The Liberal Party has more plans than that. It just does not stop there. At the Liberal Party Federal Council that was held recently, an interesting recommendation was adopted and passed unanimously. It said that Australia should look at going further, that we should look at nuclear enrichment and at being a worldwide repository for radioactive waste.

I want to hear from the Minister for the Environment and Water Resources as to what the Howard government’s plans are about Australia being a worldwide repository for radioactive waste. At the same time as climate change continues to impact upon us and we do nothing about renewable and clean energy, they are advancing a plan for Australia to be the world’s repository for radioactive nuclear waste. That is the question that the minister has to answer.

It was interesting when we had a debate in the parliament quite recently. I think that one of the remarks that the minister made was that the member for Kingsford Smith despises scientists. I just want to put it on the record that I actually do not despise scientists at all. In fact, the target that the Labor Party has set, of some 60 per cent reduction in greenhouse gas emissions, is a science based target. That is clearly acknowledged and well understood. I note the comments of Dr Jim Hansen, who has contributed to the IPCC reports and is probably one of the world’s leading climate experts. He is a member of the US National Academy of Sciences and won the Duke of Edinburgh Conservation Medal last year. He and five other prominent US scientists recently concluded that ‘greenhouse gas emissions place the Earth peril-
ously close to dramatic climate change that could run out of control, with great dangers for humans and other creatures. When scientists bring us those reports, we understand how urgent and necessary it is for real action on climate change—not speeches but real action—and we have not had real action from the Howard government. *(Time expired)*

**Mr Turnbull.** (Wentworth—Minister for the Environment and Water Resources) *(3.54 pm)—* I thank the honourable member for Kingsford Smith for reminding me of James Hansen’s recent paper on climate change—

*Mr Garrett interjecting—*

**The Deputy Speaker** (Hon. IR Causley)—The member for Kingsford Smith was not interjected on at all and I will not tolerate an interjection from him.

**Mr Turnbull.**—Dr Hansen has produced a paper which argues that the consequences of climate change will be more extreme than the forecasts set out in the most recent IPCC report. The IPCC is the leading body that addresses climate change. It is a consensus process that involves many, if not most, of the world’s leading climate scientists, including many from Australia. Obviously everybody is entitled to a point of view, but the IPCC represents the most solid and reliable basis upon which to form government policies, planning decisions and so forth. It is very interesting that the member for Kingsford Smith embraced Dr Hansen’s paper so enthusiastically, because one of the things that Dr Hansen said, when his paper was released, was that the world has to stop burning coal. That reminds me, of course, of the member for Kingsford Smith, who said that there can be no certainty about the future of the coal industry. I think he was referring particularly to the Hunter Valley. Ultimately, where the member for Kingsford Smith is coming from is essentially a position that deeply dislikes and distrusts a modern and growing society with strong economic growth, such as we have in Australia. It is quite interesting. He tries to change his spots all the time. He ducks and weaves. He has abandoned almost all of the positions he has had in his life—or has purported to abandon them.

I noticed that the other day, on 14 June, in responding to the emissions trading task group report—which, of course, has stressed the gravity of the economic consequences of climate change and how careful we have to be in calibrating our response to it; all perfectly rational and sensible comments and insights that any businesslike person, any non-fanatical person, would take—that the member for Kingsford Smith said to CEDA:

... the Coalition is falling back on the outdated notion that you can either have a healthy economy or a healthy environment; but that you can’t have both.

We have a healthy environment and a healthy economy in Australia. The fact is that our environment would not be as healthy as it is if it were not for the healthy economy. We would not have been able to spend $20 billion on environmental endeavours in the last 11 years without a strong economy, without the surpluses that the strong economic management of the Howard government has delivered. We would not have $10 billion to invest in the National Plan for Water Security, let alone $2 billion in the Australian Government Water Fund, without a strong economy. So, quite plainly, our position and our track record demonstrate that we believe that a healthy economy can support a healthy environment, because you need to have the wherewithal for the measures to be able to afford the investments to protect the environment.
The member for Kingsford Smith was in fact criticising himself. It was only a few years ago—three years and one month ago—in May 2004, when he said in the *Herald Sun*:

... economic growth is almost always accompanied by a commensurate increase in environmental degradation.

That is really the key to the member for Kingsford Smith. He does not like economic growth. He is determined to be pure by his fanatical lights. He has no regard for the economic consequences of the policies he argues for. He argues from his own self-imagined moral position. He does not care how poor we have to be in order to become pure.

The member for Kingsford Smith and the Leader of the Opposition have no understanding of the environmental realities of climate change or the economic consequences of dealing with it. Firstly, Labor do not recognise the global nature of climate change. It is called global warming for a reason. A tonne of CO₂ that goes into the atmosphere has the same impact on the world’s temperature, regardless of where it comes from—whether it is emitted in Australia, Europe, China or the United States. So an effective global response is vital. Labor is wedded to the Kyoto protocol. They see it as a sacrament. Again, that is a key to Labor’s response. It is all about symbols and it all comes from the heart; there is no head or clear thinking.

Think about this: the first phase of the Kyoto protocol, or the first commitment period as it is called, has comprehensively failed to reduce greenhouse gas emissions. How do I know that? Because we know that the consequence of the measures encompassed in the first phase of the protocol will be a reduction in the growth of greenhouse gas emissions by one per cent. That is nothing. That is so far away from what the world needs to achieve by mid-century. It is a failure. Why did it fail? It failed because of attitudes that are personified by the member for Kingsford Smith. It is a fantasy that developed countries, riven with the sort of middle-class guilt that the member for Kingsford Smith manifests, should reduce their greenhouse gas emissions unilaterally and there should be no obligations on the fastest growing economies.

The lack of a pathway for the fastest growing economies in the developing world, particularly China and India—and China is an industrial giant the like of which we have never seen before in the world’s history—to reduce their emissions is the key to understanding what is wrong with Kyoto. That is why the United States Senate refused to ratify it. It is why President Clinton and Vice President Gore never submitted it to the Senate, any more than their successor, President Bush, did. And it is the reason that Australia did not ratify it. That failure in Kyoto, that flaw, is contained in a clause of the treaty—the treaty which at this juncture the Labor Party believes we should ratify. Article 3.9 says that in the subsequent commitment period—and the next commitment period is what we are discussing now because the first commitment period begins next year and ends in 2012—obligations to cut emissions should only be imposed on countries in annex 1—that is, developed countries. That does not include China or India. China and India’s negotiating position is, ‘That’s it! You in the developed world keep making cuts.’

The problem is that if the world is to achieve a massive cut in global emissions by mid-century—whether it is 40 per cent, 50 per cent or 60 per cent; whatever it may be it is a big number so take your pick—it cannot achieve that without substantial action from the developed world. In fact, as the emissions trading task group sets out, if the de-
developed world were to cut its emissions by 2050 to 50 per cent of 1990 levels and there was business as usual in the developing world we would still be way over 1990 levels in 2050. Even to keep ourselves at the existing level—that is, no increases from today—the developing world has to make a substantial cut in emissions. What is happening in the developing world? Some interesting statistics have come out from the Dutch government, which show that China’s emissions from fossil fuels have now overtaken those of the United States. They grew last year by nine per cent while the United State’s emissions were minus one per cent.

Mr Garrett—What about per capita?

Mr TURNBULL—That is a very good intervention from the member from Kingsford Smith. He said, ‘What about per capita?’ This again is where the Labor Party’s position on climate change fundamentally betrays Australia’s national interest. The member for Batman knows I am dead right. Because if you buy the argument that we should wait until China has the same per capita levels of emissions as Australia, emissions will be at a level not even imagined by the most dire scenarios. This of course is what I suspect the member for Kingsford Smith would like, because he cannot wait to get that hair-shirt on and to suffer a bit—or at least get others to suffer. If we were to reduce our emissions to the per capita level of China’s it would devastate our economy. The fact is that the problem with Labor’s climate change policy—there are two main planks—is, firstly, the Kyoto protocol, as it stands, is a mechanism that has failed. By the way, everybody now recognises that except for the Australian Labor Party. At the G8 summit, which the member for Kingsford Smith referred to, the largest developed nations of the world endorsed a new approach and it is exactly the same approach that the Australian government has been pursuing bilaterally and multilaterally through the AP6—that is, a process of engaging the developing countries and recognising that they need to be part of the solution because we have to get global reductions. The communiqué said:

We recognise, however, that the efforts of developed economies will not be sufficient and that new approaches for contributions by other countries are needed.

Again, Labor do not understand that. They think they can continue with the same old failed approach because it is a sacrament. It is like putting a ‘Save the whales’ sticker on your car and not being prepared to do anything about it. It is empty symbolism, but it is very expensive symbolism.

If we as a nation were to follow Labor’s policy and commit ourselves to a very large cut in emissions by 2050 unilaterally and unequivocally—and that is what Labor proposes—then that would mean we would be putting a substantial cost on our carbon and energy intensive industries. Remember that thousands of Australian workers have jobs—many of them belonging to members of trade unions who pay for the advertising of the Labor Party—that depend on low-cost energy from coal. If we impose an additional cost on those industries which is not matched by the countries with which they compete, all that will happen is that the industries will move offshore with the emissions, so the world will be no better off, and we lose the jobs. The phenomenon of carbon leakage is a fundamental economic factor that the member for Kingsford Smith simply does not understand.

If you look at the industrial growth in China, you will see that in the last five or six years China has become the producer of nearly half the world’s cement, nearly half the world’s flat glass, 35 per cent of its steel and 30 per cent of its aluminium. What has been happening is that developed countries,
particularly in Europe, have been deindustrialising, thereby reducing their emissions, and, instead of making the cement themselves and having the emissions go up into the atmosphere from their own countries, importing it from China. Now, the world is no better off. The men and women that worked in the cement plant have lost their jobs, but the world is no better off from a climate point of view because the emissions have still gone up into the air.

That failure to recognise the global reality of climate change and the dire economic consequences Labor’s policy could impose on Australia is again a reminder of how you cannot trust the Labor Party with economic management—because climate change is an enormous challenge and probably the biggest one our country faces, the world faces, at the moment.

By contrast, the government’s emissions trading task force in its report says that the targets must be set after careful economic analysis. And, while a long-term aspirational target can be set—and that will be informed in the course of the next year by the G8 discussions and the discussions that are going to happen between the 15 largest greenhouse-gas-emitting economies, including Australia and led by the United States, at the meeting in Bali—every target along that time line has to be reset and calibrated in light of the cost of technology, the economic consequences of setting it and the reactions and attitudes of other countries. In other words, meet the challenge, reduce our emissions, but do so in a way that ensures we do not indulge in a futile, self-destructive exercise in moralising, which is what the Labor Party’s policy is all about. It is all about sacrificing Australian jobs, sacrificing the Australian economy, in an effort to be pure by the member for Kingsford Smith’s lights, regardless of how poor we must become to do so.

Ms KATE ELLIS (Adelaide) (4.09 pm)—I welcome the opportunity to speak on this matter of public importance: the government’s absolute failure to address the challenges that climate change poses to the Australian economy. I particularly welcome the opportunity to respond to some of the minister’s points during his 15 minutes of trying to justify this government spending the last 11 years doing nothing to seriously tackle dangerous climate change. After 11 long years of neglect, this government is now trying to play catch-up in the climate change stakes, but its efforts are transparent and clearly politically motivated.

In order to effectively tackle climate change we need three essential ingredients: acknowledgement, initiative and leadership. Sadly, this government has demonstrated time and again that it is lacking on all of these fronts. For the past 11 years, we on this side have consistently called for an earnest acknowledgement that climate change is the biggest environmental crisis that we face; comprehensive and holistic policy initiatives; and a government that is prepared to show leadership, not just to its constituents but to the world. The Howard government, over the last 11 years, has shown just how comprehensively it lacks all three of those ingredients.

By contrast, federal Labor has taken the initiative in bringing the issue of climate change into the political spotlight, and now the government is doing nothing more than playing catch-up. But I am afraid that, after 11 long years of neglect, it is simply too late for the government to pretend it is engaged with the climate change challenge.

Recently, the issue of climate change has become heavily politicised, but tackling this threat requires more than poll driven motivation: it requires honest and earnest leadership. While the government today masquer-
ade as believers in climate change, the reality, as we all know, is that they do not accept it.

The government’s track record on climate change says it all. A report released in the first half of 2007 by the United Nations Intergovernmental Panel on Climate Change revealed that the Howard government has known about the very real dangers of climate change and its environmental, social and economic impacts since it was elected in 1996. What an absolute disgrace it is that the Howard government has known for 11 years about the threat that climate change poses to our way of life and to the quality of life facing future generations, yet it has maintained a position of ‘climate change scepticism’—or, more accurately, climate change denial.

The government’s inaction is so evidently seen through its failure to commission economic modelling on climate change so that we can more thoroughly analyse its economic impact and the risks of inaction. In stark contrast to the government’s approach, the Leader of the Opposition and the state governments have commissioned Professor Ross Garnaut to review the economic costs of climate change inaction by reviewing its impacts and costs. The government has had 11 long years to commission such research, but once again the initiative was left to the Australian Labor Party.

The government’s assertions that nuclear power is our only answer to climate change woes is, put simply, ridiculous, as well as misleading. As the member for Kingsford Smith pointed out, even the optimists among the government who are pushing this particular policy say that it will be possible in 10 to 15 to 25 years. I say to this parliament that we do not have 10 to 15 to 25 years to get serious about addressing climate change; we must do so now. This response by the government is reckless, and it will produce a greater environmental burden than it will relieve.

The past 11 years have seen huge underinvestment in the climate change challenge and transparent rhetoric designed to polarise the debate between sceptics and radicals. The reality is that the Australian public’s concern about climate change is not a radical position; it is a mainstream one—and that is the only reason the government are now attempting to appear like they are responding to it.

Within my electorate of Adelaide, the issue of climate change is weighing heavily on the minds of the constituents that I come here to represent. One concerned constituent recently wrote to me outlining her exasperation about the sheer number of problems that climate change poses. She wrote:

Climate change is real and I am very concerned for the future of my children and all future generations. Higher temperatures, reduced rainfall, huge changes to the ecosystems on which our lives, all lives, depend, sea-level rises, alpine area decrease, Great Barrier Reef loss … the list goes on …

This is a common feeling throughout my electorate and indeed right across Australia. But, in addition to these environmental and social impacts, climate change poses a severe threat to the Australian economy. Australia’s future prosperity relies on a commitment to tackling climate change and an emissions reduction framework within which businesses and industry can work. The costs of action are real, but the costs of inaction are huge, particularly for our agricultural and tourism industries. Modelling released by both the Business Roundtable on Climate Change and the Stern report has confirmed this.

On this side of the House, Labor has committed to a reduction in greenhouse pollution of 60 per cent on 2000 levels by the year 2050 and to establishing an emissions trading scheme by 2010. It is widely recog-
nised that both of these initiatives are required to tackle the environmental and economic threats posed by climate change.

The Business Roundtable on Climate Change, which includes leading Australian companies such as BP, Westpac and IAG, has lent its support to this initiative, expressing unequivocally that climate change poses a severe threat to business and requires immediate action. The roundtable’s research found that delays in setting a carbon price signal through an emissions trading scheme would ultimately double the cost of such a target and see the cost of electricity rise and the destruction of 250,000 jobs. Labor will uphold its longstanding commitment to significantly increase the mandatory renewable energy target and provide support for the renewable energy industry. Australia is one of the best placed countries in the world to establish a viable renewable energy industry, but some of our first-class scientists and technicians have been forced to take their research offshore, particularly in the field of solar energy research.

A holistic approach to overcoming this challenge requires policy action at an international and federal level as well as at a grassroots level. A lot of the constituents that I represent often say to me, ‘What can I do to do my bit, even if my federal government aren’t doing theirs?’ There are many Australians keen to green their homes, but they are held back by the financial constraints of taking such action. The up-front costs of greening the average family home can be significant, even though greener energy is likely to save that household money in the long term. That is why Labor has committed to providing low-interest loans of $10,000 for Australian households to implement energy and water savings and provide rebates for rooftop solar power panels. Australian households need help up front to green their homes and we on this side of the House are prepared to offer this to help the community.

Furthermore, any government serious about climate change must ratify the Kyoto protocol. The Minister for the Environment and Water Resources spoke about how we need to recognise that global warming has a global nature. We on this side of the House recognise that, and that is why we think we need a global solution. Labor would take immediate action to ratify the Kyoto protocol and further strengthen such action through diplomatic initiatives with China. Kyoto holds the best hope of tackling climate change at a global level and offers a world of opportunities that have so far been missed. Importantly, it also offers Australia the opportunity to have a seat at the table as the rules are developed for the international market beyond 2012. If every other country followed the rationale that the minister outlined in this House and said, ‘We will not act until they do,’ where on earth would we be? We would be in a position of there being absolutely no action while everyone sat back desperately waiting for someone to show leadership. It is the role of the Australian government to show leadership and act.

The Howard government has systematically failed over the past 11 years to address the challenge of climate change and to position the Australian economy for a low-carbon future. The government has failed to step up and show global leadership in tackling the climate change burden. Instead, it has undermined global initiatives by refusing to ratify the Kyoto protocol. On this side of the House, we take the threat of climate change seriously and we will address it in government with the energy and urgency it deserves. Economically, climate change poses a severe threat but also provides a number of opportunities. Morally, it is all about obligations to urgently act. We on this side of the House will tackle the challenges
of climate change head-on and embrace the opportunities with open arms. *(Time expired)*

Mr BROADBENT (McMillan) (4.19 pm)—I will come to the issue of the action the federal government has taken, and that may enlighten the member for Adelaide. However, I put to you that a leopard never changes its spots, will not change its spots and cannot change its spots. I refer to the member for Kingsford Smith—a nice guy, a good bloke—who is affable and friendly and has shown himself to be highly talented inside and outside this building. However, as the member for Adelaide said, ‘given power’ will he not remember his roots? Will he not remember the previous positions he has taken on matters of the environment? Will he not remember his documented attitudes? Will he not remember the zeal he had for the environment? Will he not remember that from those positions he is currently at odds with his own party? Will he not remember those things if he ever deigns to become the minister for the environment in a new government?

I raise that because my constituents in McMillan and the constituents of Gippsland are concerned about exactly those issues: with his close relationship with the Greens and their policies, what will happen if the member for Kingsford Smith becomes the minister for the environment? People in Gippsland may not all work in a power station, but every one of them knows somebody who does. They know that they are the generations of people who have supplied the baseload power for Victoria and now for Australia. They feel threatened by the member for Kingsford Smith’s previous attitudes and his attitudes today. When you set a target you need to know the consequences of that target for the nation, for the nation builders of Gippsland and for the generations not only of the past but into the future. The Greens keep saying, ‘The dirty coal power station at Hazelwood,’ but it is the only power station at the moment that is recycling all its water out of the Hazelwood pond.

Let us start looking after and appreciating the assets that we have. The assets are those workers who are connected to the Gippsland Trades and Labour Council, and I know some of you will be listening today and if you are not listening, because you are about to do your shift, your wife, your friend, your daughter or your son will be listening. The banner holder for the Australian Labor Party is the member for Kingsford Smith, Peter Garrett. I tell you the workers shake in their shoes because they know that the Labor Party and the Greens have a mind-set to close down Hazelwood power station, put restrictions on Loy Yang and rely on the gas-fired power station that is running practically full time now because of a lack of water in the Latrobe River.

The Labor Party, under the member for Kingsford Smith, would be zealots and the workers know it and they are concerned about it. When the workers come to vote they will let the Labor Party know in no uncertain terms that they see what was their own constituency, what is their natural voting pattern, as an actual threat to their jobs, because the Labor Party has set a target without heeding the consequences of what it would mean to the power industry in Victoria, in the Hunter or at Collie in Western Australia.

These workers know and their management knows that their jobs are on the line on this issue and we have to have regard for that. This economy, as the member for Wentworth, the Minister for the Environment and Water Resources, said, has to be managed. It does not just happen; it has to be managed. A major part of the growth of the economy in Australia has been the relative access to reasonably priced electricity for every house-
hold. There is a lot we can do. There is always more to do as a nation in reducing our consumption of power and resources. I am sure that not only has the government done a lot already but it will be doing more into the future.

But I am going to support the people in the Gippsland Trades and Labour Council and they are going to know that they have somebody who is standing in this place who has recognised that their interests are important and who is not acting just for the sake of opportunistic political zealotry and just for the sake of the green votes in the cities. We have an important role to play as parliamentarians to protect our own constituency and to make sure that they have jobs and futures.

You say: ‘But the minister has said climate change is a real issue. The member for Adelaide has said we need immediate action.’ Here is the immediate action. We have taken not only immediate action but past action and you have to ask: would the Labor Party have done any better? Would the Labor Party have done anything different to that which the Howard government has achieved? I put to you that the answer is no. I know, as the Prime Minister read out the other day, that we have done all of these things. Do I need to go through them again?

The Renewable Remote Power Generation Program has been established. A further $123 million was announced on 14 August last year, bringing total funding for the program to $328 million. In 1999 the Photovoltaic Rebate Program was introduced. A further $150 million was announced bringing the total funding to $202 million. In 2004 there was the energy white paper, which was so important to the seats of Gippsland and McMillan, and which was very important in giving the power industry and those who work within that industry a guide to the future. In that white paper, the government announced that $75 million had been provided for the Solar Cities trials. Adelaide was announced as the first solar city in August 2006; then Townsville, on 26 September; Blacktown, on 13 November; and Alice Springs, on 16 April 2007. In October 2006, $75 million was allocated to a large-scale solar concentrator in north-west Victoria under the $500 million low emissions technology development initiative. On 1 November 2006—the member for Adelaide might like to note—$14.5 million was allocated to solar energy projects under the Asia-Pacific Partnership on Clean Development and Climate.

The Australian government have provided industry grants of over $28 million for geothermal energy projects and recently announced the Geothermal Industry Development Framework. These grants include the following. In 2007 we gave $5 million to Petratherm Ltd to further develop its groundbreaking approach of using geothermal energy at its site in the Flinders Ranges. The government awarded $1.2 million to Proactive Energy Developments Ltd for a project that aims to develop an innovative regenerator for the production of low-cost, zero-emission electricity from geothermal reserves. In 2006 we gave $2.4 million to Geothermal Resources Ltd for a project in South Australia to map granites to assess geothermal energy potential. In 2005 the government gave $3.9 million to Scope Energy Ltd for a proof of concept project.

I can go on and on. All of these things have been so important in the climate change debate. We were already in there, we were already acting, we were already looking forwards to what we would do with these issues. While the government have been acting, all the state Labor government have done is carp about and criticise what we were doing. Geodynamics Ltd in 2002 got $6.8 million to develop a deep underground heat exchanger to harness hot, dry rock geothermal energy. In 2000 the government
granted $790,000 for exploration of hot, dry rock resources in the Hunter Valley. It just does not stop. The Howard government has a proud record and this motion obviously was not sensibly based.

Mrs ELLIOT (Richmond) (4.29 pm)—In the very short time remaining I want to comment on the fact that this government’s inaction when it comes to the environment has been disgraceful and that not taking any action in relation to the environment will be its legacy. I want to raise one particular issue of grave concern in my electorate and that is this government’s plan to build a dam right in the middle of the electorate, right next to the village of Tyalgum.

It really is a disgrace that the Minister for the Environment and Water Resources will not go and actually speak to the locals about their concerns. Many invitations have been issued to him, and I again invite him to come to Tyalgum and listen firsthand to people’s concerns about the devastation that this dam would cause to the rural village of Tyalgum and also about the detriment to our rivers as well. I call on the environment minister to rule out this dam near the village of Tyalgum. He needs to speak firsthand to people. He cannot keep running away from this issue. It is a major concern and it will cause major damage to our rivers, to our communities and to the town of Tyalgum.

Debate interrupted.

LIBERAL PARTY

Mr NAIRN (Eden-Monaro—Special Minister of State) (4.30 pm)—I would like to table a document in relation to a function held at Kirribilli House.

MS KATE ROBERTSON

The SPEAKER (4.30 pm)—As members would be aware, one of our longest serving staff members, Kate Robertson, is retiring after 21 years. Kate started with the parlia-

mentary catering service in 1986 at Old Parliament House, in the staff dining room, before moving into the members and guests bar. Kate was one of six staff who were sent to work on the opening of the new Parliament House in 1988, and she worked on the first ever function held here at the new Parliament House, in the post office gallery area.

Kate has worked in many parts of our house. She started up here in the staff dining room, where she saw the queues on budget day 1988 stretching from the staff dining room to the members hall. From the staff dining room, Kate managed the Queen’s Terrace Café for two years before moving up into the members dining room and has been affectionately mothering the members ever since, being a part of our lives, a good friend and a confidante for many. I am told that Kate will dearly miss keeping us in line!

On behalf of all members, thank you, Kate. You will be greatly missed and I wish you, your husband, Ian, and all your family all the best.

ADJOURNMENT

The SPEAKER—Order! I propose the question:

That the House do now adjourn.

Broadband

Mr RIPOLL (Oxley) (4.31 pm)—You know a government have failed when they no longer talk about policy and no longer come into this place talking about the future of Australians, the future of this country or the future of the economy. You know they have failed, you know they are panicked and you know they are spooked when they come in here and just attack other people. Personal attacks—nothing more, nothing less—are all they have left in their little kitbag of election-winning strategies. It is a disgrace, and
the government should be held accountable for it.

What disturbs me even more is that this is a catch-up government. After 11 years it is left drunk with power, lazy with contempt and arrogant with entitlement. This is a government that no longer sees its role as providing anything fair and decent for the Australian people. This is a government that no longer sees its responsibility as achieving something for the future good of this nation or the nation’s own benefit. This is a government that sees itself simply now as getting re-elected and retaining the halls of power—this is all that it is now about. It is not about the future of Australia; it is about its own future. After 11 years we see catch-up politics in a whole range of areas—in climate change, in infrastructure, in education and, in particular, in broadband.

In the case of broadband, it is a disgraceful attempt by the government in the five minutes to midnight before an election to come up with a scrambled together plan. I call it a flawed plan, but, even worse, it is ‘fraudband’. This is a government that is fraudulently going out to the people with maps. I know people cannot see it on broadcast, obviously, but the government is sending information to the electorate of Oxley in Queensland and claiming that 100 per cent of people in Oxley will be covered, but when I look at the map, I do not see any of the government’s broadband spots contained in Oxley, and the red marks around them barely touch into Oxley. But what is more disturbing is that the good people of Oxley completely miss out in this government’s plan. In areas like Springfield, where there are black spots of broadband, there is nothing. In areas like Forest Lake, where there are broadband black spots, there is nothing from the government. In areas such as Algester, which once belonged to the electorate of Moreton but is now in Oxley, I can guarantee the people I will be fighting for their broadband future and for their kids, but there is nothing from this government—not one bit of broadband. At Seventeen Mile Rocks, another area where there are broadband black spots, there is nothing at all from this government.

This government has the audacity to come into this place and claim that it will be spending more than $1 billion of taxpayers’ money to somehow provide 99 per cent coverage. The reality is that it is just not true. This is a failed government, with failed policy, that is out there telling people porkies. The government is copying Labor’s policies, and all they are is light—‘Labor light’ policies. It has no policies of its own and it has certainly not been truthful about what it will cost consumers to get the legendary wireless and WiMAX into the home and fulfil the claim that 99 per cent of all people in Australia will be covered. The government is claiming 100 per cent in Oxley, but when I look at the nodes and where they will be it is more like zero per cent. That is the reality. That is what has been provided to me via information that was slipped under my door at five minutes to midnight because this government cannot take the decent time after 11 years to actually work on some real policy.

I have a couple of questions for the Prime Minister and for the minister for communications: can they confirm advice from Telstra and Austar that the unwired signal—the government’s WiMAX broadband network—is likely to drop out or denigrate whenever a cordless phone, the garage door opener or the microwave is used? Have they addressed that issue? I know that they have not. Can they also confirm that there is no existing laptop computer in Australia that will be able to access the network without attaching a special network card, which will cost up to $300, to protect that network? We will not get any answers from the government on that because they are not interested in that either.
They are just interested in the Textor polling and the propaganda that they have been out there getting information for.

I further ask: would the Prime Minister confirm the assessment of Gartner wireless and mobile research director, Robin Simpson, that said, ‘Access to the government’s WiMAX broadband network will cost users in regional Australia up to $1,000 in installation costs.’ Is the government going to fork out for that as well? I do not think so. It is hoodwinking the Australian public and the Australian community into believing that at five minutes to midnight it actually cares about people’s broadband future. Labor brought this issue to the table, and the only reason this government cares anything about the future of broadband is for its own future—for its electoral future. It has nothing to do with consumers or the future of Australians in Australia. People will not be hoodwinked. They know who cares about them and it is not this government. (Time expired)

University of Western Sydney

Mrs MARKUS (Greenway) (4.36 pm)—I rise to speak about a most important and unfortunate decision made by the UWS. The board announced this week that it would close the Nirimba campus of the university by 2009. I do not support this decision; in fact, I oppose this decision vehemently. This is, in my view, short-sighted and not in the best interests of current and future students of Western Sydney. Firstly, let me correct for the public record statements made by the member for Chifley today. This is not the Howard government’s decision; it is the board’s decision and the board’s decision alone. In fact, the board made this decision without consultation with me or with the federal Minister for Education, Science and Training. Secondly, the member for Chifley asked me to make a public statement. Let me make it clear that I made my public statement on Monday.

Since last Wednesday, I have been in consultation with the vice-chancellor, Janice Reid, and Rhonda Hawkins. I have made it clear that I would oppose this decision. I have also called upon them to have an urgent meeting with me and the federal minister. The vice-chancellor stated that she was unavailable as she was flying overseas this Monday for three weeks. The students who are currently at her campus in Nirimba and also the future students that will be coming in from the north-west sector are more important. I will indeed fight for the best interests of not just current students but future students of the Western Sydney campus of Nirimba and the young people who are moving into this area. I have spoken directly to Julie Bishop, the federal minister, and we both confirm that there has been no consultation with us regarding this. I am extremely disappointed, as I have had an open-door policy and in fact in recent weeks have met with the vice-chancellor and a number of members of the University of Western Sydney board, professors and Rhonda Hawkins to discuss their future plans. At no point was this decision mentioned.

I would like to clarify a few financial facts. Firstly, the Australian government contributes over 70 per cent of the UWS’s revenue. In 2006, the UWS received $271.5 million from the Australian government, plus an additional $50 million for the medical school. The UWS’s operating surplus is its biggest since 1996. It has grown from an operating surplus of $8.2 million in 2005 to an operating surplus of $39.8 million in 2006. The question I ask the board is this: why can’t they choose to use the financial surplus that they currently have to support the current and future students of Western Sydney on their doorstep? This campus is located in a significant part of Sydney: the
north-west sector, which is the size of Canberra and one of the greatest growth corridors in New South Wales, and which is on its doorstep. Students are stepping into years 11 and 12 in new schools for the first time and what options will they have? The university is talking about moving students to Parramatta and Penrith. The students of the north-west sector and of Blacktown deserve an option on their doorstep.

I would like to ask the member for Chifley to follow a few things up. I have had a look at members of the board and a number of them have close links with the Labor Party. He has asked me to take action, and I will be taking every action that I can. But I would encourage him to talk to, for example: Linda Burney, who was elected to the New South Wales parliament for the seat of Canterbury in 2003; Jan Burnswood, who was a Labor member of the New South Wales Legislative Council from 1991 to 2007; and Kim Yeadon, who in June 1990 was elected to the Western Sydney seat of Granville. I would encourage the member for Chifley and indeed the Labor candidate for Greenway to, if they really care for the students of Western Sydney, speak to their mates in the Labor Party and persuade them to reverse this decision.

I will be speaking to the students. I have asked students and staff to contact my office. I am currently collating a petition and will be fighting for the best interests of students and young people. Our young people are important, and this is about their future and their education. I strongly encourage the board to review this decision and to use the surplus funds that they have to provide not just for current students but also for the future. My question is: what are they going to do for the future of the young people of greater Western Sydney? What options are they going to provide for our young people? It is absolutely unacceptable for them to make this decision, and I will be opposing it. (Time expired)

Broadband

Mr GIBBONS (Bendigo) (4.41 pm)—I want to refer to the greatest fraud ever witnessed in this country since the Fine Cotton ring-in scandal. You might remember that. That was where some unscrupulous people tried to turn one racehorse into another racehorse by painting its legs with white paint. The Howard government’s broadband plan announced on Tuesday makes the Fine Cotton fraud scandal look like a minor joke.

This map of the Bendigo federal electorate, kindly provided by the office of the Minister for Communications, Information Technology and the Arts, clearly outlines the Howard government’s proposed areas for the new ADSL and WiMAX wireless broadband services covering the Bendigo area. And, as anyone who knows communications coverage in the region will tell you, Telstra and other providers are already covering all of the area proposed under the Howard con trick of a plan. The Howard government, instead of painting the horse’s legs white, have covered some areas on a map of the electorate with green paint, and these areas already have access to broadband services. This is hocus-pocus politics. The magicians in the Howard government want Australians to believe that they have created this great broadband initiative when they know that in most areas of regional Australia a better service already exists. But they want to con the Australian people into thinking that they are responsible for it.

The Prime Minister is a Johnny-come-lately to the broadband debate. He has been in a panic to catch up with Labor since the Leader of the Opposition announced his pace-setting vision for a nation-building broadband program. All that the Prime Minister has come up with is a hyped up pre-
election con job which has to be one of the biggest frauds ever inflicted on the electors of Bendigo. The Howard plan will only deliver a second-rate wireless service in Strathfieldsaye, Huntly, parts of Epsom, Junortoun, Mandurang, Marong and Kangaroo Flat. The government’s briefing document for Bendigo—also provided by the minister’s office—states:

This landmark funding initiative will enable blanket high speed broadband coverage across the entire electorate of Bendigo 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.

Absolutely wrong. This clearly indicates that the Howard government is being totally dishonest with the people of Bendigo, or that it just does not understand the implications of its own policy. Clearly, the Howard government and the minister for communications are trying to sell Bendigo something that we already have—indeed, we have a much better service at that. The Prime Minister and the minister for communications obviously do not understand broadband issues and they think that everyone else is just as ignorant of how broadband works. The minister was caught out and had to perform a monumental backflip for incorrectly stating that their WiMAX wireless service will operate at around 12 megabits per second when everyone in the industry said that this was virtually impossible.

Currently, ADSL2+ or broadband services of speeds up to 20 megabits per second are available in Bendigo from Telstra and at least one other provider. The OPEL project, the government’s project, will only duplicate already available services. ADSL2+ is also available in Kyneton, Castlemaine, Bendigo and Kangaroo Flat. Under the Howard government’s broadband confidence trick, these areas will only gain the WiMAX wireless service at far lower speeds than they are currently receiving. In some cases duplication is occurring where the federal government has already spent money subsidising broadband implementation through the HiBIS and Broadband Connect initiatives. The three exchanges listed for upgrade to ADSL2+ under the government’s proposal, in Williamson Street, Bendigo, have this service already and have had it for around six months.

The Howard government is again trying to con people into thinking that this is its initiative. There will still be a country class of service, or have and have-nots, under this plan. For example, under the Telstra bid for the original $600 million there would have been another 53 ADSL exchanges in central Victoria, providing speeds of up to eight megabits per second and with an upgradeable pathway to ADSL2+, which would secure speeds of up to 20 megabits per second. This is precisely the level of service that Labor will initiate, not just in central Victoria but right across Australia.

The Howard government’s plan for Bendigo and central Victoria falls well short of these objectives. Labor’s fibre-to-the-node broadband plan announced in March will bring a far more reliable and cost-effective high-speed broadband service, at a minimum speed of 12 megabits per second—and in most areas 20 megabits per second—to 98 per cent of Australia. The Howard government’s plan is just a con job in Bendigo—nobody in Bendigo will believe it—and they should be condemned in the strongest possible terms for trying to pull this outrageous confidence trick on the people of Bendigo.

Autism

Mr HENRY (Hasluck) (4.46 pm)—Over the past few months, since April, I have become acutely aware of the hardships that quite a number of amazing parents in my electorate of Hasluck endure. They are re-
markable people and their energy seems boundless, but I have seen the evidence that this is not always so. The one common factor they have is that they are each raising a child or children with autism.

Autism is a condition which affects a large number of children in Australia. Sadly, there is no known cure, and tragically there are more children being diagnosed each year. These concerns were first brought to my attention by a group of caring, loving parents driven to desperation, who staged a sit-in in my electorate office. I was pleased that they did and drew my attention to their plight and that of their children.

This plight was further reinforced by an article recently in the West Australian newspaper headed: ‘Kids born with disability miss extra payment’. It was reported that a Katherine Shuard-Banks, who has a three-year-old severely autistic child, gave up her full-time career to become a full-time carer of her son but was not eligible for the carer’s payment of some $525.10 as Centrelink did not consider her son’s condition serious enough. Ms Shuard-Banks was quoted as saying:

I have to be my child’s speech therapist and his behaviour therapist. Parents of autistic children don’t have a collective voice because we are just too busy.

This message certainly came across loud and clear from those who used their precious time to visit my office to raise their concerns.

The diagnosis of autism is not immediate. It takes some time to show. Parents start to notice that, often by the age of two, their apparently healthy child does not respond in the same ways that other children do. As these children grow they become more withdrawn, depending on their ‘functioning level’—a description often used by parents with an autistic child. The parents’ life is ruled by the impact of influences that the child feels. Many autistic children do not have the power of speech, so when a child with autism is upset and cries or screams, as all children do, it is impossible for the parent to diagnose whether their child has an ear-ache, whether they have been stung by a bee or whether they are feeling stressed by some-thing else.

I have four daughters, so I know that when a child is crying the thing to do is to find out the cause of the problem and to try to remedy it. Parents of children with autism have no way to determine what can set off their child crying and screaming. When it happens, and it is often, the bouts of crying or poor behaviour can last for hours on end, with no simple solutions other than the strong love of the parents and staying calm and in control so as not to exacerbate the situation and further add to the stress of the child.

Parents with autistic children need more support. They are left to their own devices to try and navigate their child and the rest of their family through a minefield of uncertainty. It takes a long time to accept that your child, who may in all other respects appear normal, has been shut out of your life, a normal family life. To not be able to show where it hurts, what is wrong or what you are frightened of must be a horrible and terrify-ing experience. There is no magic solution; it is just tough all the way. As the child grows, they are often harder to help. Schools are not easy places for children who suffer autism. One of the common issues for children with autism is that they do not like change and they cannot cope with things being slightly different from the way they were yesterday.

Life with a child who suffers from autism is more than challenging. All too often it is a lifelong nightmare for parents. I am truly amazed at the strength, energy and love that so many parents of these children show. Par-
ents with autistic children have been advised that they cannot apply for the recently announced $10,000 carer adjustment payment. As a government we need to do more to assist these parents to support their children and families and to provide some respite. Their time is not their own—not for one minute—unless they get lucky and get assistance and respite. These parents keep it together. They do not have the time to lobby for a fairer go or more money. They need a hand now to help with their stress and exhaustion. We need to provide them with support.

Liberal Party

Mr McMULLAN (Fraser) (4.50 pm)—I want to raise a series of issues this evening concerning a growing trend in the Howard government’s failure to distinguish between the national interest and the Liberal Party’s interests, between public purposes and private purposes and a trend towards confusing public assets and private assets. We have seen it recently with advertising. We have seen it recently with polling. We have seen it recently with fundraising. We are seeing serious allegations raised now with regard to the overlap between the Liberal Party, the government and what was previously seen as being, quite properly, a legitimate business campaign. We are starting to see the first glimpses of it with regard to taxpayer funded dirt units. In the time available, I want to talk mainly about that.

I also want to raise a question that has just been raised with me by some of my colleagues. It is at this stage only a question because I do not know enough of the facts to be certain. My understanding is that when the maps that the member for Bendigo referred to that we all received—concerning the broadband policy—were issued, at least with regard to the state of New South Wales they were issued on the new electoral boundaries after the next election, instead of the current electoral boundaries. That does seem strange but, of itself, for most people, it is not going to make much difference. For me, for example, the consequences are very minor. It involves a few streets in a few suburbs, but nothing fundamental.

But there is a key question. If that is the case in Queensland—and I am not alleging it is, because I do not know; but it is certainly true in some states—there is a very interesting question: who got the map for Flynn? I would very much like to be reassured that it was not made available to the coalition candidate for Flynn in lieu of a sitting member for that area. I am not making an allegation because I do not know. I want to know. It is a question that needs to be asked.

To refer back to my original point: I am concerned about the emerging evidence—the first glimpses—with regard to the question of taxpayer funded dirt units. We saw an article published in the Bulletin this week, and we heard the sorts of denials we always get—the clever words and evasive denials—so that when you come back six months later they say, ‘You should have read the fine print of what I said.’ It was not an unequivocal denial of the existence of people doing the work described in the article. Now we have stories coming forward about a similar unit in Queensland and names being given to us of people who might be operating it. Because I have not been able to confirm them, I am not going to put them on the public record until I know. But it is a very serious set of allegations.

You would remember, Mr Speaker, the statement of that famous politician Mr Jim Hacker: ‘Never believe anything until it has been officially denied.’ The choice of words that we are getting here is very careful. There are serious questions to be answered by the Attorney-General, by the Minister for Indus-
try, Tourism and Resources and by the Prime Minister about what they know about the operations of these units and to whom they are reporting. The article alleges that they report to the highest level of government and that there are reports being presented to the Prime Minister.

We have had evidence of their overlap with the ever-burgeoning government members secretariat. It is funded by the taxpayers but not accountable and not subject to the normal scrutiny because the staff work for the Chief Government Whip and not for a minister. Therefore, we do not get the opportunity to ask questions about the operations of those people. We need to know how those particular services overlap and whether these taxpayer funded services are providing support to candidates and government members—including backbench members, not just members of the executive.

Finally, I want to make a comment about another part of this tricky political agenda where we have ministers—in this case, the minister at the table tabling a press release at 4.30 pm—coming in at the last minute, when the House proceedings have almost finished and there is no opportunity for scrutiny of documents. We will have no opportunity to pursue this Australian Electoral Commission media release about the Kirribilli House function hosted by the Prime Minister. It is very important that these things are subject to scrutiny. The Australian people are getting used to the fact that governments that have been in office too long start to think that they, and not the people, own the assets. (Time expired)

Hesse Rural Health Service
Chelsea Lodge Hostel

Mr McARTHUR (Corangamite) (4.55 pm)—I wish to raise the matter of the Hesse Rural Health Service at Winchelsea and the Chelsea Lodge Hostel, which is a low-care aged-care facility. I put on record that the Hesse Rural Health Service provides wonderful services for rural people in the electorate of Corangamite. It emerged from the original Winchelsea hospital and was developed to provide district nursing and other medical facilities for some of those smaller rural townships in the centre of Corangamite.

Hesse Rural Health Service has been conducted by a very vigorous and hardworking voluntary local committee. Over the years, they have been very much part of this facility's success. Following the development of Hesse Rural Health Service, Chelsea Lodge was developed as an aged-care facility with 21 beds. I well recall early in my time as the member for Corangamite that there was a very strong fundraising effort by the local people. I remember that Joe Kelly was president, and it was a fantastic effort by the locals. They did not have a lot of money at that time, during the difficulties of the 1980s, but they put huge funds together to develop Chelsea Lodge.

This facility in the local community of Winchelsea and surrounding townships is working well, but we now have a proposition to add to the 21 low-care beds. A further 10 dementia-specific beds have been approved, so they need some more money. The local committee have found some funds, and they have put a proposition to both state and federal governments that a further $300,000 would help the project.

Mr Speaker, you would be interested to know that my cousin Colin McArthur died at the age of 101. Some of the McArthurs live for a long while, and Colin McArthur was a well-known identity in my family. He spent his last three or four years in Chelsea Lodge, and he very much appreciated the wonderful services of the nurses who looked after him in his last three or four years.
The development of the dementia-specific wing has, the last I heard, begun. But further funding would make sure that the 31 beds—21 plus the extra 10 beds—would make the operation more efficient and effective. As you know, Mr Speaker, some of these aged-care facilities are now looking at from 60 up to 100 beds to make them efficient in terms of funding from the Commonwealth government. I have been a very strong supporter of this proposition.

John Carr, the president of the local committee, has lobbied me over a number of months—almost years—on this project. The committee are well known to me. They are very conscientious in (1) looking after the aged-care facility and (2) providing a range of medical services to people of the Winchelsea district. It is a very commendable project. I have approached the government to see if we can get some further funding to complete this aged-care facility. It is of a very high quality and it is well designed. It has a very good ethos and connection to the local community, and I think the residents feel they are at home in Winchelsea when they spend their last few years there, either at the low-care level or in the high-care level beds.

So I support Chelsea Lodge in Winchelsea. It is a wonderful project and I have been supporting them for some time. I am hopeful that the government will support a very worthwhile project in Corangamite and that it can be a symbol of what can be done with not a lot of money, with community support, with state government support and with federal government support in looking after our older residents who have lived in the country all their lives and do not want to go to Ballarat, Geelong or Hamilton but would like to remain in their local community. So I strongly support the proposition and hope that I can persuade the government to assist them with further funding for their dementia-specific project.

The SPEAKER—Order! It being 5 pm, the debate is interrupted.

House adjourned at 5 pm until Tuesday, 7 August 2007 at 2 pm, in accordance with the resolution agreed to this day.

NOTICES

The following notice was given:

Mr Abbott to move:

That so much of the standing and sessional orders be suspended as would prevent the routine of business for this sitting being as set out in the document presented to the House this day by the Leader of the House.
The DEPUTY SPEAKER (Hon. IR Causley) took the chair at 9.30 am.

STATEMENTS BY MEMBERS

Broadband

Mr BOWEN (Prospect) (9.30 am)—Last week the government announced its broadband package for Australia, and opposition members received under their door a preprepared press release which said, ‘Fast and affordable broadband for Prospect.’ I thought that was very good and I listened intently to the Prime Minister’s speech in the House. He tabled certain maps and pointed out that the red dots were the best level of service and that red on the map was good. I opened my map with anticipation but I saw no red at all. Almost the entire electorate of Prospect was in green. I looked up to see what the green meant and it said it was OPEL wireless WiMax. I then did some research. Here is what the experts say about the government’s broadband plan and WiMax. Bill Tolpegin, the vice-president of planning for EarthLink, said:

Nobody has high-bandwidth, low-cost networks that deliver. They are not telling the truth, not even the WiMax vendors.

What did others have to say? A respected expert from the University of Wollongong said—

Mrs Gash—Who?

Mr BOWEN—Mr Dutkiewicz. He said:

If I had the choice of fibre or wireless in the home, I would go for fibre straightaway, no questions asked.

The introduction said:

The wireless internet at the heart of the Federal government’s $1.9 billion rural broadband plan will never match the speed of the fibre networks promised by Labor.

This is the government trying to play catch-up on a matter which is very important across the country. It is very important in rural and regional areas and also very important in metropolitan areas. The people of Horsley Park have broadband now, only thanks to a campaign run recently. There are still people in metropolitan areas in my electorate who ring me regularly and say that they cannot get broadband because they live too far from an exchange. What is the way to fix that? Fibre to the node, not this ridiculous WiMax wireless plan, which has left my electorate completely bereft.

The Prime Minister said in the House of Representatives, in question time, that this was a wonderful initiative and the more red on the map the better. I say to the people in my electorate that we have been duded by this government. Why? Because we are not one of the top 40 seats. We are not a targeted seat of the government. We did not get special treatment. In an election year this government is playing catch-up and trying to catch up with the initiative that Labor has put out—

Mr Ciobo interjecting—

Mr BOWEN—How many of the 40 seats are over there? I bet Stirling is one of the top 40 seats. The member for Stirling needs all the help he can get. I bet Bonner is also a top 40 seat. And La Trobe is a top 40 seat. Is Gilmore a top 40 seat? Perhaps not. The member for Gil-
more does not need the help that the other members do. The complete rorting of this broadband plan is being done for cheap political purposes. People in Western Sydney and other areas are missing out. (Time expired)

**Stirling Electorate: Roads**

Mr KEENAN (Stirling) (9.33 am)—I rise to talk on a matter that I have raised in the House on many occasions—that is, the vital need for an overpass at the intersection of the Reid Highway and Mirrabooka Avenue in my electorate of Stirling. Sadly—and it is almost impossible to believe—the state Labor government has this week squandered a chance to fix this appalling black spot. I will update the House on the situation. The Reid Highway is 100 per cent the responsibility of the state Labor government, but of course, as with all of their responsibilities, they refuse to fulfil this one. For years they have promised to fix this black spot. Last week there was another crash there and, as a result, someone is in a critical condition. Apparently, this intersection is not on the list of priorities for the state Labor government.

In the 2001 federal election, the federal Labor Party put out propaganda in Stirling saying that they would fix this black spot and build this overpass. In the 2005 state election, the state Labor Party put out propaganda to my constituents saying that they would fix this overpass. Yet never once did any government allocate one cent of funding for this overpass to be built. This changed after this year’s budget, when the federal government allocated $10 million for this overpass to be constructed.

This was contingent upon the state Labor Party doing what they have promised my constituents for years: providing matching funding for this overpass to be built. The funding was put on the table after the budget, under the AusLink strategic roads program, and we needed the state Labor government to come to it and match that funding. I would have assumed automatically that they would have been happy to fulfil their promise to my constituents. It would never have occurred to me that they would reject this money, but that is exactly what they have done. There was a deadline of last Friday put on this money, because it needs to be expended within this financial year. We extended that deadline because the Minister for Planning and Infrastructure, Alannah MacTiernan, said that she wanted to take the proposal to cabinet on Monday. But even though we extended the deadline, the state Labor government have again refused to find any money for this overpass.

They call Alannah MacTiernan the Minister for Planning and Infrastructure; they do not call her the minister for roads, because she never builds any. Quite frankly, I find it absolutely unbelievable that the Labor Party have squandered this opportunity to fix this overpass, as 182 accidents have occurred within the last year at the intersection of Mirrabooka Avenue and Reid Highway. People are injured, maimed or killed there on a regular basis, yet the state Labor government has told the people of my electorate that they do not think that this overpass is a priority, even though in the past they have said that they would build it. The state Labor government need to fulfil their promise to my constituents, come to the party and join with the federal government in building the overpass at Mirrabooka Avenue—(Time expired)

**Amaroo Neighbourhood House**

Ms BURKE (Chisholm) (9.36 am)—Today I want to put on the record my appreciation and thanks to, and complete admiration for, one of my local heroes, Eileen Mosden. Eileen is the Coordinator of the Amaroo Neighbourhood House. Eileen has spent 20 dedicated years at
this wonderful centre, and it was recently recognised in the Keep Australia Beautiful Victoria Sustainable Cities Awards. She was awarded the Dame Phyllis Frost Award. This was indeed a high honour. Dame Phyllis Frost was patron and founder of the Keep Australia Beautiful organisation. This award recognises individual or group achievement in keeping sustainability alive and encouraging it within communities.

Eileen is the first individual to ever receive this award. It is truly an amazing effort. Eileen does not like her accolades to be recognised. She is one of those passionate people who do so much for our communities and we need to sing her praises loud and clear and to cite her as a role model for so many other people.

Amaroo Neighbourhood House started out, like so many neighbourhood houses, as a tiny little organisation with not a lot going for it: a couple of meals a week, a few little craft courses. Now it is thriving centre that runs almost 24/7 and people can come to it and feel part of a community and feel connected. We now have a sustainable gardening program and a sustainable eating program. We have one of the busiest op shops going. People are fed out of the centre most days of the week. There are courses, there are domestic violence programs and there is even a minishelter for women in need. There are English language classes. It is a phenomenal organisation and Eileen is at the heart of all this. She does have a terrific committee of management around her who do great work. While she always recognises them, everyone agrees Eileen is the heart and soul of the place.

The Amaroo Neighbourhood Centre was also recognised in the Keep Australia Beautiful Victoria Sustainable Cities Awards, in the community pride awards—recognising the centre’s achievements since 1984 in the development of a community amenity and in improving the quality of life of locals and their access to public facilities and open space. This is truly an amazing little organisation, and I really am so proud that it was recognised like this.

I had the great honour of seeing Eileen and the wonderful people from the Amaroo centre on the night that they were to win the awards, because I was opening there the local art show, another great institution. They were all a bit antsy because they had to get into town, as they had been told they must go to these awards. They said, ‘No, the annual art show is on,’ but I insisted that they get a cab. They had been standing around, all quite bereft as to why they were being made to go to this thing when they were not going to win—and of course they did. It was a terrific effort. Again, the art show was an amazing success. Substantial artists present their works, they are recognised and rewarded and the funds from the sales of the artworks go to this little neighbourhood house that just does so much for our community—and I cannot speak more highly of it.

**La Trobe Electorate: Scouts**

Mr WOOD (La Trobe) (9.39 am)—I rise to inform the House that on Saturday, 26 May I attended the launch of the Ogilvy Rover crew, the senior section of Emerald Scout Group in Emerald in my electorate of La Trobe. This was the relaunching of the Ogilvy Rover crew, which operated in the 1980s.

As a Queen’s Scout myself, I know that the Emerald Rover crew section is about having fun and service to others. The crew meets every week and does activities like tenpin bowling, camping and four-wheel driving. They are also revamping a piece of bushland up at Emerald for camping. It was a great day there on induction day. The members of the Rover crew are as
follows: Matt Conway, who is a crew leader and doing a fantastic job; Michael Smedley; Adam Kent; Kylie Wilmot; Aidan Galt; Stefan Rebgetz; Stephanie Davies; Tim Finn; Nic Iorio; Ben Leggett; Sean McDonald; and Janet Granger-Wilcox, who is the Rover adviser. In all there are about 60 youth members in the first Emerald Scout Group, the Cub Scouts, Venturers and Rovers.

I wish to congratulate them for their great work in the local community. As mentioned before, as a Queen’s Scout I am therefore delighted that the Howard government is recognising the contribution of the scouting movement across Australia. Many in this place would be aware that, because of a suggestion made by the Ferny Creek Scouts in my electorate—and I can say that that was previously my own Scout group—that the Australian government should install water tanks at every Scout hall across the country, I was very proud that the Australian government, through the Prime Minister, has committed $17.7 million to provide water tanks to every Scout hall in the nation.

The benefits of the new water-saving initiative will flow well beyond the Scout halls themselves to the entire community, through water savings to the local water supply and for many other organisations and private groups who often use Scout facilities. As well as these benefits, this is a great gesture to Scouts Australia, which next year commemorates its 100th anniversary. To commemorate this event and recognise the contribution that scouting has made and will continue to make to Australia, I am pleased that, in 2008, the Year of the Scout has been called by the Prime Minister and that the Royal Australian Mint will strike a circulation coin next year to commemorate this event.

Given the contribution of scouting to Australia, this is entirely fitting. With about 60,000 currently registered members in Australia and more than two million people like me who have been part of the Australian scouting association over the last 100 years, groups like the Ogilvy Rover crew will help scouting continue to be the largest youth development organisation in Australia. Again I congratulate the Ogilvy Rover crew.

Child Abuse

Mr MARTIN FERGUSON (Batman) (9.42 am)—I rise this morning to talk about the distressing issue of child abuse in Australian communities. Last week the Northern Territory report on child abuse, Little children are sacred, was released. Alarmingly, the report found that high levels of child abuse that are common in Aboriginal communities. Other issues of concern include sex trades, juvenile prostitution and white workers preying on young Aboriginal women. The report revealed the abysmal circumstances that young Aboriginal people in the Northern Territory are growing up in. This is shameful and tragic and it is about time the Australian community fronted up to its responsibilities. They are shocking and appalling findings.

The problems that underpin the high levels of child abuse are complex and are compounded by isolation, community structures and lack of appropriate services. Although Labor’s approach is different from Noel Pearson’s, Labor has targeted the same areas as being essential for change. It is the responsibility of all levels of government on both sides of parliament to try to make a hard assessment of the findings of the report and work out in a cooperative way how we make progress on this very challenging front in association with the leadership of Indigenous communities. I refer to the fact that this week Noel Pearson appeared on The 7.30 Report to discuss possible solutions to child abuse in the Cape York Peninsula. Es-
sentially, Pearson proposed that child abuse must be stopped by reducing alcohol abuse and by providing better education for kids and better job opportunities.

I think it is also appropriate that we acknowledge, because some people want to forget it, that child abuse is not exclusive to Aboriginal communities. The Australian Institute of Health and Welfare reports that child abuse has risen dramatically and is rising consecutively every year. Between 2001 and 2005 the reported rate of child abuse almost doubled, from 137,000 to 266,000. The institute points out that the rise in abuse is partly due to increased reporting and awareness of child abuse. The number of children being abused is an absolute national disgrace.

In the past three months, three babies were tragically dumped, with one newborn, sadly, found dead in a rubbish bin last week. There is little known about the circumstances in which these babies were dumped. However, one thing is clear: the people involved did not have adequate support. The challenge to all tiers of government in the Australian community is to work together, both in Indigenous and in non-Indigenous communities, to overcome a huge problem confronting Australia—child abuse. We all have a responsibility to put aside politics in Indigenous and non-Indigenous communities and solve our problems and give the necessary support to assist these people who are finding it very difficult. (Time expired)

**Violence Against Women**

**Mrs MAY** (McPherson) (9.45 am)—I recently had the privilege of launching the SHE young women’s group facilitators manual, which was funded by the Australian government’s Domestic and Family Violence and Sexual Assault Initiative, through the Office for Women. The manual—a much-needed and valuable resource that is an additional component of the highly successful Strength, Health and Empowerment young women’s groups—was produced by the wonderful team of Kellie Wilk, Di Macleod and Narelle Poole from the Gold Coast Centre Against Sexual Violence, with graphics design and layout by Celeste Edwards. Given that violence is estimated to occur in one in three relationships, this valuable resource is both timely and important. It will provide the means to develop skills and strategies for young women to utilise in both their present and future relationships.

The SHE concept was created by Di Macleod, the coordinator of the Gold Coast Centre Against Sexual Violence. A component of the concept is educational groups for young women aged between 12 and 18 years of age. The concept was originally trialled at Keebra Park State High School for a four-week period. In 2006, the federal government provided funding to further develop, facilitate and evaluate four six-week SHE groups and to write a manual for other professionals to utilise.

Even though violence against women is prevalent, it is often confusing and difficult for young women to identify and deal with. Research shows that, rather than seek help, young women are more likely to confide in their peers. However, many young people do not have the information or resources to assist their peers, particularly with regard to relationship violence.

The teenage years are where individuality, personality characteristics, values, beliefs and behaviours are emerging and being challenged. Di, Kellie and the team know that by working with young women in an educative group and utilising a social learning approach, issues can
be explored to assist them in making informed choices about their relationships and to increase their knowledge of support and referral options.

The SHE groups are held within the community or at local high schools. The groups provide a supportive and fun environment for young women to discuss the elements of safe, healthy relationships. Through the groups, young women learn that violence is unacceptable in all forms—that violence is preventable, not inevitable. They learn that information and resources about healthy relationships is available and that appropriate support can be provided.

I commend the government for providing the funding for the manual and I commend the Gold Coast Centre Against Sexual Violence for continuing to provide high-quality counseling, support and information services to women who have been sexually violated. I also commend them for this very effective community education program they have developed to enhance the status of young women on the Gold Coast. I wish them every success with this latest resource in the future.

Veterans: Entitlements

Mr MELHAM (Banks) (9.48 am)—I rise to identify a trend which appears to be developing in the area of impairment assessment within the Department of Veterans’ Affairs. I speak on behalf of a constituent who served with the armoured corps in World War II and subsequently with the British Commonwealth Occupation Force in Japan.

The constituent is concerned about an apparent discrepancy in the allocation of impairment ratings. These are ratings which contribute to the allocation of the disability pension which is paid to veterans who did not serve in an operational area, or what is considered an operational area, and who do not receive a service pension but have suffered a service related illness or injury. As I understand it, after impairment ratings have been obtained for all accepted conditions, they must be combined to a single value, known as the combined impairment rating. A formula is then applied using what is known as the combined values chart. In this case, there seem to be inconsistencies in the assessment and reassessment of this veteran and, I am advised, also with others.

For example, in relation to two conditions, osteoarthritis of the left knee and lumbar spondylosis, this veteran was given an impairment rating of 30 points in December 2006. In March 2007 this was reassessed at 24 points. Given that the veteran is well over 80 years of age, it seems odd that impairments such as these would improve. His knees and back deteriorated over those six months to the point where he cannot walk without a walking stick. His back is so stiff that he can barely bend.

In relation to another condition, under the heading of ‘skin disorders’, the veteran was given an impairment rating in June 1998 of five, in December 2006 a zero rating and in March 2007 a rating of five. What this means, of course, is that the overall impairment ratings still combine to keep him at 90 per cent of the general rate and short of the 100 per cent requirement for a gold card. Logically one assumes that, as one ages, impairments would increase, not decrease.

I am further advised that this example is not isolated. Other veterans who are entitled to receive a disability pension have found that there appear to be inconsistencies in the assessment and then reassessment of their impairment ratings. This is a matter which should be further investigated. While I have not identified the constituent for privacy reasons, it is a matter I
intend to raise with the Minister for Veterans’ Affairs. These people need to be sympathetically considered. They do not need to be considered in such a way that will disqualify them from what is their just entitlement.

Renewable Energy

Mr VASTA (Bonner) (9.51 am)—As part of the 2007-08 budget, the Howard government has committed an additional $150 million to solar technology. As a result, more households, schools and community groups in Bonner will now be able to install solar panels to bring their electricity costs down as well as contribute to reducing greenhouse gas emissions. I commend my colleague the Hon. Malcolm Turnbull, Minister for the Environment and Water Resources, for recently having announced additional funding for the transformation of the government’s popular Photovoltaic Rebate Program.

Since 1996, the Howard government has invested $2.8 billion to develop practical responses to climate change. An important part of this has been helping local residents to make a difference at a local level. For example, I note that the additional funding will support a doubling of the rebate for solar panels on homes so that residents can claim up to $8,000 of the cost. The new competitive grants scheme for schools and communities will also encourage the installation of solar panels by offering grants of up to 50 per cent of the cost of the solar power system. This represents a great opportunity for the local residents and organisations in Bonner and I will be urging the community to take full advantage of this important initiative.

Many Australians are eager to protect their environment and reduce the impact of climate change, and the Photovoltaic Rebate Program will help those who are concerned about climate change to take their own action to reduce greenhouse gas emissions. The program is expected to more than double the number of rooftop solar panel systems installed throughout the country over the next five years. Furthermore, it is expected that around 14,000 households will be able to access rebates through the scheme. To help meet the extra demand for solar power systems, the government will also provide training and accreditation to more installers, which is vital to the success of this expanded program.

I believe that low-emission energy technologies such as solar power are an extremely important part of Australia’s efforts to reduce greenhouse gas emissions. I offer my full support to the transformed program, as it will not only encourage more people to use low-emission solar photovoltaic technologies but also stimulate the solar industry and research community in their ongoing efforts to improve the effectiveness of the technologies and to bring the costs down. The many and varied community organisations and schools in Bonner have shown an active interest in better protecting our environment and I am committed to working with local residents and community representatives to encourage a greater use of renewable energy technologies.

Renewable Energy

Mr GEORGANAS (Hindmarsh) (9.54 am)—I too rise to speak on climate change and how we can all do our small bit to ensure that we lessen the burning of carbons. I fully agree with the member for Bonner, who is one of the few members to acknowledge that climate change exists and is damaging our world. Climate change continues to be a big issue. It is of great importance and many of us are now finding different ways of conserving energy within our own living spaces. Converting our homes to be environmentally friendly is not always
affordable. For many people and families the goal of being environmentally friendly is unattainable.

Even though the member for Bonner acknowledged the Minister for the Environment and Water Resources and the recent policy of assisting people, it is still a goal that is very unattainable for lower-income families. Small gestures such as recycling and conserving water are relatively inexpensive. However, other measures, such as installing energy efficient light bulbs, solar panels and rainwater tanks, can be expensive. An increasing number of households around Australia are finding it difficult to cope. As the cost of housing is now seven times the average annual income, a decrease in housing affordability has placed pressure on the finances of lower- and middle-income families and as such this means less money is available for these families to invest in green energy practices.

With housing affordability at such a low, it seems impossible to ask these struggling households to spend more money to convert their homes to green energy practices. State and federal governments must do more to assist these people to transform their homes where possible. Like most of us in this place, I am privileged to be in a situation where I can afford to transform my house into being 100 per cent green through my energy provider. This is not the case for all South Australians or Australians. Most low-income families cannot afford to spend money making their houses more sustainable through energy efficient practices. Lower-income families are more concerned with making sure they have enough money to pay the household bills and place food on the table.

To convert a residence to 100 per cent solar energy would cost anywhere between $20,000 to $100,000. This environmental retrofit would include things such as a solar electricity unit, solar hot water, water recycling and rainwater tanks. It is anticipated that, within a decade, housing that does not use energy and water saving devices will be looked upon as second rate and the prices for non-energy efficient houses may drop. Those who have not invested in energy saving practices, such as lower-income households, could be left with a lower return rate on their properties. I encourage all households to look at ways to be energy efficient and ask that Australians get together to help others become green wherever they can. I ask state and federal governments to do all they can to assist lower-income families that perhaps cannot attain the green energy that the rest of us aspire to. (Time expired).

**Care Services**

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for Foreign Affairs) (9.57 am)—I want to refer to the problem faced by ageing carers of children and adult children with intellectual disabilities not only within my electorate of Flinders but throughout Australia. I would like to begin by focusing on an example. I was recently contacted by a mother from Mount Martha who was worried about her 16-year-old daughter, who suffers from a form of Down syndrome. There was an enormous sense of quiet desperation about what would happen when this mother became older and unable to care for her soon to be adult daughter. It is a reflection of a concern and a legitimate anxiety felt by ageing carers and parents throughout the Mornington Peninsula and Western Port, the electorate of Flinders and, I understand, throughout Australia.

The problem is very simple: these parents largely have had to bear the load created by what I regard as a disastrous policy of deinstitutionalisation. The intent was not bad, but the execution carried out at state levels throughout Australia was exceptionally poor. There was no ade-
quate replacement put in situ either for adult day care or assisted living. Local communities have struggled to create assisted living options. Individual day care places which work with adult children with disabilities also struggle to raise capital because, for the most part, the state system in Victoria, and I understand in other states, is woefully inadequate in providing real funding for the capital support that these wonderful community based organisations—such as Wongabeena at Rosebud, in my electorate of Flinders—provide to the community.

Given this failure, my message is very clear. The state system in Victoria must make funding available, firstly, for assisted living clusters as a legitimate way of allowing parents to have a solution for their adult children with disabilities and of providing a sense of hope, dignity and personal integrity and also a way forward for those who suffer from disabilities but who would benefit and would be able to live in and be assisted by precisely this sort of assisted living cluster. Secondly, there should be support in terms of capital for adult day-care centres such as Wongabeena. They raise the money at the moment and they need the support. I commend this proposal to the state. My message is simple: please support local communities and local families as they care for those with disabilities. (Time expired)

The DEPUTY SPEAKER (Hon. IR Causley)—In accordance with standing order 193, the time for members’ statements has concluded.

INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (COSMETICS) BILL 2007

Second Reading

Debate resumed from 21 June, on motion by Mr Pyne:

That this bill be now read a second time.

Ms ROXON (Gellibrand) (10.01 am)—I rise today to speak on the Industrial Chemicals (Notification and Assessment) Amendment (Cosmetics) Bill 2007. The bill amends the Industrial Chemicals (Notification and Assessment) Act 1989 and provides legislative underpinning for the reform of cosmetics regulation in Australia, which has for the past several years been implemented on a limited, interim and administrative basis.

The proposed amendments to the act are intended to provide underpinning for reforms to the regulation of cosmetics, as part of the National Industrial Chemicals Notification and Assessment Scheme’s low regulatory concern chemicals reform program, and to make minor changes to the legislation to improve clarity, increase consistency in the legislation and address minor technical anomalies or unintended effects of the legislation.

Labor anticipate that this bill will have favourable outcomes for consumers, industry and government. We are particularly supportive of this bill because the legislative underpinning of the regulatory scheme for cosmetics will provide clarity for all involved in the cosmetics industry in Australia.

By way of background, NICNAS is the Australian government’s regulatory authority for industrial chemicals, including domestic chemicals, personal care products and cosmetics. The scheme was established in 1990 under the Industrial Chemicals (Notification and Assessment) Act 1989 and is located within the Office of Chemical Safety in the Department of Health and Ageing. NICNAS operates within a whole-of-government chemicals regulatory framework that consists of four assessment and registration schemes. In addition to the chemicals scheme operated by NICNAS, there are regulatory frameworks operated by the
Therapeutic Goods Administration, for medicines and medical devices; by Food Standards Australia and New Zealand, for food and food additives; and by the Australian Pesticides and Veterinary Medicines Authority, for pesticides and veterinary medicines. The overall aim of these regulatory structures is to provide for the health and safety of the Australian people whilst also protecting the environment.

NICNAS in particular works to encourage the safe and sustainable use of industrial chemicals, providing a national notification and assessment scheme that assesses both chemicals already in use and chemicals that are new to Australia. NICNAS assessment information is made widely available and assists states and territories—particularly their offices of health and safety, public health and environmental agencies—in the environmentally sound management of industrial chemicals. NICNAS assessments also provide risk and safety information to industry, workers and the public, to promote greater awareness of the dangers of chemicals and advice on how to use them safely.

The bill will amend the 1989 act to extend the current regulatory scheme for industrial chemicals to the regulation of cosmetics as administered by the Director of NICNAS. Historically, cosmetics in Australia have been regulated within the Health and Ageing portfolio by both NICNAS and the TGA. Under the act as it currently stands, and reflecting the historical timing of the establishment of the respective regulatory agencies, a product is deemed to be a cosmetic if it is not a therapeutic good. This is determined with reference to claims about the product and its composition. This approach for defining cosmetics by their exclusion as medicines has created a disconnect between Australian industries and some of Australia’s trading partners in the sector.

This approach has also led to differential regulation of broadly similar products. Under the act as it currently stands, products classified as cosmetics are regulated by NICNAS and include an environmental assessment of chemicals in the cosmetic products, whereas therapeutic goods come under the TGA’s regulatory umbrella and no environmental assessment is undertaken. The move to reform the regulatory interface between cosmetics and therapeutic goods can be traced to the Australian government’s November 2002 response to the Chemicals and Plastics Action Agenda, which included a commitment to consider and develop options for assessing and/or testing chemicals presenting low regulatory concern. The NICNAS Low Regulatory Concern Chemicals Task Force was subsequently established to investigate the reform of the regulation of industrial chemicals of low regulatory concern.

In an acknowledgement of the particular regulatory challenges that cosmetics present, cosmetics were considered separately in this process through the Low Regulatory Concern Chemicals Cosmetics Technical Working Group. NICNAS and the TGA subsequently undertook an independent review of the regulation of products at the cosmetic-therapeutic interface in 2004-05. A draft discussion paper, Review of the regulation of products at the interface between cosmetics and therapeutic goods, was published in March 2005 for public comment and 85 written responses to this review were received from a wide range of stakeholders, including representatives of industry, consumers, regulators, medical practitioners and health care interest groups. There was overwhelming support for the proposed reforms from a majority of respondents.

The government’s response to the independent review, the Regulation of cosmetic chemicals: final report and recommendations, was published on 1 November 2005 and the Cos-
metic Reforms Implementation Working Group, comprising community, industry and government representatives, was established to finalise the NICNAS cosmetic guidelines. The cosmetic guidelines consist of a set of cascading instruments which comprise criteria for defining cosmetics, a table of product categories including mandated conditions to ensure compliance with performance or other standards as required and a new mechanism for publicly identifying those chemicals that are prohibited or restricted for use in cosmetics in Australia.

The NICNAS cosmetic guidelines have provided the administrative basis for the interim regulation of some cosmetic products. According to the explanatory memorandum to this bill, permits have been issued by NICNAS which allow for the specified product to be regulated as a cosmetic under the interim arrangements, provided that the product complies with the guidelines. This arrangement has now been in place for 12 months and over 200 products are already subject to the arrangements.

The government cited a number of reasons for now seeking legislative underpinning of these guidelines. Firstly, these interim administrative arrangements have applied only to a limited set of cosmetics; for example, skin-whitening products and anti-ageing products have not been subject to compliance. According to the explanatory memorandum, the system has been difficult to properly enforce and there is currently no capacity to penalise companies for noncompliance. There is also no capacity to charge fees from the regulated companies for cosmetic permits issued under the interim administrative arrangements, which the government has argued is not consistent with best practice. The bill therefore seeks to implement the reforms on a legislative rather than an administrative basis and to extend the reforms to additional types of cosmetics. Labor supports that approach being taken in order to clarify and enable these other matters to be properly covered.

The bill establishes a system of notification and assessment of industrial chemicals to protect health, safety and the environment and to provide for registration of certain persons proposing to introduce industrial chemicals. It provides for the minister to determine standards by legislative instrument for cosmetics imported into or manufactured in Australia, having regard to Australia’s international obligations.

The detail of the bill obviously sets out the particular method for ensuring that those changes can come about. The new legislative scheme for cosmetics will be implemented under the 1989 act. Schedule 1 of the bill makes that change. Item 1 amends the long title to refer to the fact that the legislation will, as a result of the amendments, provide for national standards for cosmetics imported into or manufactured in Australia. There is a new objects section of the act. The proposed section 3 replicates the existing objects section but adds an additional object which provides for national standards for cosmetics imported into or manufactured in Australia and the enforcement of those standards, and there are various changes which insert references to cosmetics alongside existing references to chemicals.

Item 4 repeals the existing definition of ‘cosmetic’ within subsection 5(1) and inserts a new definition defining ‘cosmetic’ in full by drawing on the wording currently contained in the definition of ‘chemical product’ within the Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations 1991, which aligns us with the European definition of ‘cosmetic’. The definition clarifies that a cosmetic does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989. The definition expressly includes and excludes any substance or preparation prescribed in the regulations. This has been included to
ensure flexibility, particularly in relation to changes in the cosmetic industry or changes in national and international definitions that may occur over time.

Items 5 to 10 make a range of other amendments to definitions so that certain terms are no longer specific to chemicals but also apply to cosmetics. Item 11 inserts a new part 3B: ‘Standards for cosmetics imported into, or manufactured in, Australia’. The part provides for the minister, by legislative instrument, to determine the standards, and not only must the standard be registered in accordance with the Legislative Instruments Act 2003 but a copy must be published in the Chemical Gazette. For compliance with standards, this part also deals with criminal offences for importing into or manufacturing in Australia a cosmetic that is subject to the standard and does not meet the standard, and the maximum penalty for failure to comply is 120 penalty units, equivalent to $66,000 for a corporation.

Items 12 to 15 amend section 86 to enable an inspector to monitor compliance with the legislation in relation to cosmetics as well as industrial chemicals. Obviously these provisions are important when the scheme, to date, has been administered on an administrative and ad hoc basis and, as the government notes in its introductory comments and explanatory memorandum, this is one of the reasons for wanting to move this scheme, regularise it and put it into legislation so that these sorts of offences can be included. Schedule 2 of the bill deals with a range of other measures and makes a range of minor changes to improve the clarity and consistency of the act.

As I said at the beginning, Labor supports this bill. We prefer the legislative rather than administrative underpinning of the NICNAS cosmetic guidelines and we think it will help to clarify the regulatory roles and responsibilities of NICNAS and the TGA with respect to cosmetic chemicals. The changes will increase the government’s capacity to monitor and enforce compliance with the guidelines and to take action in the event of noncompliance. A legislative rather than an administrative framework will also provide greater clarity and certainty for industry—something that, of course, they always want—will help to reduce inconsistencies in the level of regulation for cosmetic products and will remove subsequent barriers to trade arising from the regulations. As I noted earlier, it is also important that it is now making us consistent with more of our trading partners in this area.

Most importantly, regulation of cosmetics by NICNAS ensures consumer confidence in cosmetic products. All products regulated as cosmetic by NICNAS will require full disclosure of ingredients on the labels, which is not currently the case for products regulated as therapeutics by the TGA, and will include an environmental assessment of chemicals in cosmetic products—again, something that I have noted is not included for the TGA assessment process. Consumers will be assured that cosmetics are subject to NICNAS oversight in such areas as the protection of health, occupational health and safety and the environment.

In summary, we are confident that the bill will help all parties involved in the cosmetic industry in maintaining confidence in the regulatory process and giving it appropriate teeth for its enforcement. Accordingly I commend the bill to the House.

Mr TUCKEY (O’Connor) (10.14 am)—The Industrial Chemicals (Notification and Assessment) Amendment (Cosmetics) Bill 2007, as the member for Gellibrand has just mentioned, is not in dispute in the House. It seems to have, as the government has chosen, an excellent practical effect. In reading the explanatory memorandum, I was somewhat astounded—but maybe I should not be, as I have been married for many years—to note that
Australia accounts for approximately 1.2 per cent of worldwide sales of cosmetic products, with many products imported as fully formulated and packed products. That is 1.2 per cent of global consumption. However, the Australian cosmetics and toiletries market has been estimated by local industry organisations as being worth $5.2 billion and covers about 700 million units consumed annually. In other words, all that advertising we see obviously works. It is a very large industry and it is associated with products applied to the human body and, as such, warrants the appropriate oversight by government.

I wish to clarify an issue that I think the member for Gellibrand had some difficulty with, and that is the acronym for the National Industrial Chemicals Notification and Assessment Scheme; it is NICNAS. Children might have to recite it to show that they have the capacity to pronounce those sorts of things! This legislation is important. There are aspects of the government’s response in assessing the problem to which I would like to refer. Recommendations regarding this issue were considered by government in late 2005. Reforms were implemented on a limited interim administrative basis in relation to some cosmetics through the NICNAS Cosmetic Guidelines until such time as the legislation could be amended to enable the guidelines to become enforceable standards under the act. While the ingredients in cosmetics have been regulated by NICNAS as industrial chemicals for quite some time, the bill represents an extension of the existing approach by enabling the minister to make standards by legislative instrument for cosmetics products as a whole that are imported into or manufactured in Australia. With such a large product range, and considering the application of these products to the human body, that is an excellent proposition.

It is also worthy of note that this legislation will better define the responsibilities of the Therapeutic Goods Administration, the TGA, and NICNAS with respect to their particular responsibilities regarding the nature of these products. A third regulator, the agricultural and veterinary chemicals products manufacturing body, also has a significant role in this area. Prior to the conclusion of my speech, I want to make some remarks in that regard. The requirement is that we have an ongoing consideration of how the bureaucratic approach is applied. Speakers in this debate have made the point that this legislation will simplify various aspects of that process, and I hope that is to be the case. As the explanatory memorandum advises me:

In relation to cosmetics, the major objectives of the agreed reforms were to:

- clarify the interface between TGA and NICNAS in terms of the regulation of cosmetics;
- enable a greater range of cosmetics to be regulated by NICNAS rather than the TGA;
- improve regulation at the interface for identified product types, including changes that could enhance the transparency and useability of existing regulatory documents; and
- specifically address issues dealing with antiperspirants, mass-market antidandruff shampoos, moisturisers with SPF, antibacterial skin washes, and anti-acne cleansers.

All of these products are used comprehensively by many people and are of considerable importance. It might be interesting to know, as we are discussing chemicals, that the most effective deodorant now available is common salt in a block. Not only does it work very well from my personal experience, but it seems to be totally anti-allergenic. I guess it will still be priced well above the equivalent amount of salt one might buy for cooking. This is a reform people might take note of.
The objectives of government action are to maintain or enhance appropriate health, safety and environmental standards and, as far as possible, align Australia’s regulation of cosmetics with the international regulatory standards of major trading partners, thereby minimising any trade barriers. This will also enable full implementation of the agreed reforms for cosmetics at the interface; only partial implementation has been possible under the interim arrangements. A related objective is to ensure that there is clarity and regulatory certainty regarding the regulation of cosmetics and this will further enable NICNAS to recover the cost of the regulation of such cosmetics. The table provided shows that, of the options available to the government, the evidence is that this particular approach will be the least expensive. Whilst there is a relationship to cost in certain areas, it would appear from that table that this approach would be substantially lower than option 1, which is canvassed in the explanatory memorandum and on which I do not intend to comment today.

This is government legislation doing everything possible to implement a process that is simplified and certain and which hopefully will not limit the time or ability of people who manufacture or promote these different products in getting them to market. I have just made the point that it is only in recent times that someone has found that salt in a block is probably the most effective and least intrusive of deodorants. One wonders just how long someone looked at salt in that capacity to work out whether or not we could use it, notwithstanding that we drink it and eat it. So sometimes we find that the process is annoying, and I am of the opinion that that is the situation when it comes to agricultural chemicals. I am deeply concerned about the processes there. We had the opportunity to talk with the acting director only yesterday in the backbench agricultural committee, and we expressed our concerns about some of those activities. It is too good an opportunity not to say that there are significant delays.

The legislation has time limits in which these matters can be considered and that is to be applauded, but as a representative of rural people I constantly get strong expressions of concern about the delays in introducing new products. We are at pains with the NICNAS process in recognising that a lot of these products are imported and in considering how we should best deal with them, especially considering that most of the European and American sources of these products have quite stringent testing procedures, which I gather from the WTO reference in the explanatory memorandum will be recognised as such.

People who go offshore to pick up generic chemicals such as glyphosate, which ran out of patent many years ago, have all sorts of barriers in labelling and finding out how these things might work as agricultural and veterinary chemicals. Often they are very much needed. There has been a tendency in recent times to revisit past approvals. There is a product known as diazinon, which has been the standard treatment for blowfly strike and other infestations in sheepskin and wool, and it works particularly well. It also represents an alternative to mulesing, which is a surgical approach to stopping the wool around the breech of a sheep and therefore the most terrible attack by blowflies. As a consequence, it is very important.

The DEPUTY SPEAKER (Hon. IR Causley)—I think the member for O’Connor is straying from the bill.

Mr TUCKEY—I wanted to point out that, while for diazinon we have these three separate administrative organisations to test these products, we seem to be able to create some shortcuts for cosmetics, and I approve of that. In the veterinary chemicals area, not only do we
seem to have significant delays; we also have people revisiting products of that nature and saying that we should not use them anymore because they have some danger to humanity. I wonder, if that same approach were taken to some cosmetics that are popular with the females in particular, whether they would accept being told that they could not use a favourite cosmetic anymore for reasons that suggest that it would be harmful to them, when it had been used for years and it had had no harmful effect.

Mr Randall—You are not suggesting, Wilson, that they should be mulesed, are you!

Mr TUCKEY—Certainly not. The reality I am pointing out is that this is the alternative. That chemical was very useful to people in agriculture, and they have now simply been told that they cannot use it. Yet I can find examples of neither harm to humans over the many years that it has been used nor in fact, for that matter, harm to the sheep which frequently get dunked in it, let alone sprayed with it. I just make the point because the opportunity arises, in all of these processes, for the political structure to provide that the test not be overly intrusive or overly expensive, because obviously that cost will be passed on to consumers. In the case of veterinary chemicals, we find people wanting to withdraw products that have been around for a very long time, have a very definite use and, as far as I can see from a practical perspective, do not have any harmful effects.

I well remember reading a very interesting article in this wider regard about how easy it is to prove that a particular product is carcinogenic. Of course the typical process is to feed the product or make it available to laboratory rats. But the best way to induce cancer in a laboratory rat is to feed it too much protein. If they eat too much, they will get cancer. It might be a bit of a message to us. But the reality is that you can affect the outcome of those particular tests outside of the effect of the product being tested. I think these things need to be put on the record because that is quite silly.

It is interesting to note, when one starts to test these products—I made comment, as you might remember, in the party room—that testing capacity is now so definitive that a scientist writing on these matters and making that reference to laboratory rats said that we could now discover two teaspoons of vermouth if they were in the Great Lakes of America and if those Great Lakes were full of gin. This fellow went on to say that that would be a very dry martini.

So we have those testing procedures, and we should be using them more positively in testing for drugs in humans. I will not extend on that for fear that I might also be told that I am getting a bit off the mark.

I support this legislation. It is very practical, and I hope it performs to the convenience of the industry and the consumer in a somewhat better way than the APVMA process.

Mr CADMAN (Mitchell) (10.29 am)—Australian manufacturing industries have for a long time been an interest of mine. Whether it be the building industry, the metal trades or the chemical and plastics industries, which are some of the industries involved in the legislation we are looking at today, they have always been an interest of mine. We need to retain a high level of skills in Australia so that we can not only pay our way in the world by manufacturing, onshore, things that are economically possible to manufacture but also maintain a defence capacity, a security for the nation, with a wide range of skills available for the use of the community should we ever need them. So there are two aspects of my interest in manufacturing industries.
Today we are looking at industries which are affected by NICNAS. The bill is entitled the Industrial Chemicals (Notification and Assessment) Amendment (Cosmetics) Bill 2007. It really deals with the NICNAS program for low regulatory concern chemicals. I would remind the House while we are dealing with cosmetics that it is notable that some of the great regents of Britain died in fact because of the cosmetics they used. Arsenic was a very significant component that Queen Elizabeth I used to maintain an unflawed complexion. It is said that the arsenic contained in the cosmetics she used were one of the reasons for her death. Whether or not that is truth or legend, I do not know, but I refer to the previous discussion in the House regarding the role and the use of cosmetics being widespread, and the fact that safety is a significant factor. I do not think anyone would be reluctant to draw back from the need for the National Industrial Chemical Notification Assessment Scheme, NICNAS, to have some sort of role in identifying problems with chemicals.

For some time I have been corresponding with NICNAS and with various ministers about the implementation of NICNAS. It goes back to discussions I had with an organisation called ROAM early in 2006. ROAM stands for Remove Obstacles to Australian Manufacture. I know some of the members of ROAM. What they have talked about to me and to government members' committees is the unnecessary removal of Australian jobs in the manufacturing sector. That is something I feel strongly about and something that needs looking at. I will read briefly from a statement by ROAM:

Over the past 40 years or so manufacturers as a proportion of GDP have declined from about 35 per cent to below 10 per cent and are still falling. Many private sector economists believe that the Australian economy cannot be sustained in the longer term if serious steps are not taken now to reverse this trend. Australia is a high labour cost economy and hence will not be able to manufacture goods that will be cost competitive with lower labour cost countries. There are many areas where we could product cost effective goods but are prevented from doing so by legislation and regulation that serves no real purpose other than to guarantee that we export manufacturing jobs.

The statement goes on to explain:

ROAM is an informal group of people who have come together because they feel strongly about these issues. The new Industrial Chemical Notification Assessment Scheme is one such area identified that prevents the use of new raw material and ingredients by manufacturers and exerts control on the use of existing raw materials.

NICNAS requires that all new substances be accredited before listing on the Australian Inventory of Chemical Substances. Such accreditation is time demanding and extremely expensive, with estimates ranging between 250,000 and 500,000 per ingredient. All new ingredients must be accredited, even if safer than the one being replaced.

We will present to you examples in support of our claim that this legislation is contributing to the demise of Australia as a manufacturing economy and we suggest options that will still address the very reason given for enacting the NICNAS legislation initially—that is, to protect the worker, the environment and the consumer.

I would have to say that to a good degree NICNAS has been dealt with by ROAM. I find the ROAM arguments convincing, despite responses from parliamentary secretaries and ministers, who seem to follow a very rigid department of health line but do not really take into account the rest of the world or some practical matters.

I will read from a NICNAS letter of 18 July 2006:
Whilst the NICNAS legislation is about new substances the principal thrust is regarding new industrial chemicals but it is not really the industrial chemical manufacturers that are being effected. It is the Australian manufacturing industries generally that are being harmed by not being able to gain access to new substances ... that their overseas competitors are able to access & use. All manufacturing industries are effected, whether it be a steel maker (industrial chemicals are used in the steel making/refining processes) or a manufacturer of bread (stabilisers & emulsifiers). Even commercial offices rely on computer and photocopier inks, and to manufacture welding electrodes requires industrial chemicals. Personal care products be they simple anti perspirants or hair shampoos are reliant upon such ingredients.

Australia is not really a large manufacturer of industrial chemicals. Of course we produce high tonnages of agricultural fertilisers & things like caustic soda and sodium cyanide where sizeable domestic markets exist. Then there are more speciality industrial chemicals but by & large only substances of a ‘traditional’ nature where use was well established prior to the introduction of the NICNAS legislation. There is very little R & D now into such new industrial chemicals in Australia—almost all new substances are developed overseas.

There are a number of foreign owned producers of industrial chemicals here e.g. Huntsman, Shell, Monsanto, Borden Chemical etc who produce ‘traditional’ ingredients & have a capacity to import & market new substances from their foreign parents. Then there are the Australian producers like Orica, Nuplex/APS etc who spend most of their R & D budgets on process development/refinement rather than on new product (ingredient/substance) ...

It is the producer of plastic pipe that is hurt by NICNAS because he cannot access the latest ingredients such as plasticizers, UV inhibitors, stabilisers, impact modifiers etc—in many cases that producer of pipe may not even be aware of the latest ingredient or the reasons why he cannot buy & use them.

Mostly new industrial chemicals would be introduced to the Australian market by trading companies or the trading divisions of manufacturers. Those traders have sales volumes from say A$1 million pa up to A$500+ million pa & they represent foreign manufacturers of industrial chemicals. Not wishing to detract from the efforts of Australian scientists ... almost all new industrial chemicals are produced overseas hence the local representative is relied upon to introduce such substances to potential users in Australia. Even our Government owned CSIRO & ANSTO whilst inventing new substances generally license off shore manufacture/sale which frankly is another subject!

Naturally, if the potential sales volume of a new industrial chemical is such that the cost of accreditation under NICNAS legislation cannot be recovered in a reasonable time then that substance is not submitted to NICNAS for accreditation, thereby removing the opportunity for that substance to be used by the Australian manufacturing industry. It matters not that the new substance is in use and accredited within, say, Europe, the USA or Japan—that substance must still be accredited for use by NICNAS or it cannot be imported or used in Australia.

It is absolutely ridiculous to think that other countries have unacceptable accreditation processes and that Australia is correct in reinventing the wheel. Even new industrial chemicals rather than the substance being replaced must be subjected to NICNAS with the same costs and delays. Similarly, new industrial chemicals that would be far more acceptable environmentally must be accredited by NICNAS. Whilst the application fee for accreditation might be considered modest, the total cost to the applicant to develop and provide all the NICNAS required data is put at around $200,000 per substance as well as a totally unacceptable time period.

In the years now that NICNAS has been in place in Australia not one worker’s or consumer’s life has been spared, nor has any other upside been detected, but there are many examples of Australian manufacturers shifting their manufacturing jobs offshore because of NICNAS and leaving behind products of old technology that cannot compete in international markets let
alone contribute to a better Australia—a true dumbing down of our industry at the same time as reducing our manufacturing.

Technically speaking, it is illegal to import an item that contains an ingredient that is not listed on the Australian Inventory of Chemical Substances, but in reality NICNAS has neither the knowledge nor the resources to police such matters. Hence you find biodegradable plastic bags being imported and used while the very resin polymer from which they are made cannot be imported for use in Australia by plastic bag makers. I have not heard anything so ridiculous—the finished product can be produced overseas and be imported into Australia but Australian manufacturers cannot buy the resin polymer whereby they could make those same bags in Australia. Manufacturers, as a proportion of GDP, have reached a low level.

The letter from ROAM says that there are groups of Australians who have some real problems, that there are anachronisms and obstacles to their productivity and that they are all caused by the difficulties they confront with the processes adopted by NICNAS. The letter finishes by referring to the Productivity Commission inquiry into NICNAS and says that, in spite of Professor Bell’s recommendations, there have been taskforces established but with guidelines that do not allow consideration of the elimination of the NICNAS legislation or the development of a viable alternative.

The letters go on over a period of time in much the same vein, but one of the most revealing factors was in a letter of April this year from ROAM. They go into some of the details of this legislation, which is always presented as a simplification of the process but seems to end up costing more and taking more time. They go on to say that they do represent manufacturers and have a knowledge of the industry but they do not claim to represent chemical manufacturers. Claims of simplified accreditation by NICNAS is a smokescreen as is the cost-recovery argument. The facts are that Australia NICNAS is leading the world in the disastrous race to overregulate all aspects of business. We simply cannot afford such ill-conceived concepts, especially schemes like NICNAS.

It is important to note that, when NICNAS was first foisted on Australian industry, a line was drawn which effectively grandfathered some 138,000 substances. NICNAS has assessed a small number of these grandfathered substances and caused, to our knowledge, none to be banned. The fact that only 3,000 or so new substances have been accredited by NICNAS since its inception and that Europe now has 110,000 accredited substances shows why Australian manufacturing jobs are moving offshore: they cannot compete.

I think that is the nub of the problem. Even though there was a grandfathering proposal for some 38,000 substances, there has only been, according to ROAM, a few thousand more added to that, whilst in Europe—and we know how stringent the green requirements are in Europe—some 110,000 accredited substances can be used by European manufacturers. This seems a strange inconsistency and yet we keep pursuing it. Letter after letter, response after response say we are protecting the Australian people. Can we seriously argue that Europeans are unprotected? Can we seriously argue that the regimes of the greens in Germany, of the Left in France and of all the activists that are so often on the television screens across Europe have been ineffective in persuading their governments to protect their communities? I think not. I think that those political forces in Europe have been extremely effective and in some instances have gone beyond what is required by Australian authorities.

MAIN COMMITTEE
In the chemical manufacturing industry and the provision of chemicals—which is such an important part of the manufacturing industry in general, whether it be in steel, plastics, food products or day-to-day things such as cosmetics—Australia needs to get its act together. We cannot compete by regulation. We must not compete in the regulatory field, saying that we are 10 years ahead of Europe in restrictive legislation. If the Europeans can approve 110,000 products for use in chemical manufacture and Australia cannot get much over 40,000, then we are suffering a huge disadvantage. The chemicals that we are missing out on are the newest ones, the most advantageous ones, the ones that are going to create the greatest benefit and, most often, the ones that are far less deleterious than the ones currently in use.

That process which I have just read to the House is described by the ROAM organisation, a group of seriously minded Australians who do not want to slash and burn all the legislation and regulation. They are reasonable people who want to see Australia advance but be safe at the same time. They have families and consider their families. When one reads their correspondence one cannot help but understand the heart and soul of these people and their interest in Australian jobs, Australian families and Australian opportunities and that this process limits our access to new products and new chemicals to less than half that the rest of the world uses. That puts us completely in the hands of overseas manufacturers. It is a reverse tariff process. It is giving them a tariff advantage, if you like, by the regulation of imports into Australia instead of having Australia compete. It is ridiculous.

I have not had a reasonable response from anybody on this issue. Of course, from a ministerial point of view, it is no good blaming the ministers because when dealing with chemicals—none of us are experts in chemical manufacturing or the danger of various chemicals—how can a minister possibly assess this as more dangerous than something else? So a minister must listen to experts. A minister must be guided by what he or she is told by a range of people skilled in these affairs who can make the appropriate assessment.

The stark fact is that we are at a disadvantage, and I want to know why. Why can we not use the same amount of chemicals in our manufacturing industries as they can in Europe? Why do we have to draw a barrier and say that in Australia the climate, the soil and everything else is so different that we cannot accept European or American standards? We do in human products. In human products the TGA has a very different and much better system to this. A lot of Australian chemical manufacturers say, ‘If only we could have a chemical manufacturers TGA we’d be a lot better off,’ because the rigour that is imposed on them, the slowness and the cost excels that of the TGA. That is their most rigid and solid criticism of what goes on in this industry. My colleague Wilson Tuckey dealt with some of the veterinary chemical industry issues that have been matters of discussion over the last few weeks. That is a different area of regulation, but many similar problems are imposed upon us there.

I would appeal to those administering NICNAS and to those in authority who look over this area to look at these regulations and say: ‘Let’s adopt a more reasonable and practical approach but one that is safe and one that is secure for the wellbeing of Australian families. Let’s not ditch Australian manufacturing and Australian jobs simply because we’re slow or cautious or just because we want to do our own thing which is different to the rest of the world.’

Mrs DE-ANNE KELLY (Dawson—Parliamentary Secretary to the Minister for Transport and Regional Services) (10.49 am)—I would like to thank members for their contributions to
the debate on the Industrial Chemicals (Notification and Assessment) Amendment (Cosmetics) Bill 2007. As has been noted, the bill has two objectives. Firstly, the bill presents amendments that deliver on the government’s commitment to reforming the regulation of cosmetics, creating a long-term, sustainable and competitive advantage for the cosmetics industry while ensuring the continuing safeguard of health, safety and environmental standards.

While the ingredients in cosmetics have been regulated by NICNAS as industrial chemicals for quite some time, the bill represents an extension of the existing approach by enabling the minister to make standards for cosmetic products as a whole that are imported into or manufactured in Australia. This puts in place reforms agreed to by government in November 2005 that have been implemented on an administrative basis since early 2006. The approach adopted will deliver greater clarity and certainty for industry and capacity for NICNAS to take action in the event of non-compliance and ensuring the protection of public health, occupational health and safety and the environment.

The second objective achieved by the bill is the making of minor technical amendments to the act to provide clarity and consistency within the act. These proposed minor amendments will have no significant impact on business, do not place any restriction on competition and do not place any significant additional requirements on the industrial chemicals industry.

In closing, I would like to acknowledge the strong support of all stakeholders for the proposed amendments and their ongoing cooperation and assistance in the development of the bill. As a result of this collaborative approach adopted by government, industry and other stakeholders, I believe we have been able to achieve a very well considered and appropriate piece of amending legislation.

Question agreed to.

Bill read a second time.

Ordered that this bill be reported to the House without amendment.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 1) 2007

Second Reading

Debate resumed from 29 March, on motion by Mr Dutton:

That this bill be now read a second time.

Mr BOWEN (Prospect) (10.52 am)—The Labor Party will be supporting the International Tax Agreements Amendment Bill (No. 1) 2007. This bill amends the International Tax Agreements Act 1953 by inserting the text of the Convention between the Government of Australia and the Government of the French Republic for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion and the text of the Convention between Australia and the Kingdom of Norway for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion to give them the force of law. These treaties were signed in June 2006 and August 2006 respectively.

Chapter 1 of the bill amends the International Tax Agreements Act 1953 to give force of law in Australia to the France convention. The France convention updates the existing tax treaty signed in 1976 to align tax agreements with modern business practices, the respective
tax systems and modern tax treaty practice. The new treaty extends the coverage of the France convention to Australian tax on capital gains and updates the list of taxes to which the new treaty arrangements apply. In the case of Australia, these taxes are the income tax, including that imposed on capital gains, the resource rent tax, to put beyond doubt that this is included as income tax, and any identical or substantially similar taxes imposed under the federal law of Australia—and that exists in the current convention. The resource rent tax and the CGT are not covered by the current treaty.

The new treaty also updates the meaning of ‘permanent establishment’. Under the new convention an enterprise is deemed to have a permanent establishment if it is a building site which lasts more than 12 months or connected supervisory activities which last more than six months, or maintains substantial equipment for rental or other purposes for more than six months. The new treaty also broadens the meaning of real property to include exploration and mining rights over natural resources. Most agreements now include rights to exploit or explore natural resources.

The treaty aligns the treatment of income from independent personal services to the OECD standard and clarifies the application of this article to business trusts. The treaty reduces the rate of dividend withholding tax to zero for individuals paid to a company that is resident in the other country where that company holds more than 10 per cent of the company paying the dividends and the dividend paid has borne the full rate of company tax. Five per cent of other cross-border intracorporate dividends and other dividends may be taxed at 15 per cent. Currently the rate of dividend withholding tax is 15 per cent.

The treaty also reduces the rate of interest withholding tax from 10 per cent to zero where certain interest is derived from investment of official reserve assets—that is, interest flows to the government, its monetary institutions or central banks, or by a financial institution.

The treaty also reduces the rate of royalty withholding tax from a maximum of 10 per cent to five per cent of the gross royalty payment, updates the definition of ‘royalties’ and excludes payments for the use of equipment.

On the greater cooperation between tax authorities on the tax avoidance front, the treaty aligns article 25, ‘Exchange of information’, to the 2005 OECD standard. The effect of the changes is to expand the range of taxes to which the article applies and to clarify that bank secrecy laws do not limit the exchange of information.

The treaty also includes a new article 26, ‘Assistance in recovery’, which authorises and requires Australia and France to provide assistance to each other in the collection of cross-border tax debts.

Chapter 2 of the bill gives force of law to the Norway convention. The Norway convention extends the coverage of the Norway Convention to Australian tax on capital gains and updates the list of taxes to which the new treaty arrangements apply. In the case of Australia, these taxes are the income tax, the resource rent tax and any identical or substantially similar taxes imposed under the federal law of Australia. It also reduces the rate of dividend withholding tax to zero in the source country for dividends where the recipient company holds more than 80 per cent of the voting power of the company paying the dividend, subject to certain conditions; and five per cent for other cross-border intercorporate dividends. Currently, the rate of
dividend withholding tax is 15 per cent. This still applies to other dividends not covered by the above arrangements.

It also reduces the rate of interest withholding tax from 10 per cent to zero where interest is derived by a financial institution or the government, its monetary institutions or central bank. Currently, the rate of royalty withholding tax is limited to 10 per cent of the gross payment.

It also reduces the rate of royalty withholding tax to five per cent of the gross royalty payment and extends the meaning of ‘royalty’ to include spectrum licences. Leasing of industrial, commercial or scientific equipment will no longer constitute a royalty.

The treaty also updates the meaning of ‘permanent establishment’ as in the other treaty and broadens the meaning of ‘real property’ to include exploration for natural resources.

The treaty aligns the treatment of income from the independent personal services to the OECD standard under article 7, ‘Business profits’. It also clarifies the application of this article to business trusts and includes a comprehensive ‘Alienation of property’ article, which allocates taxing rights over capital gains.

It provides that pensions, other than government service pensions, will be taxable only in the state of residence of the recipient. Government service pensions, including any national insurance element of such a pension, will be taxable only in the state which created the fund out of which the pension is paid and to which the services were rendered, unless the recipient is a resident and national of the other state. Currently, all pensions are taxable only in the country of residence of the recipient.

It also provides for a sharing of the taxing right in respect of salary, wages and similar remuneration from employment covered by the offshore activities article.

It also closely aligns article 26, ‘Exchange of information’ to the 2005 OECD standard. The effect of the changes is to expand the range of taxes to which the article applies and to clarify that bank secrecy laws do not limit the exchange of information. It includes a new article 27, ‘Assistance in collection of taxes’, which authorises and requires Australia and Norway to provide assistance to each other in the collection of cross-border tax debts.

These two treaties are very similar. This is a standard bill which inserts the treaties into the International Tax Agreements Act and, accordingly, the Labor Party is happy to support it without amendment.

Mr HAYES (Werriwa) (10.59 am)—I will not take too much of the chamber’s time on this International Tax Agreements Amendment Bill (No. 1) 2007. As the member for Prospect has indicated, this bill is supported by the Labor Party. I am pleased to see the bill finally being debated. It was introduced into the House back in March this year. I will speak briefly to some aspects of the bill and its wider implications for sectors of industry, particularly those sectors of industry that are dominant in my part of the world.

The amendments to the International Tax Agreements Act before us are essential to bring into force the renegotiated tax treaties with France and Norway. Australia has had bilateral agreements with a number of countries aimed at preventing the double taxation of income that it is received by a resident of one country from activities in another country. Such agreements are aimed at aiding the minimisation of tax avoidance and evasion. These double tax arrangements, as they are known, tend to have standardised rules for the taxation of various categories of income depending on its source and the place of residence of the person deriving
that income. Broadly, income from certain categories is reserved for taxation in the country of residence of the taxpayer, while income from other sources may be taxed in its country of source, usually at the maximum percentage. Where the country of residence also taxes these classes of income, it is required to allow a credit for the tax paid in the country of source.

The bill before us will incorporate into the act the text of the treaties signed with France and Norway that relate to the avoidance of double taxation with respect to taxes on income. Schedule 1 of the bill amends the act to give force to the Convention between the Government of Australia and the Government of the Republic of France for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion. This convention updates the treaty signed in 1976 and aligns the tax agreement with modern-day business practices, respective tax systems and modern tax treaty practice.

Schedule 2 extends the coverage of the Norway convention to Australian tax on capital gains and updates the list of taxes to which the new treaty arrangements will apply. In the case of Australia, these taxes are income tax, resource rent tax and any identical or substantially similar taxes imposed under the federal laws of this country. The Norwegian convention replaces the previous convention of 1982.

On the face of it many might wonder why it is important that Australia not only enter into such international tax arrangements but bring them into force. Bringing these bilateral conventions with France and Norway into force is important in building stronger relationships with these two countries and enhancing our trade prospects and opportunities. All members of this place would acknowledge the importance of trade to the Australian economy. Some would even say that trade, particularly in relation to the current resources boom, has been propping up the entire Howard government strategy over the last few years—at least for a number of us that would be a reasonable conclusion.

Last year Australia’s exports were worth $210 billion. That is a significant sum by anyone’s reckoning. As a member representing an electorate in the south-west of Sydney, I know the importance of facilitating trade. The industry sector that employs the greatest number of people in the south-west of Sydney is manufacturing. A report by the Committee for Economic Development of Australia recently noted that, contrary to popular belief, manufacturing exports have not declined. CEDA found that in 1980 manufacturing comprised eight per cent of our total exports while two decades later it is now slightly short of 20 per cent. In 1981 exports were at least one-tenth of manufactured sales but, according to CEDA, now the export share has doubled.

The greater west of Sydney, quite frankly, is the manufacturing heart of Australia. The region generates more than $70 billion of economic value added a year and accounts for a quarter of the state product. Our manufacturing accounts for almost 20 per cent of the gross regional product of greater Western Sydney and this is almost half of the total of value-added manufactured products throughout New South Wales.

Trade is very important to Western Sydney. It is certainly very important to the people who live in Western Sydney, whom I have the very distinct honour to represent. Manufacturers in Western Sydney also understand how important trade is. Just down the road from my electorate office in Ingleburn is Broens Industries. I have spoken about Carlos Broen on a number of occasions in the House. Once again, I just draw the attention of the House to the success of this particular manufacturing story in the south-west of Sydney. Broens has not given up the
game when it comes to stiff competition from various overseas manufactured sources, particularly out of China. Carlos Broen knows that, in order to survive, he needed to transform his business and has set about doing that. In fact, Broens now is substantially exporting to places including China. The days of low value-added manufacturing are virtually over because of cheaper offshore labour, but important for Western Sydney is the drive for the new era of Australian manufactured goods, particularly attacking the high end of manufacturing.

The keys to growth in this part of the manufacturing sector are good trade links and, more importantly, good and well-developed trade skills. As many as 50,000 people in the Fairfield, Liverpool and outer south-western Sydney region understand how important this is, because that is how many are employed in the manufacturing area in the south-west of Sydney.

The European Union, when it is taken as a whole, is Australia’s largest trading partner. In 2006, exports to the European Union rose by 25 per cent to a total of $28.6 billion. Between 2005 and 2006 Australia’s manufactured exports to France grew by almost 14 per cent—a move very much in the right direction. I trust it is the sort of thing which will only be able to grow further with the passing of this particular legislation.

For this reason and for the continued growth of our trade with Europe, and in particular France and Norway, I support the provisions of this bill. I hope that this will assist in opening more doors for Australian businesses into France and Norway because I am sure that the quality of export business in south-western Sydney will only benefit from these approaches, particularly in the manufacturing sector, and they will be able to expand their markets into these destinations and hopefully, through that, create more local jobs.

Mr DUTTON (Dickson—Minister for Revenue and Assistant Treasurer) (11.08 am)—in reply—I thank the previous speaker and other members who have taken part in the debate on the International Tax Agreements Amendment Bill (No. 1) 2007. As part of its response to the review of international tax arrangements, the government undertook to implement a package of reforms that will improve the competitiveness of Australian companies with offshore companies and to maintain Australia’s status as an attractive place for business and investment.

This bill, which will give the force of law to renegotiated tax treaties with France and Norway, further demonstrates the government’s commitment to these outcomes by progressively modernising Australia’s tax treaties. This bill will insert the text of the convention between Australia and France and the convention between Australia and Norway into the International Tax Agreements Act 1953. The conventions between Australia and France and Australia and Norway were signed on 20 June 2006 and 18 August 2006 respectively, and they will replace the existing tax treaties with France and Norway and the separate airline profits agreement with France, dealing with taxation of airline profits. Details of the treaties were announced and copies were made publicly available following signature.

The conventions will further strengthen the economic relations between Australia and the two treaty partners. The conventions serve as another step in facilitating a competitive and modern tax treaty network for companies located in Australia. The conventions will also satisfy Australia’s most favoured nation obligations under the existing treaties with France and Norway. Both conventions will substantially reduce withholding taxes on certain dividend interest and royalty payments in line with those provided in our tax treaty arrangements with the UK and the United States. This will provide long-term benefits for business, making it
cheaper for Australian based business to obtain intellectual property, equity and finance for expansion.

The conventions will assist trade and investment flows between Australia and France and Australia and Norway, and further demonstrate the government’s commitment to update ageing treaties with major trading partners, as recommended by the Review of Business Taxation and the Review of International Tax Arrangements. The treaties will produce a positive economic outcome for Australia and the gains will include a larger and faster growing Australian economy with flow-on effects for employment, trade and investment. The new conventions achieve a balance of outcomes that will provide Australia with a competitive tax framework for international trade and investment while ensuring that the Australian revenue base is sustainable and suitably protected. Both conventions facilitate improved integrity measures for administering and collecting tax from those with tax obligations in either or both jurisdictions. The conventions reflect the government’s decision to incorporate enhanced information exchange provisions which meet modern OECD standards and to provide for reciprocal assistance in collection in future tax treaties where appropriate.

The government believes that the conclusion of the conventions will strengthen the integrity of Australia’s tax treaty network through bilateral cooperation between countries to help ensure taxpayers pay their fair share of tax. Both conventions will enter into force after completion of the necessary processes in both countries and will have effect in accordance with their terms. I note that both treaties have been considered by the Joint Standing Committee on Treaties, which has recommended that binding treaty action be taken on both conventions.

The enactment of this bill and the satisfaction of the other procedures relating to proposed treaty actions will complete the processes followed in Australia to bring the conventions into force. On that basis, I commend this bill to the House.

Question agreed to.

Bill read a second time.

Ordered that this bill be reported to the House without amendment.

ADJOURNMENT

Mr RANDALL (Canning) (11.13 am)—I move:

That the Main Committee do now adjourn.

Fuel Prices

Ms VAMVAKINOU (Calwell) (11.13 am)—I rise today on behalf of the many constituents living in my electorate of Calwell who continue to be affected by the very high cost of petrol. For many, high petrol costs further add to the financial burdens associated with today’s rising cost of living. They are eating into household budgets in a way that is unsustainable and their impact is especially dramatic for people who live in an electorate like mine, where having a car is close to essential if you want to get around anywhere—whether it be for school, for work or just for recreation.

People living in Calwell are generally far more reliant on cars than those who live closer to the Melbourne CBD and who have better access to public transport. More often than not, taking your kids to school, getting to work and doing the shopping all require a car. These trips are an essential part of our daily routine and they are becoming more and more expensive.
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The higher petrol prices go, the more they add to the pressure many working families now face as increases in the cost of living continue to far outstrip growth in household disposable income.

Perhaps one of the greatest contradictions today is that, at a time when the world is enjoying strong economic growth, more and more Australians are finding it harder to make ends meet and to keep their heads above water. Many Australians are already struggling to meet the soaring costs of child care, health care and medicine, dental care, education, and basic groceries as well as electricity, water, gas and telephone bills. High petrol costs play a role in this and community anger over the Howard government’s failure to do anything about high petrol prices has been palpable both in my electorate and elsewhere.

Last week, we finally saw the Howard government do an about-turn after having mocked the idea of a formal price inquiry into petrol prices in Australia for more than a year. I am glad that the government has finally chosen to heed the opposition’s call for it to direct the Australian Competition and Consumer Commission to conduct a formal price inquiry into petrol pricing in Australia, especially after its previous ‘name and shame’ campaign went absolutely nowhere and has been all but forgotten.

The point of a formal price inquiry is that it gives the ACCC greater information-gathering powers, making it better placed to properly monitor petrol prices in Australia. It is about empowering the ACCC with information acquisition powers so that it can formally request information from oil companies who must respond to the ACCC rather than it just relying on the information that oil companies choose to make publicly available. This is the only way to make sure that the oil industry provides all the information we need to determine what is really happening with petrol prices in this country, especially when it comes to allegations of petrol price fixing and collusion between companies.

What has no doubt motivated the Howard government to act now is that, later in the year, we have an election pending. This is another eleventh-hour bid by the Howard government. What most people now fear is that this formal inquiry will have a shelf life no longer than beyond the next election. But high petrol prices are going to continue to hurt household budgets whether we are talking about this month, next month or next year.

To make sure that Australians start getting a fair go at the petrol pump, Labor has announced that it will appoint a petrol commissioner with tough new powers to monitor and investigate petrol pricing in Australia. The office of the petrol commissioner will be a permanent fixture within the ACCC, and it will be given full powers under part 7A of the Trade Practices Act to monitor and investigate any petrol price gouging or collusion.

The truth is that, for some time now, oil companies have seen long weekends, the Easter break and school holidays as a time to cash in at the expense of Australian motorists. Quick to raise petrol prices whenever the price of crude oil goes up, they are mercilessly slow to lower petrol prices when the cost of crude oil goes down. It is now common for petrol prices to be between 5c and 10c a litre higher than they should be.

Residents living in Calwell and Australian motorists in general need to know that petrol prices are being set fairly and that there is no price gouging at any point in the supply chain. That is why Labor will appoint a petrol commissioner as a permanent fixture in the ACCC to
monitor and investigate petrol pricing in Australia and to ensure that my constituents as well as Australians generally get a better deal when it comes to petrol prices in this country.

**Dobble Electorate: Roads**

Mr TICEHURST (Dobell) (11.18 am)—I am extremely pleased to have secured federal funding for three local road projects on the Central Coast, including the Warnervale Link Road, Dickson Road at Jilliby and Brush Road at Ourimbah. These roads have been funded under the coalition government’s very successful AusLink strategic regional program, which was allocated an extra $250 million in the last federal budget. This additional road funding will greatly improve the safety of roads in the Dobell electorate as well as provide alternative routes for drivers to alleviate traffic flow and provide better linkages between suburbs.

Many of our local roads are in need of upgrading. We have had a large influx of people into the area from Sydney for the relaxed lifestyle it offers. As a result, our roads are very strained. Councils are struggling to keep up with the necessary upgrades, with little or no help from the state Labor government. Main arterial links, such as the Pacific Highway and The Entrance Road, are just not coping because the New South Wales government has been slow to upgrade them. We did see some activity prior to the March election on about 400 metres in two spots on The Entrance Road and another two spots on the Pacific Highway. In stark contrast, after the election the road projects seemed to slow down.

I am pleased to have secured this funding for our councils so we can alleviate the traffic burden from some of our local roads. Local residents are thrilled with the announcement of $3 million in federal funding to help build the link road from Britannia Drive at Watanobbi to Sparks Road at Warnervale. This is on top of the $2½ million that we secured for the road prior to the previous election. The new road will better connect the Wyong township with the rapidly growing Warnervale region, improving travel times between these suburbs. This project has received my strong support because it reduces traffic on the Pacific Highway. It will also ease through traffic on residential streets, including, for example, Minnesota Road at Hamlyn Terrace, making the area safer for families and the elderly. Some $5½ million is now available to Wyong Shire Council to build this link road. I will keep the pressure on the council to ensure that this vital project is delivered to the community as soon as possible.

By working in partnership with the community, I have been able to secure $800,000 to realign, widen and provide an initial seal to an 800-metre gravel section of Dickson Road in Jilliby. A number of crashes have occurred on Dickson Road and this upgrade will significantly improve road safety for local residents. Brush Road will also receive $1.35 million for the construction of the remaining 900-metre gravel section of the road. This road links Ourimbah to Tumbi Umbi and will provide a safe and viable alternative route to the heavily congested Pacific Highway and the Ourimbah interchange for residents and local industry. It will also provide a local link to the university campus.

The AusLink program is Australia’s biggest ever infrastructure program, recognising the importance of safe and well-maintained road systems for all Australians. It is only as a result of the Howard government’s strong economic management over the past decade that the Howard government is able to deliver these real and practical benefits to our local community. In addition, the Australian government has so far invested nearly $500 million under the black spot program to fund safety works such as roundabouts, crash barriers and street lights at places where there have been serious crashes or where serious crashes are likely. In the Dobell
electorate, since 1996 we have received $4.75 million under the black spot program. It has made an enormous difference to our local roads.

In recognition of its success, the Australian government increased the funding of this program by 33 per cent to $60 million annually. As well, it extended the program until 2014. This is in stark contrast to Labor’s scrapping of the highly successful black spot program when they were last in government. It is estimated that by June 2008 the Howard government’s reintroduction of the program will have fixed 4,200 road hazards around Australia, thus saving at least 130 lives and preventing around 6,000 serious crashes, which would have occurred under the Labor cutbacks.

The Labor Party has repeatedly tried to cut back the black spot program. In fact, in 2004 its then leader, Mark Latham, announced that Labor would scrap the program to bail out his state Labor mates, who were not funding public hospital emergency departments properly. Labor’s bright idea was to spend more money on state government public hospital emergency departments so they could deal with the increase in road accidents. Any increased pressure on the already problem-fruited state hospital system would be caused by Labor’s decision to cut the black spot program.

In direct contrast, the Howard government has increased funding to further improve the safety and quality of and ease the congestion of our roads, which state Labor has failed to do. Locally, I remain committed to supporting the Central Coast lifestyle and ensuring adequate infrastructure is in place for our growing community. I will continue to fight for more funding for our local roads.

New South Wales Floods

Ms GRIERSON (Newcastle) (11.23 am)—I rise today to update the House on the wonderful, selfless work of the people contributing to the recovery effort in Newcastle and the Hunter in the wake of the devastating long weekend storms. Last Friday, I had the opportunity to invite the Leader of the Opposition, Kevin Rudd, to Newcastle to meet some of the people affected by the storms and to visit the SES headquarters and the disaster recovery centre. I want to put on the record my appreciation, and my region’s appreciation, that the opposition leader could show his support for us in this very meaningful way. And support is still needed. We met people who had still not been able to come home, who still needed to have their carpet pulled up or were still going through their possessions working out what they could salvage.

Newcastle’s famous spirit—based on networks of family, friends, community groups, volunteer organisations, businesses, civic leaders and government agencies—has been there to help right from the start. In the Hamilton street we visited last week, men and women, adults and children, cats and dogs and even a rabbit—from up and down the street—all spent the first wild Friday night of the storms together, welcomed by their neighbours into one of the few houses not inundated.

There are countless stories of heroism that night from ordinary people who just happened to be in the right place to assist and who often put their own safety in jeopardy to do so. The State Emergency Service, Westpac Rescue Helicopter, Newcastle Port Corporation, ambulance and police were vital in providing the first response. To all of them, I give our region’s sincere thanks. While we mourn for those whom we have tragically lost, we cherish every life.
that was saved. As we continue the recovery phase, our community organisations have been outstanding. Groups like the Red Cross, St Vincent de Paul, the Adventist Development and Relief Agency and Anglicare, to name but a few, have been providing much needed relief to families. The Newcastle Law Society has been providing advice and referrals and next week is hosting a community forum about legal matters that may arise out of the storms.

In the corporate sector, I noted yesterday that Woolworths has made a big donation to the Salvation Army’s appeal while EnergyAustralia and Telstra, aside from their work getting people’s phones and power back on, are offering forms of assistance to account holders. The Newcastle Permanent Building Society has put $250,000 into a fund to help people out. There are many other businesses in our region generously giving to relief efforts.

Of the Commonwealth government agencies, I would particularly like to pay a special tribute to Centrelink staff in the region who have done an outstanding job—in particular, the Wallsend office in processing people’s claims for disaster assistance payments. Centrelink tells me that it had processed some 2,000 claims for this payment as of Monday, which is an incredibly quick response to a very real need in our community. Centrelink staff flew in from North Queensland this week to help, the same as Newcastle staff had done for the North Queensland communities following Cyclone Larry. It is important to remember that these workers have also been personally affected by the storms. This applies to all people who worked during the storms and in the aftermath. They did it even when their own homes, families or businesses may have been under threat or damaged.

I am very happy to report to the House that the insurance problems some people were experiencing last week are being resolved. I acknowledge the hard work being done on the ground by Insurance Council of Australia representatives and commend the work of call centre staff and assessors in looking at about 30,000 claims thus far. I trust that any further problems will be rectified quickly and smoothly for people who continue to face great financial and emotional hardship as a result of these storms. Our experience in the earthquake almost 20 years ago tells us that the loss is ongoing and the harm is substantial. I think in the aftermath of the earthquake another 30 people died from stress related health problems. We have to keep a watchful eye on our communities in the future. At this time, people in our region do not need any more pressure. Make no mistake: this has been an enormously difficult time for us all, but we will be vigilant. We are tough and we will stick together to support our communities.

To those people in the worst affected areas of my electorate—Beresfield, Hamilton, Merewether, Millers Forest, New Lambton, Wallsend, Woodbury, Hamilton North and elsewhere—your determination and good humour in the face of adversity is an inspiration. That you took the time to support others was a wonderful tribute to the people of those streets and those affected suburbs. Last night I passed on to Mark Scott, ABC managing director, my appreciation for ABC 1233 and, in fact, all local media for the sterling job they did in providing human contact and information for the people affected by the storms.

Education

Mr FAWCETT (Wakefield) (11.28 am)—I rise today to draw the attention of the House to the discussion about an education revolution. There is an education revolution occurring in South Australia and it is a revolt by parents, the education union, teachers and parents and teachers associations against Labor’s education policy. The South Australian Labor govern-
ment wants to tax all public childcare centres, kindergartens, primary schools and secondary schools to recover part of its workers compensation costs. Schools say that this tax, combined with other cuts to education by the Labor government, will cost secondary schools more than $100,000 annually, about $50,000 for primary schools and $4,000 for kindergartens. Schools in South Australia are saying that the Labor education policy means less equipment replaced, fewer books replaced, cuts to curriculum, no new computers, less professional development for teachers and more parent fundraising. Labor’s education policy is even going to attack parent fundraising. The government is considering taking back interest earned by schools on bank accounts, and these bank accounts are where the schools keep money that they have either saved or fundraised.

The Labor government tax comes on top of cancelling the Be Active: Let’s Go program, as well as the proposed cuts to music and aquatic programs and cuts to the $30,000 small schools grants and first aid training which has now been passed on to schools as a cost. Parents are revolting against Labor’s education policy because the Labor government has spent some $24 million on extra spin doctors and staffers at the same time as it is expecting parents to pay more for education. This is Labor policy. It also stretches to the federal level. The basis of the Latham schools hit-list policy from the 2004 election was a resource index in terms of funding according to need. The Labor Party national platform and constitution of 2007 identifies that they will still fund according to the principles of assessing against financial need. The Leader of the Opposition now says that all schools will be funded according to need—that is, according to the resource index. Parents across Australia can see that there is a real difference between the rhetoric and the reality of Labor’s education policy.

This is in stark contrast to the actions of this government—not just what we say we will do but what we have done over the last 10 years. The funding that the Howard government has given to the South Australian government has increased. Our funding, which has gone to state schools in South Australia, increased 102 per cent between 1996 and 2007-08. In addition, we have put significant funds into capital works—not just funding per student under the agreement but funding under the capital grants program—for state schools in South Australia. In 2007-08, $24.4 million all-up goes to all schools and some $34 million goes to capital works and infrastructure. I particularly welcome developments that are taking place at Craigmore High School and Kapunda High School at the moment. These state schools are the responsibility of the state government but have been funded in large part by the Australian government.

There is also the Investing in Our Schools Program. Some $20 million has gone to state schools in South Australia. All-up around $30 million has gone to schools. Altogether the Australian government has committed some $64 million to schools in South Australia. Rather than cuts and penalties, we are partnering with schools to make substantial and record investments. The Howard government has provided record funding to state schools in every year since 1996. The reality of funding, despite the TV ads, is that this government has provided record funding to state schools. Sixty-seven per cent of students are in state schools but they receive 75 per cent of total taxpayer funding. The $1.2 billion Investing in Our Schools Program and the $1.8 billion Literacy, Numeracy and Special Needs Learning Program highlight the value that this government places on education and the fact that our statements and our vision are matched by action and money. Rather than penalising parents, schools and students,
we are increasing opportunities for students and increasing the value and the efficacy of the environment in which they work. We are investing in teachers and education for the future of Australia.

University of Western Sydney

Mr PRICE (Chifley) (11.33 am)—I also want to talk about the education revolution and contrast Labor’s track record with the coalition’s present record. I am talking about a hurtful decision that has now been taken to close the Nirimba campus of the University of Western Sydney. What has the federal minister for education done about this closure? Some 2,700 students are currently enrolled. What has the member for Greenway done about this closure? What steps did they take to ensure that this did not happen? Why do I want to contrast the record of the government and the record of the opposition? I can say a couple of things. The endorsed Labor candidate for Greenway, Michael Vassili, and I will be running a very tough campaign on this issue because education in Western Sydney is something that we feel deeply about.

I note in the chamber the former distinguished Minister for Veterans’ Affairs, the member for Maranoa. When I was Parliamentary Secretary to the Minister for Defence, one of my responsibilities was the disposal of HMAS Nirimba: looking to see what was the best community use that we could put it to. And what was the best community use? We established an education precinct with a Catholic senior high, a public senior high, Terra Sancta College, Wyndham College, a TAFE and a university campus. There was $6 million on the table. Initially the University of Western Sydney did not want to take it. Mr Deputy Speaker, do you know what action we took? Labor members, the late Jim Anderson and myself, had a meeting with the vice-chancellor and the chancellor about the $6 million. I am happy to say, without going into the ins and outs of our discussion, that the university reversed its position, accepted the $6 million and established the campus. That is our track record. I just want to remind members that in Blacktown we have 300,000 people. We are part of the region of Western Sydney that contains one-eleventh of the Australian population. In 2016 more than half of Sydney’s population will live in Western Sydney, and there is a huge growth sector in the north-west of Sydney that Nirimba is ideally placed to catch in.

Let’s contrast the positions: federal Labor establishes a university precinct; the Howard government closes the university campus on that precinct. What action does the federal member for Greenway say she took to stop this happening? What action did the federal minister take to stop the closure of this campus? I am outraged, because I was involved in the inception of the University of Western Sydney. I have always been its sternest critic, because of my high expectations of it, and I cannot believe that this decision was taken. I have to say I found out about it only after the decision was taken.

There is an allegation that there is a diminishing number of first-preference students opting to go to Nirimba campus. So what? It is about the number of students there. If there are difficulties, what action was taken? What action did the member for Greenway take with the university, with the federal minister, to ensure and guarantee the future of this university campus? I invite the member for Greenway to make a public statement about the action that she and the federal minister have taken in concert with the university to ensure that this does not happen. What action is now proposed by the federal minister for education and the member for Greenway about this closure? I promise I will, with the endorsed candidate for Greenway,
Michael Vassili, be fighting this—uphill, down dale, before the next election, during the election and after the election. We are not going to lie down about this. We are not going to betray the people of Western Sydney, much less the young people of Blacktown.

**Assistance for Isolated Children Scheme**

Mr BRUCE SCOTT (Maranoa) (11.38 am)—I am very pleased to follow the very distinguished Chief Opposition Whip. His services to the defence subcommittee are very much missed since he has been elevated to higher positions within the opposition benches. I rise in this adjournment debate to talk about the great success of a great organisation which has been visiting Canberra this week—I am sure they have been to see you, Mr Deputy Speaker: the Isolated Children’s Parents Association. This is one of the great organisations, which has a single issue that they pursue with vigour and with great credibility. The ICPA, as we know them, had a very humble beginning. In western New South Wales in 1971, during the dreadful drought at that time, they were seeking support at federal and state level to ensure that those children who were geographically isolated from access to education could be assisted in gaining basic access to education. It is a great volunteer organisation. Since that time, they have continued that cause and I commend their work. I congratulate that great volunteer brigade of people, who come down here once or twice a year with their wish list, you might say.

My wife and family have been beneficiaries of the work of the Isolated Children’s Parents Association; in fact, we have been members of that association, and my children have enjoyed the benefits that have flowed from federal governments of both political persuasions. In fact, the original Assistance for Isolated Children Scheme was agreed to in 1971 by Kim Beazley senior, who was the minister for education at that time. He introduced the scheme, and it has prevailed over many years.

The program assists the children not just of people on the land but of people in country towns who cannot gain access to basic education, and in some cases to secondary-level education, without having to leave home. There are many communities in remote Australia that fall into that category. Whether they are council workers or professional people, whether they are doctors or policemen, they all provide vital services for those communities and they, too, benefit from the Assistance for Isolated Children Scheme and the great work of ICPA.

It is interesting to note that, during the great drought of 1994-96, for children living on remote pastoral properties across Australia, 50 per cent of education services were being delivered by teachers who were actually governesses. The most recent statistic in this current drought indicates that 93 per cent of teachers are the mothers of those children. It demonstrates that those parents cannot afford a governess; they have to do it themselves. So a home tutors allowance will certainly help the family and ensure that the children are given the best opportunity for their basic primary and secondary education.

There is another challenge in front of us as a government as we go forward this year—that is, the issue of access to post-secondary education. There are still so many children going through primary and secondary education—maybe they have been assisted through the AIC program—who live in these country towns and who have to leave town to gain access to a university, a TAFE college or a technical college for further education. I support the objectives of ICPA regarding the establishment of a post-secondary or tertiary access allowance that is not means tested or assets tested. It would be on the same basis as the Assistance for Isolated Children Scheme, which was introduced by Kim Beazley senior many years ago.
That should flow through to post-secondary education in order to help those students go on to further education post their secondary education. But we need to give them that basic assistance so that they can gain access to that further training. If we are to upskill our nation, we have to make sure that these institutions are accessible not just by those who live near them but by those who are geographically isolated.

**Telstra**

Mr SERCOMBE (Maribyrnong) (11.43 am)—I am sure that many members of the House had the opportunity last Monday evening to see the *Four Corners* program, which dealt with a number of issues concerning Telstra. The program highlighted, amongst other things, the tragic deaths of several Telstra employees. It also highlighted some very serious problems within the management culture of Telstra. I suppose, to my mind at least, that was best highlighted by one senior officer whose voice was heard on the program making the following remarks:

If you can’t get the people to go there, and you try once and you try twice, which is sometimes hard for me but I do believe in a second chance, then you just shoot ‘em and get them out of the way ...

It seems to me that those remarks, along with a number of other aspects of the program, highlighted some fairly serious deficiencies in the management style of Telstra.

These are matters I have spoken of in the House on a number of occasions since 2003. For example, I had the opportunity to table in this chamber some time ago Telstra’s surveillance policy, which authorises the collection of personal files on its staff, including secret dossiers on their sexual preferences, their race as well as their religious and political beliefs. There is provision within this surveillance policy for authorising in-house investigations via video surveillance and monitoring of email traffic, internet records and telephone accounts. There is capacity to authorise the quite extraordinary monitoring from time to time, via video surveillance, of staff when they are in a washroom or toilet. When I talk about serious problems in the management culture of Telstra, those are the sorts of things I am referring to. The Telstra ‘Privacy impact assessment statement’ form has also come to my attention. I seek leave to table this form.

Leave granted.

Mr SERCOMBE—This form is to be completed by Telstra management when collecting what is regarded as sensitive information, such as of the type I have referred to. There are two aspects in particular that I would like to refer to in the limited time I have available. Firstly, this applies not just to employees; it applies to Telstra customers. So there is the implication that Telstra reserves the right to collect sensitive information about its customers as well as its staff. The questionnaire for managers asks: will customers be asked for consent? It envisages the situation where customers and staff may not be giving consent to the collection of this sort of data. In the other Telstra material I have available—a glossary that is available on the intranet site—the question of consent is dealt with fairly unconvincingly by making a fairly strong play about implied consent being capable of being given by a staff member or a customer. I think Australians do have some right to be concerned about the way some of this data is managed.
Another very serious concern raised by this privacy impact statement—it is towards the end of the document—relates to transborder data flows. It asks managers: 'Does your project involve the transfer of customers’ personal information to someone in a foreign country? If so, is the proposed transfer of information overseas with the customer’s consent necessary for the performance of a contract?' Quite clearly we have a situation where Telstra is, in its own management guidelines, envisaging the transfer of data, including sensitive data about its customers, to overseas sources. I strongly suggest that this framework to protect the privacy of both staff and customers is seriously deficient. Even this embryonic attempt I suppose to force managers to carry out some sort of assessment is undermined by other Telstra material—once again, on the intranet—where they say that privacy impact assessments of the type I have referred to are part of what is called the LRUE. (Time expired)

**National Student Leadership Forum**

Mrs GASH (Gilmore) (11.48 am)—I want to read something by Michael Walton about the National Student Leadership Forum that he attended. It reads:

A little about myself first. My name is Michael Walton, aged 18. I volunteer at the office of Joanna Gash MP, Member for the Gilmore electorate. There I help out with whatever is needed, which usually involves mail-outs. I’d like to take this time to thank Joanna for sponsoring me to attend this life-changing experience.

Before attending the National Student Leadership Forum, I didn’t really know what to expect. Actually, I had a vague idea of what it could be like. Intense bible sessions, deep and meaningful discussions of faith, strong family values, and questions like “What is your favourite passage of the bible and why?” Knowing this I was a little nervous and somewhat sceptical of what this forum could actually offer me, and what I could possibly contribute to this bunch of passionate bible-revised people. I was soon to find out that I was greatly mistaken.

I arrived at the front doors of the Hyatt Hotel on a freezing cold, clear day. I was nervous at first, but knew I was here on a mission, and I intended to see it through. I walked up to the reception and had a welcomed greeting by a few girls that were also attending the forum, and with that, we all went to register.

I signed my name, checked my bag in, received my portfolio; had my photo taken and adopted my group, lucky number 7. The members of my group were all unique and came from different backgrounds and different areas of Australia. We had two veteran forum attendees, two boys, one from an Italian background, a girl from the country, a female with strong views on female empowerment with a Sri-Lankan background, and even one of the girls that I had already met at the reception.

Not long after that we had a short welcoming speech by Jock Cameron, the organiser of the event, and off we went to Parliament House. Parliament House was enlightening to say the least. Having the Prime Minister and leader of the opposition talk to us and answer our questions exclusively was a nice touch to start off our 4-day insightful experience.

Over the four days we had numerous guest speakers. The speaker who stood out from the rest, for me, would be Brian Egan. Brian had established a program called “Aussie Helpers” that assists Australians in the outback with the essential supplies they need, especially during these times of drought. I found what Brian had to say especially inspiring because it was such a classic Aussie story of the underdog. He started out with basically nothing and collected money from meat raffles he had down at his local pub; and from that he has created a wonderful association to help others in need, like himself. Everybody was glued to their seats listening to this story, and showed their gratitude by raising a few thousand dollars to go towards his cause.
At this time, about half way through, I had become very close to my small group and started to learn and experience more about the lives that other people lived, and their aspirations they have for the future.

We had a few group activities, one namely a volleyball tournament, where we tried our best but didn’t get past the first round. But one of our more important activities was our community service, where we would go to designated houses around Queanbeyan to assist in anything they would like us to help with. We started with gardening, which included weeding, mowing lawns, and pruning plants and shrubs. We all had fun doing it, and it was probably one of the things I was looking forward to the most, and got the most out of.

I’d have to say out of the whole time I was there, the most influencing and memorable experience was when we gathered into our small groups during the day and late night. For hours on end we would share our experiences with one another, as if we were close friends who had known each other for years.

On our last night together, everyone gathered for a bush dance in a freezing cold shed somewhere in the “outback” of Canberra. It was a great experience to dance with members of your group and people you’ve never seen or talked to before. One member of our group and I decided to initiate conversations with people from other groups, people who we had never met before.

I found the diversity at the forum very unique, with people from all different nationalities and backgrounds. Everybody had a different story to tell and each had something special about them to share with everyone else. We even had the first female Muslim life-saver in Australia attend.

I’d like to thank my group facilitators, Don and Dee Fleming, from Adelaide for making this experience all the more inviting and enlightening, and to Jock Cameron for organising such a magnificent event.

Overall, I’d have to say that I had an amazing experience at the forum. I think the thing I’ll take away the most is how close you can become to other people, and what experiences you share together. I think it has given me a different approach to how I deal with things in life and it will be something I will not soon forget.

Michael is a wonderful young man who I first met whilst on a trip to Africa. He has a great future as he is a caring, thoughtful and compassionate young man. It was a pleasure to have been able to sponsor him for such a worthwhile project. I know he will use this opportunity to give back something to his peers in the Gilmore electorate and I wish him well.

Ms HOARE (Charlton) (11.53 am)—I can depart from this parliament after nine years proud of the way in which I have represented the people of the Charlton electorate but disgusted by the vile way in which I have been treated by people from whom I should have been able to expect greater decency, loyalty and support. I make it perfectly clear that there is nothing voluntary about my departure from this parliament. My membership of the Labor Party completes a 116-year term which started with my great-great-great-grandfather, Henry Turner, and his role in the formative years of the Labor Party in Rockhampton where the leaders of the 1891 shearers strike were convicted and imprisoned. Henry Turner was the second Labor member for Rockhampton North after the formation of the Labor Party. The first was Jim Stewart, who became one of our first Labor senators.

The nature of my disendorsement as the member for Charlton reflects little credit on those responsible. My membership of and commitment to the Labor Party is based on its traditional and historic role as a defender of decency, fair play, proper process, the rights of the underdog and the promoter of social equity, national development and a proud and independent Australia. Had I contested a rank and file ballot according to the rules of the ALP, I would have re-
ceived an overwhelming endorsement. It was the knowledge that Kelly Hoare would with-
stand a challenge which caused party processes to be corrupted so that I could not possibly
win. My disendorsement was not sufficient for some people in the Labor Party who unleashed
a vile media attack on me, which was intended to trash my reputation, to provide some legiti-
macy to the shameful way I was disendorsed and to serve notice on me and other members of
the Labor Party that, if you do not hold your tongue and accept without question the authority
of the party chiefs, then they can unleash a violent reprisal.

The savagery and venom of the attacks on me are unprecedented in the history of this par-
liament. The barbarity of those attacks reflect more adversely on those who initiated them.
They were met with disbelief and disgust. The reaction of people to the nature of that attempt
at character assassination has been almost unanimously in my favour. My constituents know
me and they know of my commitment to them, their interests and their community. The nature
of the response to my circumstances may have been sufficiently threatening for any political
party to think twice before attempting the same treatment of others; however, I doubt it. I
warn all who have been involved in this whole sorry episode, or those who have only con-
doned it, that they need to watch their backs. The perpetrators may have been emboldened.
They may have gotten away with it. They could try it again. I say to my colleagues, ‘Beware!’

The presentation of some media reports indicate that elements of the press allowed them-
selves to be used to the point of contributing to, or even conspiring in, the distortion of events
and in the malicious vilification of me. What was the quid pro quo? These ‘vicious distortions’
involved leaks to the media. Although I do not believe the Leader of the Opposition was
personally involved in those leaks, I strongly suspect the identity of some of those involved in
the vicious campaign against me. I wonder whether they can conceive of the grotesque prece-
dent that they have created.

I thank the Sydney Morning Herald and the Herald in Newcastle and some of their special-
ist political writers for their fair reporting. There was no concern on the part of the perpetra-
tors, or some elements of the media, for the feelings of my family and little consideration
shown for the intense pressure and uncertainty to which I and my family had been subjected
for months.

I remain committed to the Labor Party. Those who have traduced me, corrupted party proc-
esses and sullied the proud reputation of Labor are simply its current custodians. The Labor
Party is still the property of genuine, committed, decent people who seek to use it as the prin-
cipal political vehicle to pursue its historic and proud objectives.

My family and I have been strengthened by the overwhelming level of disgust expressed
about my treatment and by the level of support indicated for me. There have been thousands
of people as well as numerous organisations, both within the Charlton electorate and across
Australia, who have conveyed their disbelief about the savagery of the campaign against me
and have expressed their warm regards. I had intended to contact everyone personally, but the
great number involved would make it a daunting or impossible task. However, I want them all
to know that Reg and I deeply appreciate their expressions of goodwill, which have helped to
fortify us through a very trying time.

The DEPUTY SPEAKER (Mr Secker)—May I also express on behalf of the Committee
the best wishes for your future and my personal sorrow at your treatment.
Mr Walter John Fluke

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (11.58 am)—I rise in this House today with a very sad heart to pay tribute to a long-time Coomba resident, Wal Fluke, who passed away last week. My dear friend Wal was a lifetime member of the Coomba Park Rural Fire Service. He was recognised for regularly putting his life on the line to save others and their communities. Walter John Fluke was born in Sydney and was the seventh of eight children. He spent most of his career in the footwear industry and progressed into retail, manufacturing, sales and supplies. Wal served our nation during the war as a part of the Australian Imperial Force. Wal Fluke married Dorothy in 1945 and they moved from Sydney to Coomba Park in 1986. They loved Coomba Park, having holidayed there since 1972.

Australia’s heroes come in many forms, and Wal was one of those people. He joined the Rural Fire Service in 1988 and, during his time there, went from rookie to deputy captain, then to senior deputy captain and, finally, he was appointed captain. He was made a life member in 1997. Wal Fluke had many responsibilities, including as treasurer of the Rural Fire Service. This was all when Wal was supposed to have retired! Wal Fluke had many achievements to boast about during his time in the Rural Fire Service. He also extended his services to the Great Lakes Bush Fire Liaison Committee to Council. When he was captain, his brigade raised $17,000 to put towards a new two-bay shed as an extension to the fire station accommodation, and construction of that shed was only recently completed.

Wal Fluke was certainly an active member of the community. He was a member of the local progress association. In 1997, he helped set up the Coomba Ex-Services Association, and because of this association the community now has a memorial which can be used to hold services like those held on Anzac Day. Wal Fluke also lent a helping hand to the disabled. He joined the Great Lakes 355 committee to help disabled people have access to things in the community like disabled toilets and wider access doors and ramps. Wal was associated with the organisation Aid Retarded Persons New South Wales from 1950 onwards, and was made a life member in 1971.

Wal Fluke was a dedicated Christian, who sang in the choir at his church. He was a deacon of the South Granville Baptist Church for 25 years. When he moved to Coomba he was a deacon at the Forster Baptist Church. In 2000, Wal Fluke was recognised in the Queen’s Birthday Honours List. He received the Medal of the Order of Australia for his service to the community, including service to the church, sporting and firefighting organisations and to helping people with a disability.

My condolences go to Wal’s wife Dorothy. Wal and Dorothy were married for 62 years and I was honoured to have been asked to help them celebrate their 60th wedding anniversary in their home. They have four children: John, Kaye, Carolyn and Christine. Wal’s funeral was held this week at the Baptist Church in Forster, with a service which continued at the RSL. Around 100 people turned out to pay their respects to a man who gave so much to everyone. Members of the RSL who were there came down one by one and placed a poppy on his coffin. The emotion swept across the room as The Last Post was played in Wal Fluke’s honour. Wal’s daughter Carolyn spoke at the funeral on behalf of her mother and family of her father being a ‘man on the go, who was interested in everything and always involved in church and community’. Carolyn spoke on behalf of his grandchildren, who said, ‘Grandpa was a unique
individual for his grandchildren, as evidenced in many photos and home videos.’ Carolyn read out a message from her mother Dorothy, who described Wal as a ‘very adventurous and lively child who his mother often said was responsible for most of her grey hairs by his daring exploits’. The Great Lakes Mayor John Chadban also spoke at the funeral and he spoke very highly of Wal’s achievements and dedication to the Great Lakes community. The eulogy was read by Clive Manners from Coomba Park Rural Fire Brigade, who described Wal as a ‘gentleman who will be sadly missed’. My friend Wal Fluke will be sadly missed. He was an outstanding member of the community and, as his local member, it was a pleasure to know him. Wal’s legacy will long live on.

Education

Shortland Electorate: Windale

Ms HALL (Shortland) (12.03 pm)—I would like to raise in the House today three issues: two education issues, and an issue relating to some constituents in the Shortland electorate. Recently I was visited in Parliament House by TAFE teachers who have walked from the Hunter and the Central Coast to Canberra to raise awareness of the critical state of funding for TAFE. These TAFE teachers were extremely concerned about the federal government’s commitment to TAFE funding. They highlighted the fact that since the Howard government has been elected it has overseen a slashing of funding to TAFE within Australia. They advised me—and I know from budget papers and from investigating the funding issue—that one of the first acts of the Howard government was to rip funding out of the TAFE system. I want to put on the record that I support TAFE and the TAFE teachers who walked to Canberra. They have my 100 per cent support in working towards ensuring an increase in funding for TAFE.

The next issue I would like to raise is an issue that was raised with me by schoolteachers from my electorate. Last week I met with teachers from Belmont High School and Swansea High School. They pointed out to me the fact that they feel this government, once again, is conducting a vendetta against public schools. Two wonderful public schools like Belmont and Swansea are going without whilst this government—a government that is not committed to public education—has imposed its policy. I think that is a fair statement to make. This government has not made the kind of commitment that I would like to see to public education.

I think it is important for me also to put on the record that the Shortland electorate is an electorate where over 80 per cent of the students attend public schools. Those that do not attend public schools attend Catholic schools or the poorer independent schools. The actions of the Howard government have really disadvantaged students within the Shortland electorate: those attending our public high schools such as Belmont, Swansea, Warners Bay, Whitebridge, Gorokan and Northlakes and the many primary schools in the electorate.

The final item I would like to raise in this House is the fact that I have been contacted in my office by two constituents who lived in Windale, which is the most disadvantaged area in the Shortland electorate and is known as one of the most disadvantaged areas in the whole of Australia. If anyone is familiar with Tony Vincent’s work, they would know that it is a very disadvantaged area. Last Wednesday night a block of units burnt down in that suburb. The people that lived there lost absolutely everything that they owned. These are people that are extremely disadvantaged. You would have to compare their situation to that of the many other residents in the Shortland electorate who have been very badly affected by the floods and the storms. Those people who have been affected by the storms and floods were given $1,000 if
they were out of their house for 48 hours, whereas the people in Windale—these extremely disadvantaged people—have only been offered a payment of $250. I implore the minister—and I will be contacting the minister about this today—to view the circumstances of these extremely disadvantaged people in the same way that he viewed the circumstances of those people who have been so badly affected by the flood.

**National Community Crime Prevention Program**

*Mr CIOBO (Moncrieff) (12.08 pm)*—Residents in my electorate of Moncrieff and citizens broadly of the city of the Gold Coast have a right to be able to live in safety and security. I know from speaking with many of them that they have genuine and, at times, profound concerns over the extent of some lawless behaviour that is perpetrated by small numbers of offenders—often bored teens getting up to mischief and engaging in relatively victimless crimes such as graffiti. Graffiti does not impact on a person’s safety, but it absolutely costs many victims often thousands if not tens of thousands of dollars to remove and to repair, and it has a big impact on the morale in the community. I know from speaking with many of my constituents of their concerns not only about crimes like graffiti but also about more serious crimes such as assault, armed robbery and theft. In this respect, I am very pleased that the Howard government are leading the way with their National Community Crime Prevention Program.

In particular, I am looking forward to working very closely with the Surfers Paradise management, in particular their CEO Liliana Montague and chairman Graham Downey, on a submission to try to secure a large proportion of funding under the National Community Crime Prevention Program to fund additional security guards and the like in Surfers Paradise. This would help to ensure a greater sense of calm, a greater sense of law and order and a more welcoming environment for the many domestic and international tourists that visit Surfers Paradise.

Likewise, I was pleased to meet with representatives of the Chevron and Cronin Island Residents Association. Marcus Goyne, their president, came to talk to me about his concerns over some of the crimes that are taking place on Chevron Island. I know first-hand about these issues because my electoral office is on Chevron Island. I am looking forward to working very closely—as I have over the past number of years—with the Chevron and Cronin Island Residents Association to ensure that we are successful in lodging an application under the National Community Crime Prevention Program for the installation of closed-circuit TV cameras to assist police when it comes to maintaining law and order and in the successful prosecution of those engaged in this kind of nefarious activity.

I believe that the Queensland police do an excellent job on the Gold Coast. Frankly, they are under-resourced, and, as I have done so for four or five years now, I highlight my concern that the Beattie Labor government simply refuses to provide an adequate allocation of police officers to service the Gold Coast. Unfortunately, due to a poorly thought-out strategy and a formula that is applied to the allocation of police officers, we see an allocation of officers on the Gold Coast based upon the resident population. What this formula fails to take into account is the fact that as Australia’s No. 1 tourism destination the Gold Coast has at least 70,000 to 100,000 additional residents every single night. This increases by several hundred thousand additional guests on any night over the peak holiday periods. Frankly, the small, thin blue line, as we refer to it, is not enough to provide the kind of protection and assurance that the community rightfully demands to have. The Queensland police officers based on the Gold
Coast do an outstanding job and I will stand shoulder-to-shoulder with them in their quest for additional resources.

I was concerned when a certain political candidate recently made disparaging comments about the suburbs of Merrimac and Merridown. These suburbs have historically had problems with respect to law and order, but I congratulate the Neighbourhood Watch group that has been working very proactively in that community to ensure a clampdown on those teen offenders who have been engaging in activities like graffitising the local shops, the local park and residents’ homes. I would like to acknowledge Ros Bates, the head of the Mudgeeraba Community Action Group, who has also worked to help clamp down on these kinds of activities. Everyone deserves a right to be able to live in their community with safety, and I am pleased the Howard government makes that easier. (Time expired)

Filipino-Australian Foundation of Queensland

Dr Emerson (Rankin) (12.13 pm)—I am pleased to have accepted an invitation of the Filipino-Australian Foundation of Queensland to represent Labor leader Kevin Rudd at its gala event the Beauty of Philippine Festival, on Saturday, 30 June 2007 at the Logan Entertainment Centre in my electorate of Rankin. The event will have around 600 guests, including the honorary Consul-General of the Philippines, Alan Grummitt, and his wife, Wendy, officers and members of different Filipino organisations in Australia, and families and friends of the local Filipino community in Logan City. On the evening there will be a coronation of Mr and Miss Philippines Australia and the winners will travel to the Philippines as ambassadors of goodwill.

The Filipino-Australian Foundation of Queensland was established in 1996. As well as supporting families, it has a particular focus on its active youth program. Its aims are to encourage active participation in civics and national affairs through training in public speaking and cultural awareness. It aims to promote the colourful and unique culture and traditions of Filipinos so that Filipino-Australian young people develop a genuine appreciation for and pride in their heritage and values.

As a result of successful fundraising activities such as this pageant, the Filipino-Australian Foundation has granted more than 100 grant-in-aid scholarships to poor students in various schools in the Philippines. The foundation sends regular delegations to the Philippines where they visit schools and hospitals, participate in cultural festivals and meet community leaders. The foundation has provided many scholarships over 10 years to help educate and improve the health of very poor and needy people in the Philippines. Some of these donations have been used for improvements to school libraries, educational material for the La Union School for the Deaf and Blind, and a donation of medical trolleys to hospitals. In Australia the foundation has financially assisted Filipino-Australians who have represented Australia at the Commonwealth Games, the Olympics and interstate competitions either in sports, arts, academia or music.

Mr Mauro Somodio and his wife, Cecilia, as well as many board members and community supporters over the years, have helped to establish and run this foundation. The foundation is one of several Filipino groups in Queensland. The Filipino community has enriched our lives in so many ways, such as through 4EB community radio, the Catholic Filipino Australian Chaplaincy, the Centre for Philippine Concerns Australia, several multicultural groups throughout regional Queensland and, in my own electorate, the Logan Filipino-Australian...
Community Association. This community group is well established and respected in Logan City. Mr Orly Vargas is a stalwart of the local Filipino-Australian community. He has welcomed numerous families to Logan City and assisted them in settling there.

Another tireless worker in the local Filipino community is Ruth Palamai, who was recently awarded the Medal of the Order of Australia for her service to multiculturalism. Ruth, of Woodridge, has held multiple positions of community involvement. They have included her role as a case officer for the Department of Immigration and Multicultural and Indigenous Affairs, where Mrs Palamai assisted in the planning and implementation of Harmony Day, an event aimed at promoting community harmony and addressing issues of race in Australia. A radio presenter and panel operator on Radio 4EB’s Filipino radio program, Mrs Palamai is also a consultant editor of the resource booklet Living and working in Logan. For several years she was an organising committee member of the Filipino festival Bayanihan, worked at Multilink as Migrant Employment Officer and was a resource speaker at Job Search Training for Filipino migrants. She is also a member of the Ethnic Communities Council of Logan. Congratulations to Mrs Palamai on receiving this very prestigious award. It is so richly deserved. As I visit organisations and community groups throughout my electorate, I often meet up with Ruth. She has amazing energy and enthusiasm to assist the residents of Logan City and the local Filipino community.

I want to conclude by paying tribute to the entire Filipino community of Australia and, in particular, south-east Queensland. They make an enormous contribution to our culture and our society. When you go to churches you find that very often they form the choir. They are great community workers and they are a source of great pride in Logan City, which has demonstrated how well people from different cultures can work together to create a rich and more diverse Australia.

Broadband

Mr MICHAEL FERGUSON (Bass) (12.18 pm)—I rise in this adjournment debate to speak about the benefits of Australia Connected and the way in which it will support our economy and our community, specifically my community in Northern Tasmania. The announcement made by the Minister for Communications, Information Technology and the Arts earlier this week was stunning and, may I say, absolutely worth the wait. It involves an immediate rollout of a new, competitive, state-of-the-art broadband network. It will extend high-speed services to consumers across our region. Initially it will be as much as six times faster than the current ADSL service for most customers, which is around one megabit per second, and will accelerate by 2009 to be 12 times faster at approximately 12 megabits per second. It is a landmark funding initiative and a nation-building investment in our infrastructure.

I am so excited about this announcement. It has exceeded my expectations because it has involved an enormous and significant contribution from the Australian government, matched also by a significant investment from the OPEL consortium. The Australian government is committing $958 million to this new network and it has been specifically designed to benefit the entire community, not just the eastern seaboard capitals. It is going to benefit our families, schools, hospitals and businesses. Businesses will be able to operate much more efficiently, keeping in touch with their customers and suppliers and extending their reach into markets interstate and internationally.
In my area of northern Tasmania, five exchanges will be upgraded to very fast ADSL 2+ broadband, which represents speeds of up to 20 megabits per second. This includes three exchanges in Launceston, George Town and Waverley. There will also be nine new wireless broadband sites—known as WiMAX—with wide coverage areas of approximately a 20 kilometres radius. This will include the towns of Bridport, George Town, Launceston, Mount Barrow and surrounding areas, Karoola, Winnaleah, Nabowla and Weymouth and all of the towns that then fit within the circumference of those coverage areas.

What this means, if you were to plot it on a map, is effectively blanket coverage across almost the entire electorate of Bass, except for some very small towns in the more remote areas of my electorate. I am very pleased to see that these areas will be covered under the Australian Broadband Guarantee. What this means for people living in these less populated areas is broadband via satellite with a generous Australian government contribution of $2,750, which in the current market means zero installation with some providers and a city comparable fee of around $30 per month. This is a new national high-speed network. It is a wholesale network, which means that other providers in the marketplace will be entitled to retail the product to consumers. In fact, we could have the very interesting situation where Telstra becomes a retail provider through this network as well. It will be terrific for competition, and it will be terrific to see if Telstra is prepared to offer a product through OPEL.

As a Tasmanian I am delighted to see the OPEL bid and the Australian government’s agenda include two under-sea fibre optic cables to Tasmania—one entering at the north-west in Smithton and the existing Basslink cable, which the Tasmanian government has failed to used. It is very exciting. I am distressed at the lack of Labor’s understanding of this issue and the way in which they have propagated complete fear and misinformation in the community of Tasmania. The hide of them! To say that people in northern Tasmania and the capital city of Hobart are missing out on high-speed broadband is a lie and a cynical attack which is based on misinformation. We even had a Labor identity on ABC radio earlier this week saying that the far north-east under Labor would have fibre-to-the-node—completely false and complete misinformation. It is disappointing to again see that Labor have missed the mark on broadband in Australia with their single platform so-called plan, which is unachievable and comes at great expense to the public. (Time expired)

National Refugee Week

Ms BIRD (Cunningham) (12.23 pm)—I want to take the opportunity in the adjournment today to recognise National Refugee Week this week and to put on the record the work of an organisation in my own area called SCARF. I am very proud to be a patron of SCARF, and I am constantly amazed at the resilience and optimism of the human spirit when I meet the people that they have been working with in my local community.

This year’s theme of National Refugee Week is ‘the voice of young refugees’. It is aimed at focusing attention on the contribution, ideas and concerns of refugee children, teenagers and young adults. SCARF stands for Strategic Community Assistance for Refugee Families. It has over 40 volunteers and provides assistance to approximately 100 children from 45 families. SCARF is an independent not-for-profit community based incorporated association established to enhance the resettlement process of permanent resident status humanitarian visa refugees in the Illawarra.
The theme for this year’s Refugee Week relates well to the services that SCARF make available, as many of their programs are focused on assistance to refugee children, teenagers and young adults. Their main program, Homework Help, is a homework tutoring program held at Wollongong Library and at Barnados in Warrawong. But they also provide other forms of assistance, including obtaining second-hand computers, mentoring programs, education programs and workplace experience programs.

I want to take the opportunity to recognise the volunteers of this organisation. These include Julie Telenta and Colleen Derbyshire, from Warrawong High School, who assist with English as a second language classes. Many local primary school teachers and tutors also provide direct assistance to students, including Julie Thomas, Jennifer Jones, Josie Castle, Bev Loades, Madeline Roberts, Alyson Evans, Warwick Hilton, Christina Goss, Juliette Wight-Boycott, Dennis Whitfield, John Coll, Anu Gasper, Lara Leiberman, Kerry Pedersen, Ann Devenish, Peter McCall, Amanda Dean, Pat Dean, Annabelle Liesert, Jan Kent, Dorothy Jones and chairperson Graham Blunden and his wife, Gwen.

SCARF draws together a wealth of experience and expertise to provide refugee families with many types of assistance. I would particularly like to identify Chris Cartledge, who is SCARF’s self-confessed IT man. To date, Chris has helped to provide computers, donated from the community, to 16 families. He installs the computers and provides them with training. SCARF funds internet access for those families for the first six months. A number of these computers have gone to help refugees who are studying at TAFE and university.

SCARF also provides social support to refugee families. Many of the women are here with their children, but without their husbands. SCARF have volunteers who take them shopping and help with the interfacing of other community services. One of their more recent, and I think very valuable, programs involves helping these refugee families with learning to drive and to complete their 50 hours of supervised driving, as required by New South Wales regulations. Their first graduate, Eugenia Pyne, recently obtained her P-plates. She is a mother of five children, and her husband is currently teaching at a camp in Guinea. Chris Cartledge helped her purchase a van so that she is able to become more independent and transport her five children. She rang him recently, as she was very excited about doing her first shopping trip to ALDI on her own on behalf of her family, although she indicated she was a bit worried about getting in and out of the car park. I think we all share that concern with her about some car parks! Five other people have just obtained their L-plates and SCARF volunteers are helping them get on the road to complete their 50 hours. Being able to drive increases their independence, and it is clearly an important service provided by these volunteers.

SCARF has a very strong committee, including secretary, Sharyn Mackenzie; Graham Blunden as the chairperson; Treasurer, Terry Nutt; Jane Coburn, who assists with publicity and promotion; and, Sarah Chisholm, who writes submissions for funding. Sharyn and her husband, Kel, have operated SCARF out of their spare bedroom for the last two years and have given a huge amount of time and resources to assisting refugee families to settle and successfully integrate in the Illawarra. I commend all of the people involved in this volunteering. I am sorry that they recently failed in receiving a federal government grant but I am sure that, with continued support, they will go from strength to strength in our local community.
Mr RANDALL (Canning) (12.29 pm)—I would like to bring to the attention of the chamber what may well be a very sad incidence of a contravention of section 51AC of the Trade Practices Act, which refers to unconscionable conduct in business transactions. I was absolutely heart rendered when I had two constituents come to my office about a fortnight ago to tell me about their very bad experience with a Lenard’s chicken franchise. These two ladies have now brought to my attention others who may well have been affected by potentially unconscionable conduct. Both of these ladies—Rochelle Bailey, a former franchisee of Lenard’s Mirrabooka, and Leanne McCullagh, who had the Lenard’s franchise in Livingston, which is in my electorate—are my constituents. They have also brought to my attention, and I have had contact from, Sue Brown, an ex-franchisee of Lenard’s in Bull Creek.

What appears to be happening in this country is that some unscrupulous people involved as master franchisees are taking the opportunity to send these people to the wall, because there is more profit and more money in sending a business to the wall, reselling it and starting it up again—it is quick turnover. John Farrell, from the National Federation of Independent Businesses, has brought to my attention that it appears the regular conduct in a number of franchisors’ businesses is that they look at about eight per cent per year to turnover, which brings them in millions and millions of dollars. This has nothing to do with any partisan issue in parliament, because we are supported by both sides of parliament on this issue—for example, Graham Edwards attended a meeting with me last Thursday, which Ruth Webber organised from Western Australia. Throughout our electorates across this country we are finding people who may well have been deliberately sent to the wall by these people.

Essentially, they get them in—for $300,000, in the case of Lenard’s—and then they fail to assist in any training, in any business management. Many of these people who come in are simply people off the street or who have been in other professions and who think they are going to make a business out of a franchise. They do not receive any business or training help, or what is provided is limited. In fact, there is evidence that, in collusion with shopping centres and others—in the case of Lenard’s, with Steggles support providing on-time and proper chicken meat—there is also something that is less than desirable, which has the net effect of sending these businesses to the wall. In this case one of my constituents—Leanne McCullagh, who I have already mentioned—was abused by the master franchisor in Western Australia, a gentleman called Gerrit Heijne, who used to go to her store and stand there and, in front of their customers and staff, abuse them and interfere with the running of the store. I am hoping to meet with this fellow in Perth soon.

I wrote a letter to Lenard’s. Quite rightly the CEO, Mr Bruce Myers, responded to me and said that he will meet me in Perth between the 25th and the 27th. I will meet him, as long as he meets with these two constituents of mine and Mr Heijne. I want to know what they are going to do to help these people retrieve their money out of the business. They have had to walk away from these businesses. They have no legal assistance, because they are broke—they have lost their houses over it. These people went and got a double mortgage to go into these businesses. Yes, a lot of people might say, ‘Look, they might have been no good at business,’ but where was their support? That is the old argument: if they are no good at business, of course it will fall over. But it is too coincidental. Too many of these businesses are falling over, and they pick them up, repackage them and resell them for $300,000, and make an
enormous amount of money out of it. I am going to pursue this matter along with other members of parliament to get justice for the people who are getting caught up in what could be a potential scam on behalf of major franchisors and their operatives in each state as master franchisees. *(Time expired)*

**Broadband**

Mr CREAN (Hotham) (12.34 pm)—As vital as the broadband debate is that we are having at the moment for the future of the nation, it is critical to the development of regional Australia. Access to fast-speed broadband is the great enabling technology for our regions. It will not only enhance their capacity to participate more effectively in the growing economy but also connect them in terms of social infrastructure, educational opportunities and entertainment. We cannot afford to let the regions be left behind.

Just how critical the importance of accessing fast-speed broadband is was established by the Local Government Association in a report presented at its conference last year, the *State of the regions* report. That report found that the cost of inferior broadband to the regions in 2006 alone was $2.7 billion in forgone gross domestic product and 30,000 regional jobs. That is just for one year.

The simple conclusion to be drawn from that report is that those regions that have fast-speed broadband go ahead; those that do not get left behind. It was against that background that Labor announced its response three months ago, and we have just seen the government’s response in the last week. But the government’s response is an inferior plan. The government’s proposal leaves regional Australia to make do with wireless technologies, not the superior fibre-to-the-node technologies proposed by Labor.

Under the government’s plan, fibre to the node will only be granted to the five mainland capital cities. Not even Hobart gets fibre to the node. Under the government’s plan, we will end up with a two-tiered system. The government cannot guarantee minimum speeds of 12 megabits per second with their wireless network. Labor’s proposal, on the other hand, is for fibre to the node to 98 per cent of the country and, for them, true broadband coverage by fibre to the node. The other two per cent we will deliver through alternative technologies.

Since the government’s announcement, there has been much criticism of the inferiority of what it proposes. News reports today suggest that country residents will be slugged with internet installation bills of up to $1,000, as they have to install satellite dish-like antennas. For this additional cost, what do they get? They get an inferior system—a system which will duplicate existing services, including exchanges which have already been upgraded by Telstra, as well as Telstra’s Next G network.

Apart from the duplication, it is an inferior choice. The OECD have said so. They said the benefits of WiMAX are debateable. It is much slower than fibre. Three top communications experts confirmed yesterday that wireless would always be slower than fibre and could suffer from interference and low quality and that fibre provides the largest bandwidth. Neil Weste from Macquarie University says:

If I was in control I’d have fibre everywhere ...

Andrew Parfitt, the Director of the Institute of Telecommunications in South Australia, says:

There is no question that fibre provides the largest bandwidth, which for outright speeds and a large number of users is clearly a factor.
Dr Eryk Dutkiewicz from the University of Wollongong said:
If I had a choice of fibre or wireless in the home I’d go for fibre straight away, no questions asked.
Why have the government gone for this inferior system—an inferior system that confines regional Australia to a second-class system? It is because they have never thought through this issue. They have gone for a quick fix in response to Labor’s proposal. It is going to cost $1.9 billion in grants to the private sector, with no equity held by the Australian public—grants which duplicate the system. Labor’s proposal for fibre to the node is the superior system by a long shot. (Time expired)

Home and Community Care Program

Mr SLIPPER (Fisher) (12.39 pm)—I am particularly pleased that the Australian government continues to deliver to older Australians through the Home and Community Care Program, particularly in my electorate of Fisher, which essentially is based on the central and southern parts of Queensland’s wonderful Sunshine Coast. About $900,000 in extra funds have been announced for providers of aged-care services in Fisher.

This is a particularly important initiative. The Home and Community Care program is one of the programs that enable people to continue to reside in their own homes for as long as possible, surrounded by their acquisitions and the things they have brought together during their life. People feel more comfortable in their own environment. If the government is able to make it possible, through assistance, for people to stay in their own homes, it is good not only for those older Australians but also for the community, insofar as much less funding is spent when that occurs than when someone is placed in an aged-care facility. The extra funds of $904,022 will enable frail aged residents and young people with disabilities to remain in their own homes with the support of their families—and the majority of people prefer to be in that situation.

It is wonderful to see this program being funded in an ongoing way in the electorate of Fisher. The organisations receiving funding include Blue Care, Uniting Church, at Caloundra, $311,904; Suncoast Community Services Day Respite Centre at Maroochydore, $115,020; Caloundra Home and Community Care Association at Buddina, $47,743; St Andrews Care, Caloundra, $34,777; Kabbarli House at Moffatt Beach, Caloundra, $19,882; Maroochy Home Maintenance at Kunda Park, $43,671; St Luke’s Nursing Service at Caloundra and Maroochydore, $200,371; RSL War Veterans Home, Caloundra, $26,654; and the Department of Housing on the Sunshine Coast, $104,000.

It is interesting that, with respect to the funding for the Department of Housing, the $104,000 will be used for home modification for eight clients. This is a very practical way of enabling older people to stay in their own residence, their own home, in their own environment. The moneys for the RSL War Veterans Home will provide domestic assistance for nine clients and social support for six clients; for St Luke’s Nursing Service, it will provide domestic assistance, social support, nursing care, personal care, respite care and transport; for Maroochy Home Maintenance, it will provide home maintenance for 33 clients; for Kabbarli House, it will provide centre based day care for three clients and home maintenance for seven clients; and, for St Andrews Care, it will provide home maintenance for 67 clients. The monies for the Caloundra Home and Community Care Association at Buddina will be used for social support, centre based care and transport; the Suncoast Community Services Day Res-
pite Centre will use its $115,020 for social support, personal care and centre based care; and Blue Care, Uniting Church, Caloundra will use its $311,904 for domestic assistance, social support, nursing care, personal care, centre based day care and transport.

Looking at the enormous array of services being provided out of this Home and Community Care program, you see how worthwhile and cost-effective it is. It is because of our sound economic management over the last 11 years, since we were first entrusted with the Treasury benches, that we are able to continue to fund Home and Community Care programs. The government has repaid $90 billion of Labor debt, so it is not paying the $8.5 billion in interest on debt that Labor was paying and it is able to spend money on desirable social outcomes, such as the Home and Community Care program in the electorate of Fisher on the Sunshine Coast.

Torture

Mr MELHAM (Banks) (12.44 pm)—I rise to speak on an important issue—namely, the government’s policy in relation to the use of torture in the so-called war on terrorism. Honourable members will be aware that the issue of torture has featured in two recent editions of ABC TV’s Four Corners program—one dealing with the use of torture as an integral part of the United States ‘extraordinary renditions’ program and the other dealing with the particular experiences of Mr Mamdouh Habib, an Australian citizen, who was almost certainly tortured by Egyptian security authorities prior to his transfer into United States military custody. I commend the ABC highly for these two documentaries and would recommend that all members of the House take the time to view these programs, as they raise very disturbing questions about the present Australian government’s attitude towards the use of torture—an attitude that, at the very least, amounts to turning a blind eye to such practices and perhaps may extend into more active complicity and connivance.

My concerns about these matters extend back to early 2002 when, as Labor spokesman on justice and customs, I first raised issues about the treatment of both Mr Habib and David Hicks. In the five years since then a great deal of information has come on the public record about the US Central Intelligence Agency’s extraordinary renditions program—the seizure and illegal transfer of terrorist suspects to third countries where they can be integrated outside of normal legal frameworks and indeed subjected to a range of techniques that by any definition amount to torture.

In August 2005 I asked a number of questions on notice of the Minister for Foreign Affairs and the Attorney-General about these issues. In some very carefully drafted answers in October 2005, the foreign minister replied that the government’s policy was that persons suspected of terrorist activities should only be transferred to another country through recognised legal means or where legal authority exists, such as extradition. The Attorney-General simply indicated that the government does not condone the use of torture in any circumstances and that it did not support the receipt or use of information obtained as a result of torture or other inhumane means.

This was good as far as it went, but I was concerned to establish precisely what practices the government regarded as constituting torture. Accordingly, in February this year I asked the Attorney-General whether three specific techniques constituted torture. All three have been identified as elements of so-called ‘enhanced interrogation techniques’ applied to prisoners in secret CIA operated prisons in a number of locations throughout the world. These were extended sleep deprivation, exposure to extreme cold for extended periods, and the practice of
immobilising a person and pouring water on his or her face to simulate drowning. This last practice is known as water boarding or water torture and produces a severe gag reflex, making the subject believe that he or she is about to die.

According to US Senator John McCain, who was tortured as a prisoner of war in North Vietnam, this is ‘very exquisite torture’, amounting to a mock execution which can damage the suspect’s psyche ‘in ways that may never heal’. The United States State Department has recognised water boarding as a form of torture and the United States Army’s field manual for interrogations prohibits this practice by any personnel—though not, it appears, by CIA operatives. This is a practice, I might add, that is also banned by our own military forces and explicitly regarded as torture.

What then was the Attorney-General’s answer to my question? On 10 May this year he reaffirmed that the Australian government does not condone torture or cruel, inhumane or degrading treatment or punishment. Remarkably, however, he could not bring himself to identify any of the three interrogation techniques as torture. Instead he declared that:

He would not rule out any of these techniques in all circumstances. I find it extraordinary that the Attorney-General, the first law officer of the Crown, could not bring himself to explicitly and clearly identify water boarding and the other techniques in question as constituting torture. I cannot see how it could be anything other than torture in any circumstances. My question was not a trick question and it deserved a straight answer.

Why did the Attorney-General answer as he did? I suspect there are two reasons. The first is that under no circumstances does he wish to be seen to criticise United States policy and practice. After all, US Vice President Dick Cheney casually told an interviewer that what he called a ‘dunk in the water’ was not a form of torture but rather an important tool in the interrogation of terrorist suspects such as Khalid Sheikh Mohammed. Secondly, and perhaps more importantly, I suspect that the Australian government, through intelligence liaison arrangements with the United States and also many other countries, has been in receipt of information that has been obtained through torture. In the case of Mr Habib’s experience of torture at the hands of Egyptian authorities, Australian authorities may have directly or indirectly supplied some of the interrogators’ questions.

I do not expect the Attorney-General will change his public position, nor do I expect him to comment on intelligence matters. There are grave issues involved here and the extent of the present government’s knowledge, of both ministers and officials, about the treatment of Mr Hicks and Mr Habib and their knowledge of and possible complicity with the use of torture in relation to other persons is something that will need to be the subject of a most rigorous and independent inquiry. Ultimately, an inquiry with the powers of a royal commission may get to the truth of these matters. (Time expired)

Water

Mr NEVILLE (Hinkler) (12.49 pm)—I would like to talk briefly today about various aspects of water in my electorate and in my potential electorate. Many years ago, 30 years ago, I was instrumental in getting John McEwen to come to Bundaberg to initiate Commonwealth
involvement in what was then known as the Burnett-Kolan scheme. It became a state-Commonwealth matter that ended up in the Bundaberg irrigation scheme, with 1,200 farms connected to one form or other of irrigation, be that river, pipe or channel. The scheme has moved on from there, and, in the government’s water initiative, the Prime Minister announced that the Bundaberg groundwater scheme would be tackled. The Bundaberg groundwater scheme is located in the area to the east of Bundaberg—between the Hummock, which is our only hill, and the ocean. That area had a very fine aquifer but, because of excessive demand on that aquifer for irrigation, a partial vacuum formed in the aquifer and dragged in salt water. That was one of the things that was the genesis of the Bundaberg irrigation scheme.

Surprisingly, part of this area which is known as the Wongarra system has never been finished. The Bundaberg groundwater scheme is in the water initiative for completion. I urge the government to get on with this. I am somewhat annoyed that the state government did not have the planning ready for it. After all, the Bundaberg irrigation scheme—as you would know, Mr Deputy Speaker Causley, being in the sugar business yourself—offered a whole series of solutions. It now has two dams: the Fred Haig Dam—or Lake Monduran, as it is sometimes known—and the more recent Paradise Dam. It connects the whole area from north of Bundaberg right down to Childers.

As that part of the scheme is 35 years old, it beggars belief that the plans were not ready to immediately implement this when the Commonwealth money became available. In fact, about half a million dollars had to be spent in reorientating the plans. I am not sure whether they are finished or about to be finished but, when you have a water initiative like this and the plans are not on the shelf ready to go, it is a blinding shame. I call on the government to immediately implement that as soon as we get these plans from the state government. For all those cane farmers and fruit and vegetable growers in that Wongarra system in the Bundaberg groundwater area—many of whom will have to move to pipes, as distinct from the aquifer—we must get on with it, protect that delicate aquifer and get that land that could be very productive back into production. In fact, my predecessor—and my friend, I might add—Brian Courtice, the former member for Hinkler, actually lives in that system, and I know Brian would welcome it very much.

The other thing I would like to talk about just briefly is the Elliott River. The Elliott River is dying because two channels were cut in the mouth. When the tide comes in through the two openings, it starts to drop sand. When the tide goes out, because the flow is split between the two openings, there is not sufficient rush to take the sand out. The sand drops in and the basin is slowly building up. The river and the mangroves will eventually die. I have had the former environment minister, Senator Ian Campbell, come to see that, and I have invited the current minister to come to Bundaberg and have a look at that with me. It does not need rocket science; it does not need half-million-dollar studies; it simply needs some dredging and some filling of a river mouth and, perhaps using a Work for the Dole scheme or a Green Corps scheme, to rebuild the isthmus that would be created by filling that second channel. Those are two important things in my electorate which I would like to see done. (Time expired)

Question agreed to.

Main Committee adjourned at 12.54 pm, until Wednesday, 8 August 2007, at 9.30 am, unless in accordance with standing order 186 an alternative date or time is fixed.
QUESTIONS IN WRITING

Attorney-General’s: Credit Cards
(Question No. 4399)

Mr Kelvin Thomson asked the Attorney-General, in writing, on 14 September 2006:

(1) How many credit cards have been issued to employees of the Minister’s department and agencies in each financial year since 1 July 2000.

(2) Of the credit cards identified in Part (1): (a) how many have been reported lost; (b) how many have been reported stolen; (c) have any been subject to fraud; if so, what was the total cost of each fraud incident; (d) what is the average credit limit for each financial year; (e) what was the total amount of interest accrued; and (f) have any employees been subjected to criminal proceedings as a result of credit card fraud.

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

Attorney-General’s Department

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<td>2005/06</td>
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</tbody>
</table>

(2) (a) and (b) 9 MasterCard and 13 Diners cards have been reported lost or stolen. (c) There have been no known cases of fraud on MasterCard or Diners cards. (d) The average credit card limit on MasterCard is $5,000. No financial limit exists on Diners cards. However, their use is restricted to a limited number of vendors as this card is for travel related purposes only. (e) Interest is not paid on credit cards as each account is paid on the due date under a draw down arrangement with the Department’s bankers. (f) No.

Australian Federal Police

( includes the Australian Institute of Police Management and the Australian Centre for Policing Research)

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<td>2005/2006</td>
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It should be noted that Diners Club advised it was unable to provide separate details for lost and stolen cards. The figures above are a combined total for both lost and stolen cards.
Financial Year | (1) Issued | (2)(a) & (b) Lost/Stolen | (2)(c) Fraud | (2)(d) Average Limit | (2)(e) Interest | (2)(f) Criminal Proceedings
---|---|---|---|---|---|---
2000/2001 | 215 | N/A | 0 | $22,547 | $0 | 0
2001/2002 | 258 | N/A | 0 | $8,500 | $3,793 | 0
2002/2003 | 375 | 17 | 0 | $8,361 | $7,241 | 0
2003/2004 | 259 | 28 | 0 | $13,396 | $50,235 | 0
2004/2005 | 157 | 18 | 0 | $8,051 | $4,870 | 0
2005/2006 | 220 | 8 | 0 | $6,759 | $0 | 0

It should be noted that the Australian and New Zealand Bank (ANZ) advised it was unable to provide separate details for lost and stolen cards. The figures above are a combined total for both lost and stolen cards. The ANZ also advised it was unable to provide details of lost and stolen cards prior to 2002/2003.

The former Australian Protective Service officially merged with the Australian Federal Police on 1 July 2004. The above table includes combined data for both entities prior to this merger.

1 There was no cost to the AFP in this instance as the fraud was not committed by an AFP member. Diners Club International and/or their insurance company incurred these costs. Diners Club is unable to provide details of the cost of the fraud as the information was archived and is not readily available.

2 This fraud resulted from the inappropriate use of a Diners Card by an AFP employee. The cost of the fraud was $6078.49, which has since been recovered from the person concerned.

**National Native Title Tribunal**

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<td>2005-06</td>
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The increase in 2004-05 was reflective of a change of banks from the ANZ to the Commonwealth Bank of Australia (CBA).

2 (a) Two. (b) Nil. (c) No. (d) Average limit was $21,600. (e) No interest was accrued. The Tribunal pays a credit card fee each year and payment is made in full at the end of the month. (f) No.

**Federal Magistrates Court**

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2 (a) Nil. (b) Nil. (c) No. (e) Nil. (f) No.
Office of Parliamentary Counsel

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(2) (a) Nil. (b) Nil. (c) No. (e) Nil. (f) No.

Australian Government Solicitor

AGS is a statutory authority and a government business enterprise. It operates on a fully commercial and competitive basis and does not receive any funding from budget or other parliamentary appropriations.

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Australian Customs Service

(1) and (2) (d)

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(2) (a) and (b) The information required to answer these questions is not readily accessible by Customs’ credit card provider and a significant allocation of resources would be required by them to provide the requested material. (c) No. (e) Nil. (f) No.

Australian Institute of Criminology

(1) and (2) (d)

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QUESTIONS IN WRITING
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(2) (a) Nil. (b) Nil. (c) No. (e) Nil. (f) No.

Office of Film and Literature Classification

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Note: the increase in number issued in the above table for 2004/05 was the result of revised arrangements under a new Certified Agreement that provided for cards to be issued to staff working for the Community Liaison Scheme who travel regularly.

(2) (a) Nil. (b) One. (c) No. (e) Nil. (f) No.

Office of the Privacy Commissioner

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<td>2005/06</td>
<td>1</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

(2) (a) Nil. (b) Nil. (c) No. (e) Nil. (f) No.

Australian Law Reform Commission

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/01</td>
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<td>$10,000</td>
</tr>
<tr>
<td>2001/02</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>2002/03</td>
<td>1</td>
<td>$10,000</td>
</tr>
<tr>
<td>2003/04</td>
<td>0</td>
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<td>1</td>
<td>$10,000</td>
</tr>
<tr>
<td>2005/06</td>
<td>0</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

(2) (a) Nil. (b) Nil. (c) No. (e) Nil. (f) No.
### Australian Transactions Reports and Analysis Centre

(1) and (2) (d)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(d) Average Limit</th>
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<tbody>
<tr>
<td>2000/01</td>
<td>2</td>
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<tr>
<td>2001/02</td>
<td>1</td>
<td>$5,000</td>
</tr>
<tr>
<td>2002/03</td>
<td>5</td>
<td>$5,200</td>
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<td>2003/04</td>
<td>5</td>
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<tr>
<td>2004/05</td>
<td>11</td>
<td>$6,000</td>
</tr>
<tr>
<td>2005/06</td>
<td>8</td>
<td>$6,000</td>
</tr>
</tbody>
</table>

(2) (a) 2002/03 – one; 2003/04 – two. (b) Nil. (c) No. (e) $280 in 2005/06. (f) No.

### Insolvency and Trustee Service, Australia

(1) As at 30 June 2006, the Insolvency and Trustee Service Australia had issued 61 credit cards to employees since 1 July 2000. Of those, 25 have since been closed. No cards were issued in 2000-01.

(2) (a) Four. (b) One. (c) No. (d) The average credit card limit for each financial year was approximately $10,000. (e) The total amount of interest accrued for each financial year was as follows. (f) No.

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n/a</td>
<td>$29</td>
<td>$5</td>
<td>$1,497</td>
<td>$1,608</td>
<td>$735</td>
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</tbody>
</table>

### Human Rights and Equal Opportunity Commission

(1) and (2) (d)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/01</td>
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<tr>
<td>2001/02</td>
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<td>n/a</td>
</tr>
<tr>
<td>2002/03</td>
<td>0</td>
<td>n/a</td>
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<tr>
<td>2003/04</td>
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<td>2004/05</td>
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<td>$20,000</td>
</tr>
<tr>
<td>2005/06</td>
<td>3</td>
<td>$22,222</td>
</tr>
</tbody>
</table>

(2) (a) One. (b) Nil. (c) No. (e) Nil. (f) No.

### Family Court

(1) (2) (a), (2) (b) & (2) (d)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(a) &amp; (b) Lost/Stolen</th>
<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/2001</td>
<td>29</td>
<td>0</td>
<td>$16,759</td>
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<tr>
<td>2001/2002</td>
<td>41</td>
<td>5</td>
<td>$14,927</td>
</tr>
<tr>
<td>2002/2003</td>
<td>43</td>
<td>0</td>
<td>$13,860</td>
</tr>
<tr>
<td>2003/2004</td>
<td>37</td>
<td>1</td>
<td>$14,054</td>
</tr>
<tr>
<td>2004/2005</td>
<td>42</td>
<td>0</td>
<td>$13,751</td>
</tr>
<tr>
<td>2005/2006</td>
<td>42</td>
<td>3</td>
<td>$13,714</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
The Court also had 566 travel cards issued to employees as at 30/6/2006. The cards are used exclusively for travel expenditure only. In 2005/06 there was one instance of fraud on the travel card for the amount of $2,764.00. The matter was referred to the police and resolved administratively.

**CRIMTRAC**

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/01</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>2001/02</td>
<td>0</td>
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<td>n/a</td>
</tr>
<tr>
<td>2003/04</td>
<td>5</td>
<td>$16,000</td>
</tr>
<tr>
<td>2004/05</td>
<td>5</td>
<td>$13,000</td>
</tr>
<tr>
<td>2005/06</td>
<td>4</td>
<td>$14,571</td>
</tr>
</tbody>
</table>

The agency’s charge cards are American Express (AMEX), therefore there is no interest fee but the cards are subject to a late payment fee. (f) No.

**Administrative Appeals Tribunal**

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(a) Lost</th>
<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/01</td>
<td>28</td>
<td>0</td>
<td>$18,750</td>
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<tr>
<td>2001/02</td>
<td>25</td>
<td>0</td>
<td>$20,720</td>
</tr>
<tr>
<td>2002/03</td>
<td>21</td>
<td>0</td>
<td>$23,143</td>
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<tr>
<td>2003/04</td>
<td>22</td>
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<td>$21,636</td>
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<tr>
<td>2004/05</td>
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<tr>
<td>2005/06</td>
<td>24</td>
<td>1</td>
<td>$19,833</td>
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**Australian Crime Commission**

<table>
<thead>
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<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/01</td>
<td>Not Available</td>
<td>Not Available</td>
</tr>
<tr>
<td>2001/02</td>
<td>12</td>
<td>$7,583</td>
</tr>
<tr>
<td>2002/03</td>
<td>13</td>
<td>$10,308</td>
</tr>
<tr>
<td>2003/04</td>
<td>43</td>
<td>$5,581</td>
</tr>
<tr>
<td>2004/05</td>
<td>22</td>
<td>$7,273</td>
</tr>
<tr>
<td>2005/06</td>
<td>9</td>
<td>$10,000</td>
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</table>

**Director of Public Prosecutions**

<table>
<thead>
<tr>
<th>Financial Year</th>
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<th>(2)(d) Average Limit</th>
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</thead>
<tbody>
<tr>
<td>2000/01</td>
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<tr>
<td>2001/02</td>
<td>36</td>
<td>$12,083</td>
</tr>
<tr>
<td>2002/03</td>
<td>3</td>
<td>$11,250</td>
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QUESTIONS IN WRITING
(1) Issued (2)(d) Average Limit

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/04</td>
<td>2</td>
<td>$6,000</td>
</tr>
<tr>
<td>2004/05</td>
<td>5</td>
<td>$13,571</td>
</tr>
<tr>
<td>2005/06</td>
<td>4</td>
<td>$15,769</td>
</tr>
</tbody>
</table>

(2) (a) Two. (b) Nil. (c) No. (e) Nil. (f) No.

**Federal Court**

(1) and (2) (d)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) On Issue at 1/7</th>
<th>(2)(d) Average Limit</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$22,918</td>
</tr>
<tr>
<td>2001/02</td>
<td>41</td>
<td>$21,902</td>
</tr>
<tr>
<td>2002/03</td>
<td>43</td>
<td>$21,000</td>
</tr>
<tr>
<td>2003/04</td>
<td>44</td>
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<td>$19,097</td>
</tr>
<tr>
<td>2005/06</td>
<td>41</td>
<td>$17,146</td>
</tr>
</tbody>
</table>

(2) (a) Three. (b) Nil. (c) No. (e) Nil. (f) No.

**Australian Security Intelligence Organisation**
The Australian Security Intelligence Organisation does not generally publish financial data beyond that published in its annual report to Parliament.

**High Court**

(1) and (2) (d)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>(1) Issued</th>
<th>(2)(d) Average Limit</th>
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<tr>
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<tr>
<td>2001/02</td>
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<td>$37,500</td>
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<td>2002/03</td>
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<td>$32,000</td>
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<tr>
<td>2003/04</td>
<td>5</td>
<td>$32,000</td>
</tr>
<tr>
<td>2004/05</td>
<td>5</td>
<td>$32,000</td>
</tr>
<tr>
<td>2005/06</td>
<td>5</td>
<td>$32,000</td>
</tr>
</tbody>
</table>

(2) (a) One. (b) Nil. (c) No. (e) Nil. (f) No.

**Environment and Water Resources: Telephone Costs**

(Question No. 5087)

**Mr Kelvin Thomson** asked the Minister for the Environment and Water Resources, 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 Turnbull**—The answer to the honourable member’s question is as follows:

(a) Landline costs
   
   2004/05, $959,106
   2005/06, $699,509
   2006/07 (to end March 2007), $539,185
(b) mobile telephone costs

2004/05, $283,089
2005/06, $279,398
2006/07 (to end March 2007), $222,113

Note:
These figures include all costs for landlines and mobile phones (including calls, plan fees, SMS and Service and Equipment charges).

Foreign Affairs and Trade: Missing Property
(Question Nos 5134 and 5136)

Mr Kelvin Thomson asked the Minister for Foreign Affairs and the Minister for Trade, in writing, on 7 December 2006:

(1) For each financial year from 1 July 2004, what was the total cost to the Minister’s department of departmental property reported missing.

(2) For the financial year 2005-06, what items of property were reported missing and what was the cost of each.

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

(1) The total cost of departmental property reported missing for 2004-05 was $36,541 and in 2005-06 it was $16,781.

(2) The file server listed below was unaccounted for in the 2005-06 stock take of DFAT IT assets, and, as of 21 March 2007, has not yet been located in the 2006-07 stock take currently underway. IT assets are deployed globally and at any given time there are a number of units in transit. DFAT expects the file server will be located by the end of April 2007, when the current stock take is completed.

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>File Server</td>
<td>$11,525</td>
</tr>
<tr>
<td>3 Seat Sofa</td>
<td>$3,316</td>
</tr>
<tr>
<td>Shredder</td>
<td>$1,400</td>
</tr>
<tr>
<td>Laptop (Australia Japan Foundation)</td>
<td>$540</td>
</tr>
</tbody>
</table>

Human Rights Dialogue China-Australia
(Question No. 5890)

Mr McClelland asked the Minister for Foreign Affairs, in writing, on 31 May 2007:

(1) What was the outcome of the China-Australia Human Rights Dialogue held in July 2006.

(2) What steps have been taken by (a) China and (b) Australia, as a result of the dialogue.

(3) When will the next China-Australia Human Rights Dialogue take place.

(4) Has the agenda for the next dialogue been determined; if so what is the agenda.

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

(1) The last round of the Australia-China Human Rights Dialogue saw a constructive exchange on human rights issues. Australia raised the full range of our concerns, including freedom of expression, press freedom, religious freedom, treatment of Falun Gong practitioners, the death penalty, re-education through labour, and the situations in Tibet and Xinjiang. The 2006 round of Dialogue
saw the inclusion of eight Chinese organisations and direct contact between the Australian Non-Government Organisation community and senior Chinese officials. In addition, Australia and China agreed on activities to be conducted in the 2006/07 financial year under the Human Rights and Technical Cooperation Program, which will total $A2 million in value.

(2) (a) It is not possible to pinpoint specific steps China has taken in the human rights field as a result of the Australia-China Human Rights Dialogue alone. Human rights improvements are often the result of diverse developments and pressures. Australia’s efforts, along with those of like-minded countries, and the contributions of NGOs and individuals in China and abroad, continue to have a cumulative effect in encouraging improvements in human rights in China. Chinese human rights activists have told us that they support human rights dialogues because they maintain international pressure on the Chinese Government. The growth in representation of Chinese agencies in the Dialogue exposes a wide range of Chinese officials to Australia’s concerns about human rights in China, and our approach to human rights issues.

(b) Following the 2006 Australia-China Human Rights Dialogue, Australia agreed to undertake the following projects in 2006/07 under the Human Rights and Technical Cooperation Program:

- Masters level scholarships for two officials from the Chinese Ministry of Foreign Affairs to study in human rights related disciplines in Australia.
- A seminar, to be held in China in conjunction with the Ministry of Foreign Affairs, to examine practical measures to promote the application of the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- A seminar, to be held in China in conjunction with the Supreme People’s Procuratorate, to examine procedures and practices which protect the rights of juveniles in the criminal justice system.
- A study visit to Australia by the Supreme People’s Procurate to study how Australian agencies, laws, policies and practices combat corruption consistent with the protection and promotion of human rights.
- A study visit to Australia, followed by a seminar in China, with the Ministry of Public Security to examine Australia’s practices relating to the rights of detainees.
- A workshop to be held in China to share Australian approaches to juvenile justice with a broad range of officials, likely to include members of Juvenile Tribunals, Supreme People’s Court legislative policy officers and officials from the Committee for Internal and Judicial Affairs.
- A model United Nations Human Rights Council to be held in China in conjunction with the United Nations Association of China, to debate themes related to the ICESCR and International Covenant on Civil and Political Rights.
- A Human Rights Knowledge Competition, to be published in the China Youth Daily and on its website, to contribute to broader public education program on human rights by the United Nations Association of China.
- A study visit to Australia by the Ministry of Justice to examine Australian legislation, policy and programs designed to promote the re-integration of former prisoners in the community.
- A study visit to Australia by the Ministry of Civil Affairs to examine the structure of specialist Australian NGOs and their role in the protection of human rights.
- A visit by two Australian experts to China to assist the Beijing Legal Aid Office of Rural Migrants in the design and implementation of a training activity for lawyers and administrators providing legal services for rural migrant workers.
- A research seminar to be held in China in conjunction with the National Judges College, to share information with a range of officials on the role and involvement of non-judicial actors in Australia’s judicial processes.

- A workshop to be held in China on combating domestic violence, with an emphasis on the role of the courts. Participants will include the All China Women’s Federation and local women’s federation, judicial departments, public security bureaus and civil affairs.

- A workshop to be held in China to provide representatives of coordination groups on safeguarding women and children’s rights with training on human rights and gender awareness.

- A training program in China for family planning officials on applying human rights based approaches in the delivery of family planning and reproductive health services.

- A training program in China for family planning officials to assist them in applying human rights principles in training, information and education programs and in methods for providing advice and communication with clients.

- A study tour to Australia by the Public Security Bureau of the Tibet Autonomous Region to examine the Australian experience in detention and the laws, policies and programs designed to promote the human rights of detainees.

- A study tour to Australia by the Department of Justice of the Tibet Autonomous Region to examine the Australian experience in promoting the re-integration of prisoners into the community.


(4) The Agenda for the Dialogue is currently under discussion with the Chinese Government.