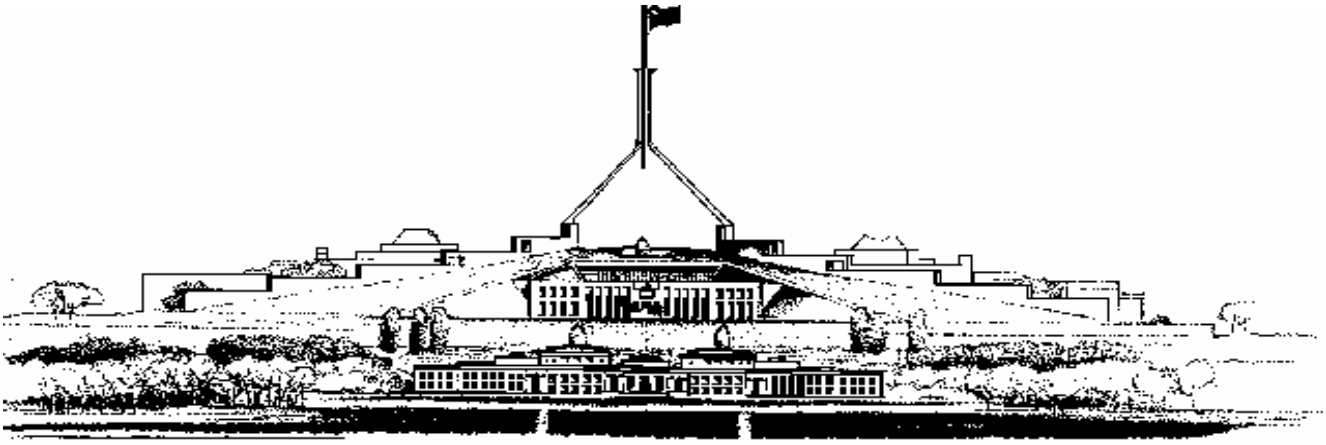
COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 7, 2005
Thursday, 17 March 2005

FORTY-FIRST PARLIAMENT
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

INTERNET

The Votes and Proceedings for the House of Representatives are available at
http://www.aph.gov.au/house/info/votes

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at
http://www.aph.gov.au/hansard

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

SITTING DAYS—2005

Month	Date
February	8, 9, 10, 14, 15, 16, 17
March	7, 8, 9, 10, 14, 15, 16, 17
May	10, 11, 12, 23, 24, 25, 26, 30, 31
June	1, 2, 14, 15, 16, 20, 21, 22, 23
August	9, 10, 11, 15, 16, 17, 18
September	5, 6, 7, 8, 12, 13, 14, 15
October	4, 5, 6, 10, 11, 12, 13, 31
November	1, 2, 3, 28, 29, 30
December	1, 5, 6, 7, 8

RADIO BROADCASTS

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

CANBERRA	1440 AM
SYDNEY	630 AM
NEWCASTLE	1458 AM
GOSFORD	98.1 FM
BRISBANE	936 AM
GOLD COAST	95.7 FM
MELBOURNE	1026 AM
ADELAIDE	972 AM
PERTH	585 AM
HOBART	747 AM
NORTHERN TASMANIA	92.5 FM
DARWIN	102.5 FM

FORTY-FIRST PARLIAMENT
FIRST SESSION—SECOND 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 Harry Alfred Jenkins MP

Members of the Speaker's Panel—The Hon. Dick Godfrey Harry Adams, Mr Robert Charles Baldwin, the Hon. Bronwyn Kathleen Bishop, Mr Michael John Hatton, Mr Peter John Lindsay, Mr Robert Francis McMullan, Mr Harry Vernon Quick, the Hon. Bruce Craig Scott, the Hon. Alexander Michael Somlyay, Mr Kimberley William Wilkie

Leader of the House—The Hon. Anthony John Abbott MP

Deputy Leader of the House—The Hon. Peter John McGauran MP

Manager of Opposition Business—Ms Julia Eileen Gillard MP

Deputy Manager of Opposition Business—Mr Anthony Norman Albanese MP

Party Leaders and Whips

Liberal Party of Australia

Leader—The Hon. John Winston Howard MP

Deputy Leader—The Hon. Peter Howard Costello MP

Chief Government Whip—Mr Kerry Joseph Bartlett MP

Government Whips—Mrs Joanna Gash MP and Mr Fergus Stewart McArthur MP

The Nationals

Leader—The Hon. John Duncan Anderson MP

Deputy Leader—The Hon. Mark Anthony James Vaile MP

Whip—Mr John Alexander Forrest MP

Assistant Whip—Mr Paul Christopher Neville MP

Australian Labor Party

Leader—The Hon. Kim Christian Beazley MP

Deputy Leader—Ms Jennifer Louise Macklin MP

Chief Opposition Whip—The Hon. Leo Roger Spurway Price MP

Opposition Whips—Mr Michael Danby MP and Ms Jill Griffiths Hall MP

Printed by authority of the House of Representatives

Members of the House of Representatives

Member	Division	Party
Abbott, Hon. Anthony John	Warringah, NSW	LP
Adams, Hon. Dick Godfrey Harry	Lyons, Tas	ALP
Albanese, Anthony Norman	Grayndler, NSW	ALP
Anderson, Hon. John Duncan	Gwydir, NSW	Nats
Andren, Peter James	Calare, NSW	Ind
Andrews, Hon. Kevin James	Menzies, Vic	LP
Bailey, Hon. Frances Esther	McEwen, Vic	LP
Baird, Hon. Bruce George	Cook, NSW	LP
Baker, Mark Horden	Braddon, Tas	LP
Baldwin, Robert Charles	Paterson, NSW	LP
Barresi, Phillip Anthony	Deakin, Vic	LP
Bartlett, Kerry Joseph	Macquarie, NSW	LP
Beazley, Hon. Kim Christian	Brand, WA	ALP
Bevis, Hon. Archibald Ronald	Brisbane, Qld	ALP
Billson, Hon. Bruce Fredrick	Dunkley, Vic	LP
Bird, Sharon	Cunningham, NSW	ALP
Bishop, Hon. Bronwyn Kathleen	Mackellar, NSW	LP
Bishop, Hon. Julie Isabel	Curtin, WA	LP
Bowen, Christopher Eyles	Prospect, NSW	ALP
Broadbent, Russell Evan	McMillan, Vic	LP
Brough, Hon. Malcolm Thomas	Longman, Qld	LP
Burke, Anna Elizabeth	Chisholm, Vic	ALP
Burke, Anthony Stephen	Watson, NSW	ALP
Byrne, Anthony Michael	Holt, VIC	ALP
Cadman, Hon. Alan Glyndwr	Mitchell, NSW	LP
Causley, Hon. Ian Raymond	Page, NSW	Nats
Ciobo, Steven Michele	Moncrieff, Qld	LP
Cobb, Hon. John Kenneth	Parkes, NSW	Nats
Corcoran, Ann Kathleen	Isaacs, VIC	ALP
Costello, Hon. Peter Howard	Higgins, Vic	LP
Crean, Hon. Simon Findlay	Hotham, Vic	ALP
Danby, Michael	Melbourne Ports, Vic	ALP
Downer, Hon. Alexander John Gosse	Mayo, SA	LP
Draper, Patricia	Makin, SA	LP
Dutton, Hon. Peter Craig	Dickson, Qld	LP
Edwards, Hon. Graham John	Cowan, WA	ALP
Elliot, Maria Justine	Richmond, NSW	ALP
Ellis, Annette Louise	Canberra, ACT	ALP
Ellis, Katherine Margaret	Adelaide, SA	ALP
Elson, Kay Selma	Forde, QLD	LP
Emerson, Craig Anthony	Rankin, Qld	ALP
Entsch, Hon. Warren George	Leichhardt, NSW	LP
Farmer, Hon. Patrick Francis	Macarthur, NSW	LP
Fawcett, David Julian	Wakefield, SA	LP
Ferguson, Laurence Donald Thomas	Reid, NSW	ALP
Ferguson, Martin John, AM	Batman, Vic	ALP
Ferguson, Michael Darrel	Bass, TAS	LP

Members of the House of Representatives

Member	Division	Party
Fitzgibbon, Joel Andrew	Hunter, NSW	ALP
Forrest, John Alexander	Mallee, VIC	Nats
Gambaro, Hon. Teresa	Petrie, QLD	LP
Garrett, Peter Robert, AM	Kingsford Smith, NSW	ALP
Gash, Joanna	Gilmore, NSW	LP
Georganas, Steven	Hindmarsh, SA	ALP
George, Jennie	Throsby, NSW	ALP
Georgiou, Petro	Kooyong, Vic	LP
Gibbons, Stephen William	Bendigo, Vic	ALP
Gillard, Julia Eileen	Lalor, Vic	ALP
Grierson, Sharon Joy	Newcastle, NSW	ALP
Griffin, Alan Peter	Bruce, Vic	ALP
Haase, Barry Wayne	Kalgoorlie, WA	LP
Hall, Jill Griffiths	Shortland, NSW	ALP
Hardgrave, Hon. Gary Douglas	Moreton, Qld	LP
Hartsuyker, Luke	Cowper, NSW	Nats
Hatton, Michael John	Blaxland, NSW	ALP
Hawker, David Peter Maxwell	Wannon, Vic	LP
Henry, Stuart	Hasluck, WA	LP
Hoare, Kelly Joy	Charlton, NSW	ALP
Hockey, Hon. Joseph Benedict	North Sydney, NSW	LP
Howard, Hon. John Winston	Bennelong, NSW	LP
Hull, Kay Elizabeth	Riverina, NSW	Nats
Hunt, Hon. Gregory Andrew	Flinders, Vic	LP
Irwin, Julia Claire	Fowler, NSW	ALP
Jenkins, Harry Alfred	Scullin, Vic	ALP
Jensen, Dennis Geoffrey	Tangney, WA	LP
Johnson, Michael Andrew	Ryan, Qld	LP
Jull, Hon. David Francis	Fadden, Qld	LP
Katter, Hon. Robert Carl	Kennedy, Qld	Ind
Keenan, Michael Fayat	Stirling, WA	LP
Kelly, Hon. De-Anne Margaret	Dawson, Qld	Nats
Kelly, Hon. Jacqueline Marie	Lindsay, NSW	LP
Kerr, Hon. Duncan James Colquhoun, SC	Denison, Tas	ALP
King, Catherine Fiona	Ballarat, Vic	ALP
Laming, Andrew Charles	Bowman, Qld	LP
Lawrence, Hon. Carmen Mary	Fremantle, WA	ALP
Ley, Hon. Sussan Penelope	Farrer, NSW	LP
Lindsay, Peter John	Herbert, Qld	LP
Livermore, Kirsten Fiona	Capricornia, Qld	ALP
Lloyd, Hon. James Eric	Robertson, NSW	LP
Macfarlane, Hon. Ian Elgin	Groom, Qld	LP
Macklin, Jennifer Louise	Jagajaga, Vic	ALP
Markus, Louise Elizabeth	Greenway, NSW	LP
May, Margaret Ann	McPherson, Qld	LP
McArthur, Fergus Stewart	Corangamite, Vic	LP
McClelland, Robert Bruce	Barton, NSW	ALP
McGauran, Hon. Peter John	Gippsland, Vic	Nats

Members of the House of Representatives

Member	Division	Party
McMullan, Robert Francis	Fraser, ACT	ALP
Melham, Daryl	Banks, NSW	ALP
Moylan, Hon. Judith Eleanor	Pearce, WA	LP
Murphy, John Paul	Lowe, NSW	ALP
Nairn, Hon. Gary Roy	Eden-Monaro, NSW	LP
Nelson, Hon. Brendan John	Bradfield, NSW	LP
Neville, Paul Christopher	Hinkler, Qld	Nats
O'Connor, Brendan Patrick John	Gorton, Vic	ALP
O'Connor, Gavan Michael	Corio, Vic	ALP
Owens, Julie Ann	Parramatta, NSW	ALP
Panopoulos, Sophie	Indi, Vic	LP
Pearce, Hon. Christopher John	Aston, Vic	LP
Plibersek, Tanya Joan	Sydney, NSW	ALP
Price, Hon. Leo Roger Spurway	Chifley, NSW	ALP
Prosser, Hon. Geoffrey Daniel	Forrest, WA	LP
Pyne, Hon. Christopher Maurice	Sturt, SA	LP
Quick, Harry Vernon	Franklin, Tas	ALP
Randall, Don James	Canning, WA	LP
Richardson, Kym	Kingston, SA	LP
Ripoll, Bernard Fernando	Oxley, Qld	ALP
Robb, Andrew John	Goldstein, Vic	LP
Roxon, Nicola Louise	Gellibrand, Vic	ALP
Rudd, Kevin Michael	Griffith, Qld	ALP
Ruddock, Hon. Philip Maxwell	Berowra, NSW	LP
Sawford, Rodney Weston	Port Adelaide, SA	ALP
Schultz, Albert John	Hume, NSW	LP
Scott, Hon. Bruce Craig	Maranoa, Qld	Nats
Secker, Patrick Damien	Barker, SA	LP
Sercombe, Robert Charles Grant	Maribyrnong, Vic	ALP
Slipper, Hon. Peter Neil	Fisher, Qld	LP
Smith, Anthony David Hawthorn	Casey, Vic	LP
Smith, Stephen Francis	Perth, WA	ALP
Snowdon, Hon. Warren Edward	Lingiari, NT	ALP
Somlyay, Hon. Alexander Michael	Fairfax, Qld	LP
Southcott, Andrew John	Boothby, SA	LP
Stone, Hon. Sharman Nancy	Murray, Vic	LP
Swan, Wayne Maxwell	Lilley, Qld	ALP
Tanner, Lindsay James	Melbourne, Vic	ALP
Thompson, Cameron Paul	Blair, Qld	LP
Thomson, Kelvin John	Wills, Vic	ALP
Ticehurst, Kenneth Vincent	Dobell, NSW	LP
Tollner, David William	Solomon, NT	CLP
Truss, Hon. Warren Errol	Wide Bay, Qld	Nats
Tuckey, Hon. Charles Wilson	O'Connor, WA	LP
Turnbull, Malcolm Bligh	Wentworth, NSW	LP
Vaile, Hon. Mark Anthony James	Lyne, NSW	Nats
Vale, Hon. Danna Sue	Hughes, NSW	LP
Vamvakinou, Maria	Calwell, Vic	ALP

Members of the House of Representatives

Member	Division	Party
Vasta, Ross Xavier	Bonner, Qld	LP
Wakelin, Barry Hugh	Grey, SA	LP
Washer, Malcolm James	Moore, WA	LP
Wilkie, Kimberley William	Swan, WA	ALP
Windsor, Antony Harold Curties	New England, NSW	Ind
Wood, Jason Peter	La Trobe, Vic	LP

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

Clerk of the Senate—H. Evans

Clerk of the House of Representatives—I.C. Harris

Secretary, Department of Parliamentary Services—H.R. Penfold QC

HOWARD MINISTRY

Prime Minister	The Hon. John Winston Howard MP
Minister for Transport and Regional Services and Deputy Prime Minister	The Hon. John Duncan Anderson MP
Treasurer	The Hon. Peter Howard Costello MP
Minister for Trade	The Hon. Mark Anthony James Vaile MP
Minister for Defence and Leader of the Government in the Senate	Senator the Hon. Robert Murray Hill
Minister for Foreign Affairs	The Hon. Alexander John Gosse Downer MP
Minister for Health and Ageing and Leader of the House	The Hon. Anthony John Abbott MP
Attorney-General	The Hon. Philip Maxwell Ruddock MP
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council	Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry	The Hon. Warren Errol Truss MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs	Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training	The Hon. Dr Brendan John Nelson MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues	Senator the Hon. Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources	The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service	The Hon. Kevin James Andrews MP
Minister for Communications, Information Technology and the Arts	Senator the Hon. Helen Lloyd Coonan
Minister for the Environment and Heritage	Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)

HOWARD MINISTRY—*continued*

Minister for Justice and Customs and Manager of Government Business in the Senate	Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation	Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport	Senator the Hon. Charles Roderick Kemp
Minister for Human Services	The Hon. Joseph Benedict Hockey MP
Minister for Citizenship and Multicultural Affairs and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Revenue and Assistant Treasurer	The Hon. Malcolm Thomas Brough MP
Special Minister of State	Senator the Hon. Eric Abetz
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister	The Hon. Gary Douglas Hardgrave MP
Minister for Ageing	The Hon. Julie Isabel Bishop MP
Minister for Small Business and Tourism	The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads	The Hon. James Eric Lloyd MP
Minister for Veterans' Affairs and Minister Assisting the Minister for Defence	The Hon. De-Anne Margaret Kelly MP
Minister for Workforce Participation	The Hon. Peter Craig Dutton MP
Parliamentary Secretary to the Minister for Finance and Administration	The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Warren George Entsch MP
Parliamentary Secretary to the Minister for Health and Ageing	The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence	The Hon. Teresa Gambaro MP
Parliamentary Secretary (Foreign Affairs and Trade)	The Hon. Bruce Fredrick Billson MP
Parliamentary Secretary to the Prime Minister	The Hon. Gary Roy Nairn MP
Parliamentary Secretary to the Treasurer	The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for Transport and Regional Services	The Hon. John Kenneth Cobb MP
Parliamentary Secretary to the Minister for the Environment and Heritage	The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary (Children and Youth Affairs)	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 Agriculture, Fisheries and Forestry	Senator the Hon. Richard Mansell Colbeck

SHADOW MINISTRY

Leader of the Opposition	The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research	Jennifer Louise Macklin MP
Leader of the Opposition in the Senate and Shadow Minister for Social Security	Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology	Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House	Julia Eileen Gillard MP
Shadow Treasurer	Wayne Maxwell Swan MP
Shadow Minister for Industry, Infrastructure and Industrial Relations	Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and International Security	Kevin Michael Rudd MP
Shadow Minister for Defence and Homeland Security	Robert Bruce McClelland MP
Shadow Minister for Trade	The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources and Tourism	Martin John Ferguson MP
Shadow Minister for Environment and Heritage and Deputy Manager of Opposition Business in the House	Anthony Norman Albanese MP
Shadow Minister for Public Administration and Open Government, Shadow Minister for Indigenous Affairs and Reconciliation and Shadow Minister for the Arts	Senator Kim John Carr
Shadow Minister for Regional Development and Roads and Shadow Minister for Housing and Urban Development	Kelvin John Thomson MP
Shadow Minister for Finance and Superannuation	Senator the Hon. Nicholas John Sherry
Shadow Minister for Work, Family and Community, Shadow Minister for Youth and Early Childhood Education and Shadow Minister Assisting the Leader on the Status of Women	Tanya Joan Plibersek MP
Shadow Minister for Employment and Workplace Participation and Shadow Minister for Corporate Governance and Responsibility	Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)

SHADOW MINISTRY—*continued*

Shadow Minister for Immigration	Laurence Donald Thomas Ferguson MP
Shadow Minister for Agriculture and Fisheries	Gavan Michael O'Connor MP
Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Banking and Financial Services	Joel Andrew Fitzgibbon MP
Shadow Attorney-General	Nicola Louise Roxon MP
Shadow Minister for Regional Services, Local Government and Territories	Senator Kerry Williams Kelso O'Brien
Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs	Senator Kate Alexandra Lundy
Shadow Minister for Defence Planning, Procurement and Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations	The Hon. Archibald Ronald Bevis MP
Shadow Minister for Sport and Recreation	Alan Peter Griffin MP
Shadow Minister for Veterans' Affairs	Senator Thomas Mark Bishop
Shadow Minister for Small Business	Tony Burke MP
Shadow Minister for Ageing, Disabilities and Carers	Senator Jan Elizabeth McLucas
Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate	Senator Joseph William Ludwig
Shadow Minister for Pacific Islands	Robert Charles Grant Sercombe MP
Shadow Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Shadow Parliamentary Secretary for Defence	The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education	Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment and Heritage	Jennie George MP
Shadow Parliamentary Secretary for Infrastructure	Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Health	Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Regional Development (House)	Catherine Fiona King MP
Shadow Parliamentary Secretary for Regional Development (Senate)	Senator Ursula Mary Stephens
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs	The Hon. Warren Edward Snowdon MP

CONTENTS

THURSDAY, 17 MARCH

CONTENTS—*continued*

CONTENTS—*continued*

Thursday, 17 March 2005

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

COPYRIGHT AMENDMENT (FILM DIRECTORS' RIGHTS) BILL 2005

First Reading

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

Second Reading

Mr RUDDOCK (Berowra—Attorney-General) (9.01 a.m.)—I move:

That this bill be now read a second time.

I present the Copyright Amendment (Film Directors' Rights) Bill 2005 to make amendments to the Copyright Act 1968.

The bill delivers a commitment made by the government in its Strengthening Australian Arts policy for the last election.

This bill will, for the first time, recognise directors as having a share of the copyright in their films. This bill will give directors a right to a share of royalties to be payable by subscription television broadcasters for retransmitting free-to-air broadcasts of directors' films.

Films are a product of many people's different contributions. Apart from the director and the actors, there are script writers, cinematographers, composers of the musical score and production designers.

Copyright is currently vested in the producer as the person who draws all these contributors together and 'makes the production happen'. Others will have copyright in, for example, the script or the musical score. Directors will now share in the copyright in the film.

Directors' copyright, like other copyright and personal property, will be transferable.

Further, where a director is working under an employment contract, that director's copyright will vest in the employer, unless it is otherwise provided in the contract.

This is consistent with the existing law vesting copyright in the works of employed authors in their employers.

This bill builds on the government's amendments to the Copyright Act in 2000 which gave directors moral rights in their films.

It also moves Australian law in line with that of many countries of the world, particularly members of the European Union, where directors do have a copyright in their films.

One benefit of this bill is that it creates the opportunity for directors to claim royalties for use of their films under remuneration schemes in EU countries because European directors will now be reciprocally entitled to remuneration in Australia.

The case for recognising directors' copyright was raised by the Australian Screen Directors Association (ASDA) when the Copyright Amendment (Digital Agenda) Act 2000 was being debated.

The government agreed to look at the issue of extending a share of copyright in films to directors. An issues paper was published and submissions were received from stakeholders, including ASDA and also representatives of film producers and broadcasters.

The bill that I am now presenting has resulted from a careful consideration of those submissions and from consultations with the main stakeholders.

The government's aim in preparing this bill is to recognise and encourage the creative contribution of our many fine Australian directors, some of whom are well known and others who are far less well known.

But the government also did not want to affect investment in Australia's important film industry and existing revenue sources of

its producers that are so vital to its ongoing success.

This bill has achieved this aim, in giving directors access to remuneration from the subscription television retransmission scheme.

No payments have yet been made to film copyright owners under that scheme because the quantum of those payments is still to be determined by the Copyright Tribunal.

Following the same reasoning, the government will consider giving directors a share of royalty revenue that would be due to film copyright owners under any future scheme of this type.

This bill, although short, represents a major milestone in giving due recognition to the important creative contribution of directors to their films.

The bill does so without disturbing the existing practices for securing investment in and arranging distribution of films, and in particular, the Australian film industry. I present the explanatory memorandum to this bill.

Debate (on motion by **Ms George**) adjourned.

SOCIAL SECURITY AMENDMENT (EXTENSION OF YOUTH ALLOWANCE AND AUSTUDY ELIGIBILITY TO NEW APPRENTICES) BILL 2005

First Reading

Bill presented by **Mr Hardgrave**, and read a first time.

Second Reading

Mr HARDGRAVE (Moreton—Minister for Vocational and Technical Education and Minister Assisting the Prime Minister) (9.06 a.m.)—I move:

That this bill be now read a second time.

The Social Security Amendment (Extension of Youth Allowance and Austudy Eligibility to New Apprentices) Bill 2005 will provide net outlays of $383.2 million over three years to provide further assistance to apprentices and trainees in the initial years of their training.

This government's sound financial management has produced a strong economy. A strong and growing economy requires skilled employees.

This bill supports the government's intention to address skills shortages in the Australian economy. It encourages people to participate in New Apprenticeships, providing them with the skills needed to enter or re-enter the work force, re-train for a new job or upgrade for an existing job. This measure will increase the supply of skilled people with a nationally recognised qualification to meet the needs of business and support a more competitive and innovative economy.

This measure, extending eligibility for Youth Allowance and Austudy to full-time apprentices and trainees participating under the New Apprenticeships scheme for the first time, acknowledges how important these people are to our continued economic competitiveness, performance and growth.

The extension of eligibility for youth allowance and Austudy payments to full-time new apprentices will help to ease the financial burden faced by apprentices and trainees in the initial years of their training. New apprentices will be treated consistently with current arrangements for full-time students under the payments, with the application of parental, personal and partner means testing according to their circumstances.

This measure extends these payments by providing additional support to up to 75,000 more people in 2005-06, increasing to approximately 93,000 by the 2008-09 financial year.

This amending bill also contains provisions for the exemption from social security and veterans' entitlements for the Commonwealth trade learning scholarships and Tools for your Trade initiative. The Commonwealth trade learning scholarships will be exempt from assessment as taxable income. It is intended that benefits under the Tools for your Trade initiative will also be exempt from assessment as taxable income. This will ensure that these measures are fully effective and that their value to recipients is not eroded.

The government is introducing a Commonwealth trade learning scholarship to financially assist new apprentices undertaking new apprenticeships in trade occupations in skill shortage areas. The scholarship will provide payments of $500 to new apprentices upon successful completion of their first and second years.

This assistance will encourage and allow many new apprentices to remain in training and reach their goals of becoming fully qualified tradespersons. Furthermore, in conjunction with other initiatives being implemented by this government, there will be greater take-up of trade new apprenticeships as these initiatives break down the barriers and perceptions that currently deter many young people from entering these worthwhile and fulfilling careers.

The Tools for Your Trade initiative aims to help alleviate the financial burden on new apprentices undertaking new apprenticeships in trade occupations where there is a skill shortage. The initiative will make tool kits to the value of $800 available to apprentices undertaking a new apprenticeship in identified trades.

The initiative will help up to 34,000 new apprentices a year, targeting trades experiencing skill shortages as listed in the Department of Employment and Workplace Relations national skill shortages list. Among those to benefit will be new apprentices in metals, motor vehicle and building trades, plumbers, chefs and cooks, cabinet makers, furniture makers and hairdressers—all nation building heroes in our economy.

These measures, combined with other initiatives announced during the election campaign and currently being implemented by this government, represent a significant investment in the future growth of Australian industries and the vocational education and training sector.

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

Debate (on motion by **Ms George**) adjourned.

NEW INTERNATIONAL TAX ARRANGEMENTS (FOREIGN-OWNED BRANCHES AND OTHER MEASURES) BILL 2005

First Reading

Bill presented by **Mr Brough**, and read a first time.

Second Reading

Mr BROUGH (Longman—Minister for Revenue and Assistant Treasurer) (9.11 a.m.)—I move:

That this bill be now read a second time.

This bill contains further reforms intended to modernise Australia's international tax regime, following the government's review of international taxation arrangements.

Schedule 1 to this bill amends the income tax law to allow dividends received by Australian branches of non-residents to be taxed by assessment instead of by withholding. In addition, non-residents with Australian branches will get franking credits when they receive franked dividends.

Taxing these branches by assessment instead of through withholding will mean Aus-

tralian branches and subsidiaries of non-residents are treated similarly for income tax purposes when they receive dividends. This change is consistent with a general trend toward the separate entity treatment of branches for tax purposes.

Schedule 2 contains minor amendments to the controlled foreign companies rules.

These amendments address potentially inappropriate consequences that could occur following the listing of a country for the purposes of the controlled foreign companies rules. These amendments provide the ground work for the future listing of further countries.

Also, the amendments ensure that Australia's capital gains tax rules do not overextend their reach when controlled foreign companies' assets are sold. This reduces compliance costs associated with the controlled foreign companies rules when Australian residents buy or restructure foreign companies.

Schedule 3 gives Australian branches of foreign non-bank financial institutions separate entity treatment for income tax purposes—that is, they will be treated more like foreign-owned subsidiaries. This treatment is already given to Australian branches of foreign banks.

Extending the separate entity treatment to include foreign financial institution branches will ensure that the Australian tax system does not discriminate, on the basis of ownership and entity structure, between different financial institutions providing similar financial services in Australia.

Together with the changes contained in schedule 1, this schedule aims to improve competition in the financial services sector, provide for a more neutral tax treatment of branches and subsidiaries, and reduce compliance costs in certain cases.

Schedule 4 will prevent double taxation and non-taxation of employee shares and rights where individuals move between countries. This will be achieved by more closely aligning Australia's domestic income tax law with the OECD model tax convention.

The treatment of employee share or right income creates difficulties when employees move between countries, because the income may relate to employment over a long period. Where the employment is in more than one country, dividing the taxing rights between countries becomes complicated.

These amendments move towards the OECD approach by making the treatment of cross-border employee shares and rights clearer. This will facilitate application of the OECD model in double tax agreements. It will also help individuals who work in more than one country to calculate with certainty the Australian tax liability related to their employee shares or rights.

Finally, this bill corrects an error in the application of some amendments contained in a previous instalment of reforms.

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

I commend this bill and present the explanatory memorandum.

Debate (on motion by **Ms George**) adjourned.

TAX LAWS AMENDMENT (IMPROVEMENTS TO SELF ASSESSMENT) BILL (No. 1) 2005

First Reading

Bill presented by **Mr Brough**, and read a first time.

Second Reading

Mr BROUGH (Longman—Minister for Revenue and Assistant Treasurer) (9.15 a.m.)—I move:

That this bill be now read a second time.

This bill implements the first part of the government's response to the report on aspects of income tax self assessment. The report, which was released on 16 December 2004, identified a number of legislative refinements to the self assessment system. They are aimed at reducing uncertainty and compliance costs for taxpayers, while preserving the Australian Taxation Office's capacity to collect legitimate income tax liabilities.

Schedule 1 to the bill introduces a new interest regime—the shortfall interest charge—that will apply to underassessment of income tax. For income tax shortfalls, the shortfall interest charge will replace the existing general interest charge for the period before the taxpayer is notified of the underassessment. The shortfall interest charge will be set at a rate that is four percentage points lower than the general interest charge rate.

This reduces the interest consequences for taxpayers who make errors in their returns. The changes will apply to amendments of assessments for the 2004-05 income year and in later years.

Schedule 2 amends the administrative penalty provisions of the tax laws.

Firstly, this schedule will abolish the penalty for tax shortfalls resulting from a failure to follow a private ruling issued by the Commissioner of Taxation. This is because of fears that the penalty was acting as a disincentive to applications for rulings.

Secondly, the commissioner will be required to provide an explanation of why a taxpayer is liable to a penalty and why the penalty has not been remitted in full.

Finally, the bill clarifies the definition of 'reasonably arguable' in the provision which says that a taxpayer can be charged interest in relation to an underpayment where a claim was not 'reasonably arguable'.

These amendments will broadly apply from the 2004-05 income year and later income years.

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

I commend this bill and present the explanatory memorandum.

Debate (on motion by **Ms George**) adjourned.

SHORTFALL INTEREST CHARGE (IMPOSITION) BILL 2005

First Reading

Bill presented by **Mr Brough**, and read a first time.

Second Reading

Mr BROUGH (Longman—Minister for Revenue and Assistant Treasurer) (9.17 a.m.)—I move:

That this bill be now read a second time.

This bill accompanies the Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 1) 2005 just introduced.

The imposition bill will impose the new shortfall interest charge as a tax to the extent to which the charge cannot be validly imposed other than as a tax.

Details of this bill are contained in the explanatory memorandum to the Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 1) 2005.

I commend the bill to the House.

Debate (on motion by **Ms George**) adjourned.

TAX LAWS AMENDMENT (2005 MEASURES No. 2) BILL 2005

First Reading

Bill presented by **Mr Brough**, and read a first time.

Second Reading

Mr BROUGH (Longman—Minister for Revenue and Assistant Treasurer) (9.18 a.m.)—I move:

That this bill be now read a second time.

This bill makes changes to various taxation laws to implement a range of improvements.

Firstly, this bill amends the simplified imputation system. The amendments will provide greater flexibility to private companies by allowing them, in certain situations, to pay franked dividends during the income year in which they first incur an income tax liability without incurring the penalty that reduces their franking deficit tax offset by 30 per cent for that year.

Secondly, this bill creates an automatic capital gains tax rollover for the transfer of assets of superannuation entities that merge to comply with new licensing requirements under the superannuation safety reforms.

The capital gains tax rollover ensures that the capital gain or capital loss that would otherwise be recognised when the transfer of assets occurs is disregarded and that the recognition of the accrued capital gain or loss is deferred until later disposal of the assets by one or more successor trustees.

The third measure will allow capital allowance deductions for expenditure incurred on indefeasible rights of use over domestic telecommunications cables and expenditure on acquiring telecommunications site access rights.

This amendment will help facilitate sharing of telecommunications infrastructure within the telecommunications industry, thereby decreasing inefficient duplication of infrastructure.

Schedule 4 to this bill will reduce compliance costs and increase certainty for taxpayers who become ineligible to pay annual pay as you go instalments as a result of registering or becoming required to register under the GST law or, in the case of a company, becoming a member of an instalment group. This will be achieved by requiring affected taxpayers to commence paying quarterly instalments from the following year rather than immediately.

The fifth measure lists several new organisations as deductible gift recipients. Deductible gift recipient status will assist the listed organisations to attract public support for their activities.

Schedule 6 amends the GST law to uphold the original policy intent that GST is payable on the value added to real property once it enters the GST system.

In particular, the amendments prevent property owners from reducing their GST liability on sales of real property by manipulating various special rules in the GST act. Other amendments provide certainty on the operation of the margin scheme and ensure entities joining a GST group have appropriate adjustments to claims for input tax credits. Most of the amendments will apply from the date this bill was introduced into parliament as they are integrity measures addressing unintended consequences in the GST law. However, the amendment requiring written agreement to use the margin scheme will apply from the date of the royal assent of the bill.

The seventh measure amends the income tax law so that superannuation annuities that have been split upon marriage breakdown under family law arrangements are taxed consistently with other superannuation benefits split on marriage breakdown.

The measure also corrects minor anomalies in the income tax law relating to superannuation benefits which are split on marriage breakdown.

Finally, this bill will remove the condition that contributions to approved worker enti-

tlement funds must be required under an industrial instrument in order to be eligible for an exemption from fringe benefits tax.

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

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

Debate (on motion by **Mr McClelland**) adjourned.

COMMITTEES

Public Works Committee

Approval of Work

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration (9.22 a.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Fit-out of new leased premises for the Department of Industry, Tourism and Resources in Civic, ACT.

The Department of Industry, Tourism and Resources proposes to fitout new leased premises in Civic in the Australian Capital Territory.

The need for the new facility has been driven by the approaching expiry in 2006 of the current Allara Street leases adjacent to the site of the proposed new building in Binara Street.

The proposed building will provide approximately 21,750 square metres of lettable office space. The proposed fitout, which is estimated to cost $19.4 million, includes engineering services, internal partitions, workstations and furniture.

To complete the building before expiry of the current leases, the developer was required to commence construction of the base building in September 2004.

In its report, the Public Works Committee has recommended that this proposal should proceed.

Subject to parliamentary approval, the proposed fitout will be undertaken concurrently with the later stages of the base building construction. Both are due for completion in late September 2006.

I would like, on behalf of the government, to thank the committee for its support. I commend the motion to the House.

Question agreed to

BUSINESS

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.24 a.m.)—I move:

That standing orders 31 (automatic adjournment of the House) and 33 (limit on business after 9.30 p.m.) be suspended for the sitting on Thursday, 17 March 2005.

Question agreed to

ANTICIPATION RULE

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.25 a.m.)—I move:

That unless otherwise ordered, for the remainder of the session:

(1) Standing order 77 be amended to read:

77 Anticipating discussion

During a debate, a Member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the Speaker should not prevent incidental reference to a subject.

(2) Standing order 100(f) be suspended.

Mrs MAY (McPherson) (9.25 a.m.)—by leave—I would like to thank the House for acting so promptly on the recommendations of the Procedure Committee in adopting the report on the anticipation rule, in particular, the amendment of standing order 77 and the suspension of standing order 100(f).

The adoption of the report makes it much more certain for members of the House and for the occupier of the chair when making rulings on anticipation. The suspension of standing order 100(f) and the amendment of standing order 77 will be introduced as a sessional order and the Procedure Committee will be monitoring the application of the order and will report back to the House in the future. The adoption of the report is actually very timely. The cut-off date for the printing of the 5th edition of *House of Representatives Practice* is today, so this new sessional order will find its way into the 5th edition, which means it will not be out of date after it is printed. I would also like to put on record my thanks to the committee, to the former deputy chair—who is in the House today—the new deputy chair, the secretariat and the others who contributed to the report.

Mr MELHAM (Banks) (9.26 a.m.)—The report of the Procedure Committee on the anticipation rule was tabled only on Monday. It was a unanimous report of the committee. I think it was a good report, and it is pleasing to see the government responding rapidly to that report by bringing in this motion today. It will, obviously, make your job a lot easier, Mr Speaker. It will make question time a lot easier as well by reducing interventions in terms of points of order. I think that parliament's performance will be enhanced as a result of that because it clearly lays down guidelines for the anticipation rule.

Unfortunately it stands in contrast to the government's response in relation to other reports of the Procedure Committee that, in the Procedure Committee's view, would enhance the role of members of parliament. I do not know whether it is too hard for the government. A number of reports of substance were placed before this House before my time on the Procedure Committee, and I acknowledge the chair, the former deputy chair and the other members of the committee. The reports related, for instance, to arrangements for joint meetings with the Senate and for consideration of the annual estimates by House of Representatives estimates committees. We have a situation where the government will have control of both houses of parliament. The government, I would have thought, in the normal course of events will get its legislation through the parliament.

Next week I celebrate 15 years in this place. I was elected in the 'class of 90' on 24 March 1990. The most enjoyable time, apart from my period as shadow minister for Aboriginal affairs from 1996 to 2000, has been the time that I have spent on committees. I was on the Procedure Committee when we made the recommendation in relation to the second chamber, and that has proved innovative. My colleague the honourable member for Chifley was there as well. I think it has led other parliaments; indeed, the British parliament is following our lead. It was innovative, it was picked up by the then government and it has been built upon. I think that there are other things that need to happen which the government should not feel threatened by, in terms of the workings of this parliament. They are to do with interventions by members in this House during second reading speeches and the opening of parliament—making it more relevant to the people by acknowledging our Indigenous history.

The rapid response of the government in this instance is, I think, because it suits the government to clarify the anticipation rule for question time in particular. I hope it does not lead to monologues from ministers where in effect they should be making ministerial statements, amongst other things. Mr Speaker, it is embarrassing when you are brought in to have to rule when the standing orders are not black and white. I think it makes your job easier, and it makes our jobs

easier as members of parliament, if the standing orders are clear and if they apply.

My particular approach to these things is not to seek advantage as to where I happen to sit. I have been on the government side and I have now been on the opposition side. I look at what is best for the parliament. In a lot of instances what is also best for the nation is that as a parliament we are not crushed by the executive—that individual members of parliament on both sides of the House have an opportunity to participate to the fullest in the activities of this place. For instance, I know from when I was chair of the House of Representatives Standing Committee on Legal and Constitutional Affairs from 1993 to 1996 that that committee presented advisory reports to this House in relation to legislation—the child sex tourism bill, the war crimes bill, the Employment Services Regulatory Authority bill—and that it always operated in a unanimous and honourable way. In many respects the government of the day took on most of our recommendations, and at one stage stopped sending reports to us because they could not really trust us. That is the way this place should operate. We are all equals as members in this place

There are advantages to the opposition in this anticipation rule in terms of holding the government to account during question time. There are also advantages to the government. What I want to see are other changes that allow members of this House not to be like moo cows watching the passing traffic. We should be able to enhance the committee stages of debate by having members of the House of Representatives have ministers before us in relation to annual estimates and by giving us a role on the committees where we can in effect take the separation of powers seriously as backbench members of the government and even as backbench members of the opposition.

My urging of the government is that you have nothing to fear. Let me tell you: you are not going to be the government forever and a day. We are not Her Majesty's permanent opposition, despite what you like to think. At some time in the future the boot will be on the other foot. That is why, when I look to recommendations on any of the committees, I do not look to whether I am in government or opposition; the principle for me is making the parliament work properly, making members of parliament on both sides of the House relevant, holding the executive to account. Sadly, what I have seen in the 15 years I have been here is that the parliament has been diminished in some of its operations as the government has sought to strangle any dissent, both from the opposition and from its own side. A lot of the recommendations the Procedure Committee has made in the past have been very good recommendations for the operations and the credibility of parliament and to give members of parliament relevance.

I think matters should be treated on their merits, not necessarily whether they are too hard to implement or too innovative. I went to the House of Commons and observed their question time. I observed their interventions during second reading debate speeches. I thought they were terrific. They required members not to just read their speeches—which they should not be doing—and to interact in a civil and courteous way.

We take this democracy for granted. If we did not have it we would be screaming. We sent people over to fight wars to preserve it. However, in the 15 years I have been here, on the side both of government and of opposition, I have found that this place is being strangled. Part of it is the turnover. I am part of the class of 1990. Out of 33 elected that year, there are only eight of us left who have been continually elected, and two lost their seats from the government side and have

come back. The turnover has been huge. There are only 16 members of the House of Representatives who were elected before me. I think that has led to a bit of a problem in the culture of the place in some respects. There are people with the corporate memory of the honourable member for Chifley, who does have a love of this place and a love of the Procedure Committee. I know he very much enjoyed his period as deputy chair of the Procedure Committee and sought to bring forward what he thought were recommendations that improved the status of this place and that improved the productivity of members of parliament and their value and worth.

The report on the anticipation rule which the government has very quickly acted on will improve the workings of the parliament. It will clarify the situation. I am concerned about a number of the standing orders. They are very clear in relation to supplementary questions, for instance. We have now sadly had a situation where successive Speakers have denied the use of supplementary questions. I was the first member of this House to actually have a supplementary question by using the standing orders, and I operated within the spirit of supplementary questions. To his credit, the then Speaker, Mr Halverson, allowed me to ask a supplementary question of the then Attorney-General, the member for Tangney, Mr Williams. I remember it specifically. You could have heard a pin drop in the House. I think some really good supplementary questions were asked. But then we had this discretionary ruling that it no longer applied, because it was convenient to the government.

So there is a sting in the tail of what I am saying. To me, it became embarrassing to the government to have supplementary questions so they were removed—not by this Speaker but by a previous Speaker. I think that position diminished this place. You still have supplementary questions in the Senate. I do not necessarily look to the Senate for guidance—we are masters of our own destiny—or say that they necessarily use supplementary questions properly either. But supplementary questions are at the discretion of the Speaker, the way the standing orders currently stand, and I think the Speaker should exercise that discretion. He does not have to allow every supplementary question.

In relation to the anticipation rule, it suits the government. I commend the government—I am not critical of them: I think that this place will operate better as a result of our Procedure Committee report. My urgings to the government are: revisit some of the recommendations of the Procedure Committee in the past and be bold and innovative and implement some of those recommendations, particularly about our opportunity as members of the House to use the committee system a lot more, to have members of this House being able to have ministers before the committee and ask a lot of questions. I often watch Senate estimates committees and, as a former legal aid solicitor and barrister and public defender, I feel quite frustrated that I do not have the opportunity of testing the executive, even if its members were from a government of my own party.

The track record of my performance on committees speaks for itself. When I was chairman of a House of Representatives committee I took that job seriously. I was not there as an apologist for the then executive or for the then government. You looked at issues on their merits. You built alliances with members of the then opposition and your proposals were looked at on their merits. I think it is important for the government not just to say, 'Yes, we will implement this because it happens to suit us.' I repeat: I am looking at improving the workings of this place for the future. It is no good being opportunistic for today or tomorrow.

This Prime Minister promised when he first became Prime Minister that he would raise the standards of this place. Frankly, I think they have been lowered. They have been diminished and they are ever diminishing under this government, in terms of the performance at question time in particular. To his credit, the then Prime Minister Paul Keating never wanted parliament's question time televised, because he thought it would diminish the parliament, that it would be a circus. And it is a circus and it does diminish the parliament. Students that I talk to that observe question time just keep shaking their heads and saying, 'Is this what we are paying you for?' If they did the same thing at school they would be on suspension.

The truth is that a lot of what we do is not what happens in question time. We have many debates that are not titillating, that are not headline grabbing debates. But they are important debates because we are debating legislation, and just because there is consensus and both sides agree it might not necessarily be a news story. It appears that what is reported is what is sensational. Question time now is all about the grab you get on television that night, not about ministers answering questions or being relevant. The standing orders are framed in such a way that there is no doubt the government has an advantage. If you look at some of the points of order that the opposition raise now, and if you look at the *Journals* or the *Hansard*, the historical record, you will see that the current Prime Minister was raising points of order in the same terms when he was in opposition. He has sat on his hands in his period in office and not implemented some of the objections that he had from opposition.

I think the committee has come up with an appropriate recommendation in this report on the anticipation rule and I commend the government for acting on it so swiftly. As the chair said in relation to the publication on how the House operates, it is timely for the government to accept the recommendation and for us to do it today. But I say to the government: you have got to do a bit more. I am not satisfied with just the implementation of this particular report. I would like to see other innovative recommendations of procedure committees of the past implemented so that we can make this place more interesting, so that I do not feel like a moo cow watching the passing traffic, so that I can participate fully as a member of this place in proceedings of this place and hold the executive to account. It should be a fulfilling role and one that enhances our democracy. I do commend the report to the House. I say to the government: this is the first instalment. I want to see a lot more from you before I am satisfied.

Mr PRICE (Chifley) (9.41 a.m.)—I too rise to support the remarks of the Chair of the Procedure Committee, the honourable member for McPherson. And please forgive me, Mr Deputy Speaker Jenkins, for taking the opportunity, in supporting the remarks of the honourable member for Banks, to congratulate him on the occasion of his 15 years in this place. It is a milestone that not many of us are privileged to reach. Mr Deputy Speaker, you would appreciate the strangulation that the Selection Committee exercises on all parliamentary reports and therefore I did not have an opportunity to speak to the report when it was tabled. I would be personally grateful if you would pass on my thanks to the Speaker for giving this reference to the Procedure Committee. As Speaker, it is the first occasion—and a very early one—on which he has referred a matter that is contentious to the Procedure Committee. I trust that he is well pleased with the work of the Procedure Committee and the implementation of its recommendation by the Deputy Leader of the House.

There are a few things that I want to say. On the opposition side we take the work of the Procedure Committee and the standing orders very seriously. I guess people listening to this debate will not know what standing orders are. As you know only too well, they are the rules of this place that allow the chamber to operate, hopefully, fairly and effectively. So they are very important to the House of Representatives, and the Senate has its own set of standing orders. The change we are discussing deals with a contentious issue. I think the recommendation, as both previous speakers have suggested, provides better guidance for the Speaker in his deliberation in relation to the application of the anticipation rule. The anticipation rule is basically that a member cannot speak about a matter that is listed for discussion on the *Notice Paper* or, more importantly, on the blue.

The new deputy chair of the committee, the honourable member for Banks, made some very kind remarks about me. The reports of the Procedure Committee have always been unanimous reports, but it does not mean that there are not disagreements. I can say that the deputy chair rolled me on one aspect of the report following some vigorous debate. It concerned the blue. The blue is a working document of the House that lists the business to be discussed during a day's sitting. It can change: it is not a permanent document or an official document. But we would not operate without it. I would have been quite relaxed and comfortable, as they say, about having the blue referred to in a recommendation. That has not occurred—and I am not trying to restart the debate—but it is extensively referred to in the report. Of course, it is one of the documents that the Speaker would now take into consideration in determining whether or not the anticipation rule is being breached, for the reason that the official document—that is, the *Notice Paper*, which often contains tens of notices—can list something that may not in fact be debated ever or for many days, weeks or months. So, as a guide for the Speaker, the *Notice Paper* is particularly unreliable.

I said that the opposition take these matters very seriously—and we do. I am pleased to say that one of the techniques that the committee utilised on this occasion, as it has done on previous occasions, was to invite people to a roundtable conference to discuss issues. Without wanting to breach anything, can I say how thankful the committee was for the submission and, in fact, the appearance of the Clerk of the House of Representatives himself, who is in the chamber, to guide the committee and provide advice and suggestions. His involvement was particularly appreciated by the committee. My colleague the honourable member for Lalor and Manager of Opposition Business in the House not only appeared at that roundtable but also made a submission. I think it is a matter of regret that neither the Leader of the House nor the Deputy Leader of the House was able to find time to be at that roundtable or make a submission. I guess that is one of the elements that the honourable member for Banks was referring to. With these short, sharp changes to standing orders, the record of the government, or of the Leader of the House and Deputy Leader of the House, is very good in responding to the committee's reports. But there have been some very fundamental reports brought down by the Procedure Committee in the last parliament or, indeed, the one before which the government has not responded positively to.

I know the Speaker himself took a great deal of interest in the economy and the management of government before becoming Speaker, having chaired the House of Representatives Standing Committee on Economics, Finance and Public Administration. In its last report the Procedure Committee recommended the establishment of an estimates

process for the House. The people of Australia are well aware of the good work that is done by honourable senators in the estimates process. I think with the budget session coming up it is timely to remind the Deputy Leader of the House, who is in the chamber, that backbenchers on both sides of the House do not get that experience because we do not have an estimates process. I make no bones about the fact that I give a lot of credit to the honourable member for Warringah for raising this issue within the committee. I think the report is very good, but, even though it was tabled in the last parliament, there has been no government response.

A matter that the honourable member for Banks is most interested in is changing the procedures around the opening of parliament. In fact, there was a report tabled not during the last parliament but during the previous one: *Balancing tradition and progress: procedures for the opening of parliament*. Would you believe that that report was tabled on 27 August 2001 and here we are in March 2005 and the Deputy Leader of the House has yet to respond to the report. Amongst some sensible changes was a proposal that, for the first time, after 100 years of this parliament, there should be an Indigenous welcome as part of the opening of the parliament.

In recent years, the acknowledgement of the traditional owners of this land has increased tremendously. My local council, for example, 10 years ago would never have acknowledged the traditional owners of the land, the Darug people. These days it is just part of the procedure and everyone understands it. It happens in many of the state parliaments, but federally we not only have no ceremony but also cannot even respond to the report. I think that there can be no greater arrogance or contempt for the bipartisan work that occurs in the committees—in this case, the Procedure Committee—than for the Deputy Leader of the House to fail to respond to that report.

I could go on and list other reports that I think reflect the good endeavours of members on both sides of the House but that have yet to be responded to by either the Leader of the House or the Deputy Leader of the House. That is a source of regret to me. I hope that at some point in the future we will have a different environment. But, having said that, I do want to say about the chair of the committee, who is now in her second term in the job, that she works tirelessly on behalf of the committee. I suggest no fault at all with regard to the honourable member for McPherson. She conscientiously and vigorously follows up within government ranks all the reports by the Procedure Committee. I think it is a fact of her good work that at the very last moment the government has adopted—as has been acknowledged—very quickly the recommendations of the committee.

Last but not least, I trust that the Speaker will not hesitate in the future to recommend an issue to the Procedure Committee should he feel that it can add value by way of resolving or enhancing the existing standing orders. Again, I would be pleased if Mr Deputy Speaker would pass on my thanks and, I suspect, the thanks of all members of the committee.

Question agreed to.

SPECIAL ADJOURNMENT

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.53 a.m.)—I move:

That the House, at its rising, adjourn until Tuesday, 10 May 2005, 2 p.m., unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker, fixes an alternative day or hour of the meeting.

Question agreed to

LEAVE OF ABSENCE

Mr McGAURAN (Gippsland—Deputy Leader of the House) (9.54 a.m.)—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.

COMMITTEES

Publications Committee

Report

Mrs DRAPER (Makin) (9.54 a.m.)—I present the report from the Publications Committee sitting in conference with the Publications Committee of the Senate. Copies of the report are being placed on the table.

Report—by leave—adopted.

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2005

Consideration of Senate Message

Message received from the Senate informing the House that the Senate has agreed to the amendments made by the House.

BORDER PROTECTION LEGISLATION AMENDMENT (DETERRENCE OF ILLEGAL FOREIGN FISHING) BILL 2005

Second Reading

Debate resumed from 10 March, on motion by **Mr Truss**:

That this bill be now read a second time.

Mr McCLELLAND (Barton) (9.56 a.m.)—As I mentioned when I last debated the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005, illegal foreign fishing is a great threat to Australia's fisheries resources and to the sustainability of local economies dependent on these resources throughout the nation. Illegal foreign fishing, however, also raises questions about broader issues of border protection.

Better protection of Australia's maritime interests is fundamental to Australia's economic interests and, indeed, to our national security. However, effective national security means much more than simply introducing legislation in the federal parliament. Effective national security programs need to be driven with focus and determination at the federal government level. For instance, between 1 July 2004 and 20 January 2005 there were some 4,122 recorded sightings of foreign fishing vessels in the Australian fishing zone. Of those only 107 were apprehended, 94 of which were subjected to administrative seizure— that is, a process of boarding a foreign fishing vessel, confiscating its stock and fishing equipment and then releasing the crew and the vessel without charge only for them to return on another day.

To date the Howard government has attempted to solve the problem of illegal foreign fishing in Australian waters by dedicating only one vessel, the *Oceanic Viking*, with one machine gun, to patrol the Southern Ocean. Although the government announced that this vessel would operate for two years from July 2004, it did not even complete sea trials until December 2004, almost six months late. To date the government has made no commitment to continue the operation of the *Oceanic Viking* when funding to lease it runs out in 15 months time. And, I might add, our eight vessels attached to the marine unit of Customs are not equipped with the same armament as the *Oceanic Viking* has, nor does it appear that the training provided to boarding crews of these Customs vessels is the same as that being provided to crews of the *Oceanic Viking*.

The opposition has nothing but praise for the crew of the *Oceanic Viking* in deterring illegal fishing in Australia's fishing zone

around Heard and McDonald islands. In fact, just last week the *Oceanic Viking* investigated six vessels fishing illegally on the BANZARE Bank around the edge of the Antarctic ice shelf, which has been closed to fishing by the Convention for the Conservation of Antarctic Marine Living Resources since 14 February 2005. The opposition supports efforts by the government to protect the valuable fishing stocks and, regrettably, endangered fishing stocks in the fragile ecosystem of the Southern Ocean by bringing all nations with vessels involved in fishing these waters in line with the CCAMLR. Given the number of recorded sightings of illegal foreign fishing vessels in Australian waters—there were some 4,122 in the period that I referred to—it is quite obvious that we do not have anywhere near enough hulls on the water to protect Australia's valuable fishing stocks and broader maritime security interests.

Although the *Oceanic Viking* patrols the Southern Ocean, no similarly equipped vessel, as I have indicated, is dedicated to patrolling the vast ocean expanses of Australia's northern coastline. We have eight Customs vessels and 14 naval patrol boats. If, by analogy, we equate the distance that they must cover of the economic zone surrounding Australia, it represents roughly 50 police cars to patrol the whole of Australia. There is no way we could manage effective law enforcement of the whole of Australia with 50 police cars. Obviously, there is a much greater population on land and many more events, but that analogy starkly brings into focus just how inadequate our border security arrangements are when you are talking about, essentially, 14 naval patrol boats and eight Customs vessels that are the hulls on the water—the interdiction force.

With regard to the effectiveness of the interdiction force, I note that the Minister for Defence recently was quoted as saying that the Navy does not, under its rules of engagement, have power or authorisation to fire at vessels illegally fishing in our economic zone. While those rules of engagement are—and appropriately should remain—confidential, I was surprised that those rules of engagement appear to restrict the Navy from implementing the full force of Commonwealth law. In particular, with respect to fisheries, section 84 of the Fisheries Management Act empowers officers of the Commonwealth to use appropriate force to stop an illegal foreign fishing vessel. In particular, paragraph 2, subsection 1 of section 84 specifically authorises officers of the Commonwealth to use any reasonable means consistent with international law to stop the boat, including firing at or into the boat after firing a warning shot and using a device to prevent or impede use of the system for propelling the boat—in other words, to aim at its propulsion mechanism, which is an appropriate attempt. But our Customs vessels are not equipped with any fixed armament, let alone a basic cannon, that would enable them to fire either a precise warning shot across the bows of a foreign fishing vessel or a precisely targeted shot into the propulsion mechanism of an illegal foreign fishing vessel.

Mr Prosser interjecting—

Mr McCLELLAND—I note the comment by my colleague that the vessels should have that, and they certainly should. Obviously from a political point of view, the opposition proposed before the last federal election that there be an Australian coastguard where these inadequacies could have been remedied—indeed, effectively doubling the capacity of the marine unit of Customs by adding another eight vessels. Even if you do not accept or agree with Labor's policy for a dedicated coastguard, as a matter of logic there needs to be much more work done in coordinating the legislation and the

powers that are given to officers of the Commonwealth to intercept vessels, board vessels and apprehend persons on those vessels. There also appears to be a need to bring the rules of engagement of our naval vessels in particular into line with Commonwealth law. Certainly a much greater effort needs to be made to put hulls on the water and to upgrade the armament on our Customs vessels. The government preaches as a mantra border protection, but when we look at the facts—we have the equivalent of 50 police patrol cars as our current interdiction capacity in such a massive zone around our nation—we see how sparsely spread our current border protection is. The situation needs to be redressed. (*Time expired*)

Mr PROSSER (Forrest) (10.05 a.m.)—I rise in support of the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005. The main purpose of this bill is to amend the Fisheries Management Act 1991 and the Torres Strait Fisheries Act 1984 to provide for a law enforcement and detention regime of suspected illegal fishing and fishers, consistent with the Migration Act 1958. This bill also amends the Migration Act 1958 and collectively proposes amendments to deal with illegal fishing by foreign fishers in order that offences can be managed with significantly improved efficiencies, placing the Australian government in a stronger position to manage foreign fishers found operating illegally in Australian waters.

Although the Fisheries Management Act 1991 regulates the fishing within the Australian fishing zone, the Torres Strait Fishing Act 1984 gives effect to Australian fisheries' obligations under the 1978 Torres Strait Treaty and establishes the protection of the protected zone, which encompasses the waters of both Papua New Guinea and Australia—the Australian fishery zone. This zone is intended to protect the traditional way of life and livelihood of traditional inhabitants, including fishing and movements across the PNG-Australia maritime border, as well as giving protection to flora and fauna. The treaty also provides for cooperative fisheries management arrangements in and around the zone.

Under the 1974 agreement with Indonesia, Australia allows limited access by Indonesian fishers to some areas of the Australian fishery zone that have traditionally been fished by them. The agreement permits Indonesian fishers to continue to fish areas using their traditional fishing methods under sail powered vessels. However, an increasing number of foreign fishing vessels have been apprehended in the Northern Australia fishery zone for suspected illegal fishing activities, all of which have originated from Indonesia.

Species of fish under such arrangements include the trepang, trochus, abalone and sponges. However, the vast majority of these fishing vessels target shark species for their high-value fins. These vessels also often target large quantities of reef fish species. Illegal fishers are expanding their operations and are venturing further east towards and within the Torres Strait Protected Zone and are continuing to fish illegally further west, around the north-west coast of Western Australia. A stronger regime is therefore needed to manage this increasing illegal foreign fishing activity, and this government is determined to maintain the integrity of our borders and the sustainability of our fish stocks.

The major outcomes of the amendments contained in this bill will be: to provide consistency between the Torres Strait Fisheries Act 1984 and the Fisheries Management Act 1991 in relation to illegal foreign fishing arrangements; to strengthen the operating proficiency of the partnership between the Australian Fisheries Management Authority

and the Department of Immigration and Multicultural and Indigenous Affairs in the management of detained illegal foreign fishers; to provide a seamless transition between fisheries detention and immigration detention for noncitizens suspected of committing illegal foreign fishing offences; and to facilitate the rapid repatriation of detainees to their home countries.

The main provisions of this bill cover the areas of apprehension and prosecution, processing and detention arrangements, monitoring and protection of Australia from quarantine risk, and forfeiture of provisions. Schedule 1 of the bill provides for a number of amendments to the Fisheries Management Act 1991 and to the Torres Strait Fisheries Act 1984, to ensure that appropriate standards are maintained in the Australian management of people suspected of involvement in illegal foreign fishing offences. All amendments to the Torres Strait Fisheries Act 1984 are consistent with the treaty between Australia and the independent state of Papua New Guinea concerning sovereignty and marine boundaries in the area between the two countries, including the area known as Torres Strait, in accordance with the Torres Strait treaty between Australia and Papua New Guinea.

The proposed amendments provide the ability to seize a boat reasonably believed to have been used in contravention of the Fisheries Management Act and require the ship's master to take the boat to a nominated place for the purpose of further investigation. In practical terms, the exercise of such powers means that the liberty of the master and crew is likewise restrained. The master and crew are not 'arrested' as such—rather, they are 'detained'. These provisions will ensure that an officer who has used his or her powers under the act to detain a boat or make a request of a master in relation to a boat is not unlawfully restraining the liberty of any person on that boat. It will also allow officers to move boats suspected of involvement in illegal foreign fishing offences to Australia to enable the suspected offences to be properly investigated. This provision will ensure that officers are protected from legal action regarding this lawful exercise of their powers under the act.

The second purpose of the bill is to create a fisheries detention regime. Currently, under the Fisheries Management Act, foreign fishers are detained by fisheries officers if they are suspected of being involved in illegal fishing activities. An enforcement visa under the Migration Act is then automatically granted to such a person, which enables the fisheries officers to bring them into the migration zone for the purposes of investigating the suspected offence. By creating an enforcement visa regime to apply to the Torres Strait Fisheries Act, greater consistency is achieved in the management of fisheries offences committed throughout all Australian waters.

Upon the expiration of fisheries detention, the enforcement visa automatically ceases and the person assumes the status of an unlawful noncitizen and is detained under the Migration Act. Under the Migration Act, the Department of Immigration and Multicultural and Indigenous Affairs is required to remove unlawful noncitizens as soon as reasonably practicable. In the case of illegal foreign fishers, such persons would normally be repatriated within a short period of time after their apprehension and prosecution.

The powers and duties contained in part 2 of schedule 1 of the bill cover a range of situations including the detention for a limited period of people suspected of committing illegal foreign fishing offences; the searching, screening and identification of such detainees; and the carrying out of identification tests on detainees. It also provides

for detainees to be given access to facilities for obtaining legal advice and provides for the transition of persons from fisheries detention to immigration detention, including authorising the release of personal information to immigration organisations and authorities. This new legislative framework will provide a seamless transition between fisheries detention under either the Fisheries Management Act 1991 or the Torres Strait Fisheries Act 1984 and subsequent detention and repatriation under the Migration Act 1958.

In order to facilitate this outcome, this bill will create a new class of officers, who may exercise limited powers relating to fisheries detention. This amendment is necessary as illegal foreign fishers will be held in a single facility for some part of their detention in Australia, regardless of whether they are held in fisheries or immigration detention. This bill also amends the Fisheries Management Act and the Torres Strait Fisheries Act to enable fisheries officers to exercise the same powers in relation to searches and screening of people to those that currently exist for people detained as unlawful noncitizens in an immigration detention facility.

These powers include the capacity to conduct searches, strip searches and screening of persons. It is necessary to have a uniform regime for persons detained under all three acts. Since the transition from fisheries to immigration detention will be automatic, the applicable powers must be as similar as possible. This bill also gives officers the capacity to collect personal identity information from detainees for the purpose of identifying repeat offenders and factoring this into their prosecution. The proposed new powers to search, screen and collect personal identification information will apply only to persons detained for the purpose of investigating foreign fishing offences and to screen their visitors. These procedures are also subject to strict controls which are consistent with the Migration Act. These measures are important and necessary for modern fisheries legislation, which must cope with a high level of illegal activity and form part of a whole-of-government approach to strong border security. The bill provides for appropriate safeguards in the exercise of these proposed powers.

New section 26 provides a specific definition of a personal identifier and closely corresponds to the Migration Act 1958 and, as such, will facilitate the transfer of detainees from fisheries detention to immigration detention, with one set of rules applying to the detainee's entire period of detention. A personal identifier means: fingerprints or handprints of a person, including those taken using paper and ink or digital live scanning technologies; a measurement of a person's height and weight; a photograph or other image of a person's face and shoulders; an audio or a video recording of a person, other than a video recording of an identification test under new section 37; an iris scan; a person's signature; or any other identifier prescribed by the regulations, other than an identifier the obtaining of which would involve the carrying out of an intimate forensic procedure within the meaning of section 23WA of the Crimes Act 1914. However, new section 13 sets out the provisions for an end to detention in certain circumstances, those being: as soon as an officer knows or reasonably believes that the detainee is an Australian citizen or resident; at the time the detainee is brought before a magistrate for a fisheries offence; at the time a decision is made not to charge a detainee with an offence; or at the end of 168 hours, seven days, after the detention begins.

This new section means that the longest a detainee can be held under the Fisheries Management Act 1991 is 168 hours. This new section, however, does not apply to

Papua New Guinean citizens or residents or any other foreign nationals found on a Papua New Guinean boat and provides a new subsection 13(2) which outlines a slightly different detention regime for Papua New Guinean nationals and residents and any other foreign nationals found on a Papua New Guinean boat. This regime is in accordance with the Torres Strait treaty. The Torres Strait treaty obliges Australia to return Papua New Guinean citizens, residents and any other foreign nationals found on a Papua New Guinean boat to Papua New Guinea for prosecution of offences under Papua New Guinean laws. The rule is for end of detention for any detainee from a Papua New Guinean boat at the end of 72 hours, three days, after the detention begins.

The third purpose of the bill is to allow officers to safely exercise their duties and perform their border protection functions. Officers and other persons exercising powers under fisheries legislation often have to operate in dangerous conditions. The Australian government has become increasingly concerned about the open displays of hostility that have been made towards fisheries officers by some illegal foreign fishers and is committed to ensuring that our legislative regime provides for their safety and protection.

The bill will amend the Fisheries Management Act and the Torres Strait Fisheries Act to broaden the offence of obstructing an officer to include other persons in the exercise or performance of any power, authority, function or duty under the act. This provision will provide a penalty and some assurances to those performing, or assisting officers in, their duties. This would include detention officers, translators, medical staff, AFMA officials and others who are involved in the administration of fisheries legislation. Part 3 of schedule 1 of the bill will amend the Fisheries Management Act 1991 and the Torres Strait Fisheries Management Act 1991 to allow fisheries officers to search people on boats suspected of being involved in illegal foreign fishing offences for weapons and evidence of fishing offences. This amendment is a logical extension of the power to search boats suspected of being involved in illegal foreign fishing offences and will ensure the safety of fisheries officers from possible attack while investigating boats suspected of such offences, as well as preventing the possibility of evidence of an offence being thrown overboard before the boat reaches Australia.

The final amendment proposed in this bill involves the introduction of forfeiture provisions in the Torres Strait Fisheries Act 1984. This bill introduces automatic forfeiture provisions which are similar to those already contained in the Fisheries Management Act. This will allow the automatic forfeiture of boats and other things used in foreign fishing offences. At present, boats, gear and catch seized under the Torres Strait Fisheries Act can only be forfeited by a court order following conviction of the relevant offence. This amendment will allow patrol boats to intercept and seize gear and catch from illegal vessels in the protected zone. This will provide an additional, timely and cost-effective deterrent to illegal fishing activity, will allow greater consistency in Australia's approach to the management of boats and other things used in fisheries offences involving foreign boats and will provide rules for how these forfeited goods may be dealt with, as well as provisions for reclaiming forfeited goods. This amendment will ensure that Australian investigations and judicial actions are not frustrated by third parties such as foreign mortgagees. As well as providing consistency with the Fisheries Management Act 1991, this protection is also important given the possibility of larger foreign vessels fishing illegally in the Torres Strait in the future.

I would also like to take the opportunity to commend my colleague Senator the Hon. Ian Macdonald, the Minister for Fisheries, Forestry and Conservation, for his recent trip to Europe as part of an international delegation to combat illegal fishing. The events of recent days, when six vessels flagged to certain nations thumbed their noses at international rules designed to protect the valuable patagonian toothfish, indeed highlight the need for action. Australia is now recognised as one of the nations leading the world in the war on illegal fishing. Our record 21-day chase of the *Viarsa 1* and the success of our new $90 million Customs and Fisheries patrol boat the *Oceanic Viking*, deterring illegal fishermen from entering Australian territorial waters around Heard and McDonald islands, is proof of this.

These international meetings will seek to further a global solution to what is a global problem. Responsible nations can no longer sit back and watch the damage being done to the planet's environment and fragile fish stocks by organised criminal cartels. Therefore, it is vital that Australia maintains a robust but fair apprehension and detention policy for suspected illegal foreign fishers. This bill is an essential step in protecting Australia's natural resources and maintaining the integrity of our borders and the sustainability of our fish stocks. I commend the bill to the House.

Mr SNOWDON (Lingiari) (10.22 a.m.)—I am pleased to be able to make a contribution to the debate on the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005. While it is not my intention to go across all the detail in the legislation—I would just be repeating what others have said—I think it is worth while to remind ourselves of the bill's purpose. As we know, it is aimed at ensuring that the investigation, detention and forfeiture provisions of the Torres Strait Fisheries Act 1984 are consistent with those contained in the Fisheries Management Act 1991 and that the detention provisions are in line with those in the Migration Act 1958.

The government claims that the proposed amendments to the Torres Strait Fisheries Act are consistent with the Torres Strait treaty. The stated objective is to create a seamless transfer of detainees from fisheries to immigration detention. The amendments will allow the minister to appoint employees and contractors of both the Australian Fisheries Management Authority, AFMA, and the Department of Immigration and Multicultural and Indigenous Affairs, DIMIA, to exercise detention powers under fisheries legislation.

This legislation will also pave the way for the establishment in Darwin of the government's proposed 250-bed immigration detention facility for illegal fishers, together with other processing and temporary detention points at Gove, Broome and Home Island. The bill itself does not establish these facilities but is a necessary precursor to their establishment. I make the observation that the detention facility on a site adjoining the Coonawarra naval base in the Northern Territory, which was built at a cost of some millions of dollars and has never been used, might at last be used. If that is the case and we do not have foreign fishermen sitting on their vessels in Darwin Harbour, it will be all the better. At last we will see a useful purpose for this massive investment of taxpayer funds and we will be able to treat people more appropriately and provide what they should expect to receive in detention—and I mean by that not only addressing their legal rights but also ensuring that their material interests are properly addressed. You could hardly say that being kept for long periods of time on a vessel in Darwin Harbour is comfortable.

The vessels are being provisioned by a company which was owned—if not still owned—by a CLP senator in this parliament. His company has been responsible for looking after some of these vessels and supplying services to them. That issue has been debated in the past and it is not my intention to go to it here. But we will see a lot more transparency in the way the government does its business if these fisher folk, once detained, are put into a proper detention facility and have their rights properly recognised in law.

That raises a couple of interesting questions. I am indebted to the Parliamentary Library for its legislation brief. It makes the observation, of which I am sure the community is aware, that there has been much criticism over the years about the conditions of detention. There was a report in 1998 by the Commonwealth Ombudsman and more recently a Northern Territory coroner's investigation of the death in 2003 of a detainee aboard a vessel in Darwin Harbour. In 2004 the government allocated more funds to speed the processing of crews allegedly involved in illegal foreign fishing.

The government has also decided to upgrade the contingency facility at Berrimah which I described earlier. I have said in the past that it could be used as a backpacker hostel, but now that it has a use, a purpose, perhaps there will not be the opportunity to use it as a backpacker hostel. It will now be used as the main detention facility for these crews. If the Commonwealth authorities so decide, crews prosecuted under the FMA Act or the TSFA Act and fined and found guilty may be put in other facilities. Because of the restrictions under article 73(3) of the United Nations Convention on the Law of the Sea, no prison terms apply for the illegal foreign fishing offences, although in practice a person could be imprisoned for the nonpayment of a fine. If a crew member is found guilty, their enforcement visa is cancelled and they become unlawful noncitizens. They are then deported by the Department of Immigration and Multicultural and Indigenous Affairs under the Migration Act.

The bill incorporates new powers under AFMA, as I have described. But significantly—and I think this is important because there has been a lot of debate about legal assistance for people who are detained in such a way—if requested to do so by a detainee, the person responsible for their detention must provide the detainee with access to reasonable facilities for obtaining legal advice or taking legal proceedings in relation to his or her detention. That is new section 24. However, there is no obligation on detaining officers—and this is rather cute, in my view—to inform detainees that they have this right. So you can actually detain someone—

Mr Truss—I will cover that.

Mr SNOWDON—I am pleased the minister is here. So he intends to cover that in his address, and I am pleased he is going to do that. So we are now told—I am assuming the minister is going to tell us this—that the enforcement officers will inform detainees of their legal rights and legal obligations. If that is the case, then I am pleased to hear it, Minister. It is important that we recognise that these people do have rights; those rights should be recognised.

The other issue which is worth contemplating is of course the vessels that they use. Currently boats, equipment and catch seized under the TSFA on suspicion of illegal foreign fishing activity can only be forfeited by a court order following conviction on a relevant offence. Items 35 and 36 introduce automatic forfeiture provisions into the TSFA, along the lines currently contained in the FMA. Under these provisions, where a boat or other thing is seized by officers on the basis of a suspicion of illegal foreign

fishing, the owner or master of the ship must notify AFMA within 30 days that they intend to claim for the return of the thing. AFMA then allows the claimant two months to institute court proceedings to recover it. If the proceedings are not instituted within this time or if the proceedings are unsuccessful, absolute ownership of the thing passes to the Commonwealth. AFMA may release the boat or other thing back to the owner or master, as the case may be, either on payment of a fine that can be imposed under the relevant act or payment of the value of the thing.

There have often been cases where these vessels have been destroyed or have been forfeited and ultimately sold. That used to be the situation which prevailed. I understand that situation no longer prevails and that they are either destroyed or their owners retrieve them. For me the whole exercise is a very interesting one, given the range of organisations which are currently involved in this activity. The principal organisation responsible for this border protection exercise, because that is how it is termed, is a combination of organisations—not only AFMA but of course the people on the water in Royal Australian Navy vessels. In the case of the Top End, this has been the responsibility of the Patrol Boat Group based in Darwin and Cairns. The CR of Patrol Boats in Darwin is currently Captain Peter Marshall. He operates under Operation Cranberry. It is his responsibility to use their vessels to surveil the Northern Australian sea and air approaches. Operation Cranberry is the surveillance program for Northern Australia sea, air and land surveillance. It is being currently undertaken primarily by the Royal Australian Navy through the Fremantle class patrol boats; an Army Reserve unit, an active unit; and the regional force surveillance units, such as NORFORCE, in my electorate. They support civil agencies such as Coastwatch and Customs to detect any illegal activity within Australia. This operation started in 1997 and has as its objective to coordinate the intelligence and provide surveillance information to the civil authorities that are operating in Northern Australia.

The ADF assets, apart from the Fremantle class patrol boats, are the P3 Orion maritime patrol aircraft and the regional force surveillance units. Whether or not this is an appropriate use of Australia's naval assets—or indeed all the ADF assets—given their primary function as Australia's war-fighting capability is a question which needs to be debated. Nevertheless, they do have this responsibility—they have been given this responsibility through Operation Cranberry by the Australian government—and I want to put on record that I do not think any hollowness in our capacity to cover our northern borders should be laid at the feet of the Australian Navy or indeed the other elements of the Australian Defence Force. If there is a problem it is a direct result of the lack of resources provided by government. Earlier in this debate, the shadow minister for defence made an observation about the number of Customs and naval vessels available for this purpose and made the point that clearly they are spread very thinly. Even though there is fairly intensive activity, there is still a very large area which they are required to cover. We know that between July 2004 and 20 January 2005 there were 4,122 recorded sightings of foreign fishing vessels in the Australian Fishing Zone. That is an awful lot. Although the actual number of incursions was probably a lot less, of these 107 were apprehended and 94 were the subject of administrative seizures—that is, they were tagged and released. In the 2004 calendar year there were 161 boats apprehended. Of these 80 were bonded, with 68 eventually being destroyed. Most of the other 12 sank while being towed.

Those statistics reveal the importance of the task that those charged with the responsibility of carrying it out have. I do not think we all understand the privations that naval personnel in particular are subjected to as a result of doing this work. The Fremantle class patrol boats, which have been used up to date, are good workhorses but I can tell anyone who has not been on them that they are not very comfortable. I am pleased that the government has a program to replace the Fremantle class patrol boats with the new Armadale class ones. I am most pleased because they will be a slightly bigger vessel but will have greater capacity and a greater range. They will be far more comfortable than the current vessels, and that is extremely important.

The new vessel will be 56.8 metres long. It will have a displacement of 270 tonnes. It is a welded aluminium alloy construction. It will be crewed by 21 personnel. The brief which I have here—I am not sure of its source—says, in relation to the crew facilities:

> Habitability is substantially better than current Fremantle Patrol Boats.

You would not have to do much to make it better than the current Fremantle patrol boats.

The first of these vessels will be transferred to active service in May or June of this year. I know that Captain Peter Marshall and his crews are looking forward to the opportunity to sail in these new vessels. We have just had tremendous cyclones across the Top End of Australia. Those listening may not understand what this means. Winds of 250 or 300 kilometres an hour have an enormous impact, and the sea state that accompanies them is horribly difficult. These weather patterns are regular and at this time of the year people who are at sea suffer conditions which are very uncomfortable.

I know of one particular occasion some years ago when some friends of mine, who were involved in fishing, were out at sea. They got caught in tremendously bad weather and their vessel started taking on water. I was contacted and I then contacted the defence forces. They sent out a patrol boat to retrieve these people. Their lives were saved as a result of ADF personnel putting their lives at risk to bring them safely back to Darwin.

This new vessel will improve the capacity of the Navy to do that sort of work as well. Whether it should be their primary task is, as I said, a question which is open for debate, but the new vessel would allow them to conduct all tasks up to a sea state 4, or 2.5-metre waves and conduct sea surveillance tasks up to sea state 5, or four-metre waves. They will have the capacity for a continuous speed of 25 knots in sea state 4 for 24 hours, which is a very good capacity, and they will have a range of 3,000 nautical miles. This means that the ability of the Navy to do the tasks with which they have been charged will be improved substantially.

The vessels are not only more comfortable but extremely modern. I am sure the vessels will improve the efficiency of their crew quite significantly. Whether or not we agree that this should be their primary purpose, these Defence Force personnel should not go unrecognised, and nor should Coastwatch and Customs personnel go unrecognised—because their work is very difficult.

I read an article in the *Australian* of 11 March by John Kerin and Patrick Walters about a foreign fishing vessel which resisted being boarded. This is extremely unusual, but apparently this particular vessel was prepared to resist the Navy warnings. That creates enormous potential problems for our naval personnel. I know that the shadow minister addressed this issue earlier but I just

want to make the point again that we are all indebted to the Australian Navy, the members of the regional force surveillance units and the Customs Service for the work they do to protect our northern approaches, even though the resources made available for this purpose are clearly insufficient. We cannot blame, nor should we blame, the Navy for the fact that some of these vessels get through. In my view, the work of the Navy in many respects needs to be given far greater recognition by the Australian community.

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (10.42 a.m.)—in reply—At the outset I thank all of the members who have contributed, in a constructive way, to this debate on the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005. I think there is recognition that we face increasing problems in relation to illegal foreign fishing vessels entering our waters and that there is a need to have strengthened powers to deal with many of these issues. Unfortunately, illegal fishing in Australia's northern waters is a growing problem. Illegal foreign fishing vessels are becoming not only more frequent and more widespread but, as the honourable member for Lingiari has just said, more determined in their incursions into our waters. We have even had instances where they have resisted those legitimately seeking to board these vessels.

Following two record-breaking years—and these are not the sorts of records that we like to talk about—of illegal foreign fishing vessel apprehensions, with 138 in 2003 and a further 161 in 2004, over 40 suspected illegal fishing vessels have already been apprehended in 2005. These figures show the extent of this growing problem and also demonstrate the Australian government's commitment to apprehending illegal foreign fishing vessels, ensuring that the rich biodiversity of our northern waters is protected from illegal plunder. The amendments contained in the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005 will provide the Australian government with tools that are essential to protect Australia's sovereign waters and to effectively manage incursions from foreign fishing vessels.

While I welcome the commitment by the opposition to support the legislation in this House, I am aware that they raised concerns about two technical matters in the bill. The members for Corio and Barton, in particular, have indicated that the opposition are unhappy about contractors exercising detention functions, although they have indicated they will await the outcomes of the Senate committee investigation before pursuing these concerns further. They raised similar concerns in the debate on the Quarantine Act where amendments were proposed to allow contractors to become quarantine officers. As the member for Corio pointed out, the government was eventually obliged to accept amendments to that legislation to secure its passage.

Frankly, I believe the opposition are wrong in their concerns about quarantine contractors. However, I would point out that there are a number of significant differences between what was proposed at that time and what is proposed in relation to these fishing offences. Firstly, under the proposed amendments contained in this bill, detention officers will only be able to exercise the limited powers specified within the bill. Secondly, detention officers will not be undertaking broader border protection powers, but will be limited to keeping suspected illegal foreign fishers in detention after they have been initially detained by fisheries officers. Thirdly, even greater control over the functions of detention officers will be provided by the requirement for additional authorisation before detention officers or fisheries

officers could exercise certain powers such as searching and screening detainees.

The opposition have also criticised the bill for not ensuring that detained foreign fishers are informed of their right of access to reasonable facilities to obtain legal advice. I indicated to the honourable member for Lingiari during his remarks that I would respond to this matter. This assertion is, I believe, unfounded as the bill clearly states that part IC of the Crimes Act does apply to fisheries officers, ensuring that all detained foreign fishers will be informed of their right to access legal facilities before they can be questioned. I hope the opposition will look carefully at their position on these issues before the bill enters the other house but, as I mentioned earlier, I welcome their agreement to support the bill's passage through this chamber.

The amendments contained in the bill will provide greater consistency between the Fisheries Management Act 1991 and the Torres Strait Fisheries Act 1984 and will ensure that foreign fishers can be moved seamlessly between fisheries detention and immigration detention. This will provide for the investigation and prosecution of illegal foreign fishing offences and allow fishers to be quickly repatriated after these legal processes are finalised. With these amendments Australia will be in a stronger position to deter illegal foreign fishing in coming years and will be able to send a strong message that illegal foreign fishing in Australian waters will not be tolerated. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (10.48 a.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (REGULAR REVIEWS AND OTHER MEASURES) BILL 2005

Second Reading

Debate resumed from 16 March, on motion by **Mr Pearce**:

That this bill be now read a second time.

Ms KING (Ballarat) (10.49 a.m.)—Thank you for the opportunity to continue my contribution on the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005, which I began last night. This bill is a major sell-out by the National Party. They are trying to reassure their national constituents by saying they are future proofing Telstra and making sure there are good regional and rural services. Yet this bill fails to future proof telecommunications services for regional and rural Australians.

The reviews that are contained within this bill do not guarantee an improved telecommunication service, let alone maintain telecommunication services at the current levels. A review at least every five years is too long between reviews. The Australian Labor Party knows that and so does the coalition. In the last parliament, the government agreed to a recommendation by coalition members of the Senate committee that reviews should be conducted every three years. So what has changed the government's mind? One only has to look at the changes to telecommunications over the past five years to realise that a five-year gap between reviews is way too long.

The bill has been strongly criticised by the peak farmers group—the National Farmers Federation. Mr Peter Corish, the President of the National Farmers Federation, has said that the proposed five-yearly service reviews

are not sufficient to meet future-proofing requirements. On the *PM* program on ABC radio on 10 March this year, Mr Corish said:

> ... let's face it, telecommunications is changing so rapidly right around the world that we wanted a review at least every three years.

So why is the government now proposing five-yearly reviews? Why is the government discounting the views of others and turning away from a commitment made to the coalition members? One can only guess.

With the members of the Regional Telecommunications Independent Review Committee being appointed by the Minister for Communications, Information Technology and the Arts one can only imagine how independent they will be—coalition friends. We saw that with the Estens inquiry, with a member of the National Party heading up that inquiry. The committee potentially could be in the minister's pocket. The minister will receive reviews that will reflect her best interests. Of course, the reviews may be peppered with occasional recommendations, but these will be with the acquiescence of the minister for communications.

Should a review recommend the need for expenditure on telecommunications infrastructure in a rural or regional area, who will provide the money and who will ensure that it is expended appropriately? A review might, for example, in the case of my own electorate, recommend the installation of mobile phone towers to improve services in particular areas. What is the process once an improvement is recommended? Will the community be consulted on the location of the mobile phone tower? Would the government or Telstra provide the money for the new infrastructure? How compelled will the government or Telstra be to act on any recommendations from the committee after a review? Where is the money going to come from? What time lines will be in place once a recommendation is made? Who decides which recommendations are enacted and which are discounted? How transparent is that process going to be? The bill does not answer any of those questions. National Farmers Federation President Peter Corish, in an interview on *PM*, summed it up this way:

> ... the legislation is unclear in exactly what the review will cover. In other words, the objectives of the review are not made clear enough.

He also expressed concerns about the funding of any recommendations:

> And probably the most important one, the Estens recommendation 9.5, which deals with funding for future services in rural Australia, is not in this legislation, and that's a real disappointment for us.

Here you have the National Farmers Federation, the representative peak body and a great voice for regional and rural Australia, saying that this bill is not okay. It is not okay in terms of future proofing against what the future sale of Telstra will mean for rural and regional Australians. The National Party wants to listen to its own constituency on this issue. It is unjust that the voice that rural and regional Australians relied on in this parliament, the National Party, has completely deserted them on this issue.

As with the earlier part of the legislation regarding local presence plans, there are just too many unanswered questions. Regional Australians value and depend on their telecommunications services. We have a right to access the same quality, standard and range of services available to people in the capital cities, although I admit this is not a problem just for regional and rural Australians—outer metropolitan areas are experiencing terrible problems with their telecommunications services as well. But in parts of my electorate telecommunications services are poor. Mobile telephone coverage in parts of Ballarat, a major rural city, is extremely poor. ADSL is

not available to a large number of my constituents. Waiting times for the installation of landline telephones can be excessive. I fear that once the government's 51 per cent remaining share of Telstra is sold, without proper safeguards and future proofing of regional telecommunications, rural and regional communities will be left in a technology vacuum.

The National Party and their leader have doubts about the ability of the bill to future proof telecommunications services for rural and regional Australians. The Leader of The Nationals and Deputy Prime Minister told ABC radio last November:

> I have some concerns that in the light of what I have seen over the last few months, that we probably need to tighten our ... future proofing arrangements. What I really want to do is to send a very clear signal to rural and regional Australians that what matters ... is getting those standards right and then not letting them go soggy again.

I do not know what the Nationals intend by saying 'not letting standards go soggy again' when they are supporting a bill containing measures that are very soggy indeed. I again seek leave to table photographs taken five kilometres outside my electorate that show telephone cables wired up to farm fences to try to get basic telephone services into a person's property. It is five kilometres out of Ballarat—we are not talking remote Australia.

Leave granted.

Ms KING—I am very pleased that the parliamentary secretary at the table has allowed those photographs to be tabled because a National Party member was not that keen to have them tabled yesterday. I do not know what the Nationals are doing letting this bill go through which will see standards go soggy in regional and rural Australia. Is this the best the Nationals can do to protect the telecommunications needs of their constituents—the men and women of rural and regional Australia? This bill as it stands does not future proof regional and rural communities. There are no definitions of what a local presence for Telstra is and no commitments to improve, let alone maintain, current services in regional Australia. One of the major issues we have seen over the course of the last 10 years is a rapid decline in the telecommunications network, in the basic level of maintenance of that network and in improvements to that network.

The review committee will be able to review regional communications—every five years. They are supposed to table reports of those reviews for the minister's consideration, but it is unclear who will pay for the implementation of any recommendations. With a proposed five-yearly review, recommendations could be late in being lodged and out of date by the time they are funded for implementation. The Nationals, like the Australian Labor Party, know that rural telecommunications cannot be future proofed, yet they are going to support this bill. And, like us, they know what is at stake here. What is at stake is a great telecommunications system built up over many years by the Postmaster General's Department, then Telecom and now Telstra, and paid for by the Australian people. It is a network that serves rural, regional and city people alike. Once the Howard government sell their 51 per cent remaining share in Telstra, this bill will not ensure future proofing and will not protect the interests of people living in rural communities.

The best way of future proofing regional and rural telecommunications and holding Telstra to account for those is to keep Telstra in public hands. The National Party have sold out by supporting this bill and they are going to sell out regional and rural Australians by supporting the further privatisation of Telstra. Regional and rural Australians

expect the National Party to be a voice for them. They expect the National Party to come into this place and strongly argue for their services needs. But what we are seeing is a National Party who are saying one thing out in their constituencies, saying that it will be all right—'We'll look after you; it'll be all right; we'll stand up for you'—and coming into this place and supporting bills such as this that do not guarantee that Telstra, once privatised, will maintain services in regional and rural Australia. This bill does not future proof regional and rural communities' telecommunications services. Anyone who thinks it does is kidding themselves.

The National Party has a major problem on this issue. As a representative of a regional and rural community, I am going to be standing up for my community to say, 'We don't think Telstra should be privatised.' We have said that strongly—we are the only party who has consistently said that. It is not the way that you guarantee good and essential telecommunications services in regional and rural Australia. I am going to be very interested to hear the contribution from the Liberal MP who does not represent a regional or rural seat about how he intends to actually protect regional and rural communities and how he, hopefully, is actually going to go and stand up for regional and rural communities, because, frankly, on the coalition side there is nobody doing that for rural communities anymore. The rural communities have lost their voice in the National Party in this place standing up for them on regional and rural issues. Labor do understand regional and rural communities. We represent them very strongly in this place and we will continue to do so.

Mr CIOBO (Moncrieff) (11.00 a.m.)—I am very pleased to rise to speak on the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005. I am particularly pleased to follow the member for Ballarat in this debate. It intrigues me that the member for Ballarat should come into this House pretending, and I emphasise the word pretending, that in some way the Australian Labor Party, one, understand regional Australia or, two, have any real regard to the interests of regional Australia. We have seen on numerous occasions that the Australian Labor Party have been willing to shun the needs of regional Australia. Now, when it suits their political purposes, the member for Ballarat comes into this chamber and attempts to explain that, in fact, the Labor Party are very empathetic to the needs of regional Australia.

Highlighting the way in which the member for Ballarat has such a limited understanding of regional Australia is her summation. In her closing statements, the member for Ballarat says she would love to hear how someone who does not even represent a regional part of Australia is actually going to defend the interests of regional Australia. Last time I checked, the Gold Coast was regional Australia. Last time I checked, it was not a capital city and, whilst it may be a large regional centre of approximately 500,000 people, when it comes to government policy—the focus of state governments and the various policy initiatives that both the Howard government and the state government take—it most certainly is regional Australia. That is exactly the reason I am in this chamber today to speak on this bill, because the Gold Coast very much identifies itself as regional Australia in the same way that the member for Ballarat would claim that she represents regional Australia by being the member for Ballarat. I would not say that she does not, and I find it most upsetting that the member for Ballarat would suggest that the people of the Gold Coast are, in fact, part of Brisbane, because we are not. It is a separate city and we have our own needs and our own interests on the Gold Coast.

To turn to the particular bill at hand, I find it fascinating that the Australian Labor Party would still continue to run the line that the people of Australia were so much better off under a fully nationalised Telstra. I find it fascinating that the Australian Labor Party truly expects the people of Australia to believe that, when Telstra was 100 per cent government owned, their service levels were higher, the speed of connections was better, their call costs were lower and they had greater opportunities to access new technology which was being brought online with respect to telecommunications on a regular basis. The reality is that nothing could be further from the truth. The reality is that, under a now half-privatised Telstra and eventually under a fully privatised Telstra, the people of Australia stand to gain significantly.

There have been tremendous advances in technology which Telstra has been able to implement as a consequence of its increased flexibility under its privatised model. Australians now enjoy super lower call costs not only when they call STD but also when they call internationally. There was a time when people phoning internationally would be paying around $1 a minute for an overseas phone call. Now it is possible through Telstra to make calls to, for example, the United Kingdom for 3c a minute. If that is not of direct benefit to the people of Australia then I do not know what is. These types of strong advances and moves forward, which flow from a more flexible Telstra management style, are a consequence of Telstra having increased ability, now that it is partially privatised, to respond to market conditions.

Concerns about future proofing the needs of rural and regional communities are legitimate concerns. Concerns that say that regional Australians do not want to be left out of the mix when it comes to new communications technology are legitimate concerns to express. But the key to doing that is exactly the kind of policy that we are talking about here today. The fact that this government is moving forward and recognising that, under a fully privatised model, Telstra does need to have adequate safeguards imposed on it through legislation and policy is fundamental to ensuring that regional Australia has confidence in a fully privatised Telstra. There are many benefits that flow from a fully privatised Telstra. There is the fact that there is increased capital flexibility to the corporation and the fact that management can be much more attuned to no longer battling with the government's demands to fulfil universal service obligations, on the one hand, but also the fact that, on the other hand, it can focus on the needs of the market.

The question then of course is: how do we guarantee that USOs will be met? How do we guarantee that areas of regional Australia will not be left behind? We do it through having a particularly strong regulator, which we have now and which, on a regular basis, is bringing actions where it feels it is necessary not only against Telstra but against any organisations that are operating in the marketplace. That is entirely the purpose of a regulator; that is entirely its function. So there should be no surprise that, from time to time, we see regulators moving in a way to ensure that community expectations are upheld. That is what will continue to happen with regard to a fully privatised Telstra.

At the moment under what the Australian Labor Party are putting forward the only way that Telstra could invest in new technology, the only way that Telstra could raise the capital required to ensure that it has the flexibility it needs in a much more competitive telecommunications marketplace is by drawing back on the public purse. If Telstra wanted to invest in new technology, under the Australian Labor Party's model of what is best for the people of Australia it would be Australian

taxpayers that would be reaching into their pockets to pay for that investment. The Australian Labor Party might prefer that option because it is all done through smoke and mirrors. The Australian people do not make the direct connection between the taxes that they pay and what Telstra is doing to improve services. The Australian Labor Party might like it that way because they might think, 'This way we can be seen to be delivering as a government'—that is, should they ever be on the government benches.

But that is not the best way forward. The Australian Labor Party's policy position with regard to Telstra stands in the face of every good international practice when it comes to privatisation. The fact which underscores the hollow rhetoric that flows from the Australian Labor Party is that when they were last in government they privatised the Commonwealth Bank. That highlights the way in which the Australian Labor Party like to do one thing on the one hand but preach a completely different message on the other. It suited the Australian Labor Party to undertake certain activities when they were in government—they pursued those activities with respect to privatisation—but now, when it suits them politically to claim that the only way Australians' interests, particularly regional interests, can be safeguarded is by ensuring that Telstra remains in full public ownership, they will stand up, come to the dispatch box and profess that view, even though their actions in the past were 180 degrees opposite to what they now put forward.

This bill makes a number of key changes to the operation of the Telecommunications (Consumer Protection and Service Standards) Act as well as the Telstra Corporation Act and the Telecommunications Act 1997. In effect, the bill that is before the House today seeks to implement a number of key recommendations that have flowed from the Estens inquiry and, before that, the Besley inquiry. In particular this bill gives effect to recommendations 8.1, 8.2, 9.1, 9.2, 9.3, 9.4, 9.5 and 9.6. Those recommendations were put forward under the Estens inquiry as a way of ensuring that people in regional and remote Australia can have some confidence in, firstly, Telstra's local presence and, secondly, the introduction of new technology into regional and rural Australia on an ongoing basis.

In a nutshell, the recommendations—and I will not go through each one—made a couple of key points that delivered on the two points that I just highlighted. Recommendation 9.1 says:

> The government should put in place a process to regularly review telecommunications services in regional, rural and remote Australia, and to assess whether important new service advancements are being delivered equitably in those areas.
>
> The review process should be linked to a strategic plan for regional telecommunications, and underpinned by ongoing arrangements that provide a high degree of certainty that Government funds will be made available to support service improvements in regional, rural and remote Australia, where they will not be delivered commercially within a reasonable timeframe.

The government has the opportunity on an ongoing basis to always enforce that point of view. In fact, a much better way of approaching this is to say that when a government seeks to impose a universal service obligation or a community service obligation it does so in a transparent way. It says to a privatised company—and I stress that it does not have to be Telstra; it could in fact be any telecommunications provider—'These are particular requirements that we want to enforce upon you as a company. We enforce them upon you because we believe this to be in the interests of Australians.' However, we recognise that it may not always be commercially feasible for these requirements to be upheld. It may not always be commercially

feasible for a private entity to undertake these kinds of activities. But that is entirely the reason governments are elected, because we uphold the interests of Australians. So where it is not commercially feasible, we require the company to introduce these service obligations because we believe it is in the interests of Australians. Of course, there is a cost associated with requiring the company to do that and we as a government—and this applies whichever party is in power—need to ensure that we provide funds to that company to make sure that those obligations are undertaken. That is the most transparent and effective means of ensuring that CSOs are undertaken by companies.

The Australian Labor Party's fascination with wanting to keep it all behind closed doors so we do not actually know how much CSOs are costing is not good policy. The Australian Labor Party's preoccupation with saying, 'We do not really want to cost what it means for community service obligations to be imposed on a company,' is not good policy. It runs contrary to good practice throughout the world. With the establishment of the Regional Telecommunications Independent Review Committee there is an opportunity for governments to receive independent and objective advice from a committee that will look at ways in which regional Australia should have CSOs imposed on Telstra, for example, so that the people in regional Australia are satisfied that the service levels they get, that the telecommunications advances that they have access to when it comes to new technology, are appropriate. But it has got to be done in a way that the Australian government will pay for and support in a transparent manner and not in the way that it operates at the moment.

Another key aspect of this bill is the requirement that there be a continued local presence by Telstra, which is aimed at ensuring the continuation and further development of Telstra endeavours in regional Australia. The bill does this through the promotion of a decentralised management and decision-making structure within Telstra so that there will be continued representation for regional and rural interests within Telstra's executive management structure. This will ensure effective, direct customer servicing and support for regional Australia and effective concentration and application of resources in regional, rural and remote Australia, including additional specialist staff who can address specific needs of rural customers. In addition, there will be effective coordination of effort in all service areas and a focus on responsibility for managing projects and service tasks, effective information to regional, rural and remote customers; and support through Telstra activities for broader regional community development.

These are the key areas and the key benefits that flow from ensuring that Telstra has a regional presence. That is yet another way this bill helps to reinforce in the minds of regional Australians the fact that by the introduction of this bill they can rest assured that Telstra will continue to have a presence in the local community. Again, I speak out of the direct contact that I have had with Telstra Country Wide. Telstra is already doing some of these things. We are now going to push it even further. Telstra is taking steps in the right direction. Telstra Country Wide and the manager on the Gold Coast, Mr John Lister, are doing an excellent job on the Gold Coast. Sure, from time to time there are problems. Of course, from time to time not everyone's service is connected within two days. But in the main the service that people on the Gold Coast receive today is far superior to what they were receiving eight or 10 years ago. Despite scaremongering by the Australian Labor Party, I know that the vast majority of my constituents in Moncrieff and people that

I talk to on the Gold Coast are satisfied that Telstra is doing a good job and, more than that, they know that the service standards are much higher today than they were 10 years ago. I think that is a great advantage.

Again I highlight the point: if the Gold Coast is so metropolitan, why do we have Telstra Country Wide in our city? Regardless of that, Telstra Country Wide is doing an excellent job on the Gold Coast and I am quite impressed with the responsiveness of the Telstra Country Wide unit within our city. We now see significant investment in new infrastructure. I was very pleased to receive a briefing about six months ago from Telstra which indicated that, in our city, approximately 75 to 80 per cent of the population has broadband coverage. I think that is fairly good. Of course, there are still pockets where there are technological difficulties. Let us not forget that ADSL is utilising a new technology that enables copper wire to deliver broadband capabilities—something which was not even heard of 10 years ago and which Australians never anticipated as being possible.

From time to time I do find it a little bit rich when members come into this chamber and wax lyrical about how their constituents should have access to broadband and ADSL. I think to myself, 'This is a technology that did not even exist 10 years ago.' It is well and good to say, 'We want the switch to be flicked and we want to have access to broadband,' but we have to maintain a reasonableness. We have to maintain a sense of proportion about this technology. Who knows what the future will hold? There may be occasions in the future—through, for example, the 3G network or other telecommunications advances—where people will have access to 150 megabit per second transfer rates over wireless internet or through powerlines. We do not know what the future holds.

For members to come into this chamber and suggest that the technological limitations on what can be done are due to a failure of a company is most disingenuous. It is a great shame that the Australian Labor Party do it on a regular basis. They will build up expectations knowing full well that, when those expectations are cut down, they will score a couple of cheap political points. It is a great shame that so many members opposite do not have the intellectual efficacy and rigour to admit that there are in fact limitations which prevent some of this technology being rolled out in regional and remote Australia.

This bill is a positive move because it ensures that Telstra will continue to have a local presence on an ongoing basis in regional and remote Australia. It is a positive move because it sees the establishment of a regional telecommunications review committee, the membership of which is independent and specialises in regional Australia and/or telecommunications. They will provide fearless, frank and objective advice to government—and I have no doubt about that—irrespective of which party might happen to be in power in the future. That advice will be acted upon by government. The reason that I know that that advice will be acted upon by government is that any government that does not act upon that advice will, of course, do so at its own peril when it comes to the support of the Australian people.

I think there are more than adequate safeguards in this bill. The Australian people are in fact a very cluey bunch. They recognise when they are getting short shrift from government and they respond to it. So any government certainly has as a key motivating factor the need to ensure that it continues to deliver on the interests of regional and rural Australians, particularly with regard to this bill. This is a positive step forward. It does ensure regional and rural Australians can have confidence in Telstra, even when it is

fully privatised. I commend the bill most heartily to the House.

Mr ANDREN (Calare) (11.19 a.m.)—The Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005 provides the legislative mechanism by which the government intends to achieve what I would regard as the impossible: the so-called 'future proofing' of telecommunication services for equitable and affordable access to new technologies, in this ever-evolving industry, for rural and regional Australians. It is an impossible task and, further, this bill represents a poor attempt to try and achieve the impossible. The only guarantee for country Australians of fair and affordable access to current and future telecommunications is continued public ownership of the remaining almost 51 per cent of Telstra.

As the Prime Minister himself has recognised on this subject, no government can guarantee the actions of any future government. Legislation is not written in stone, and each and every one of the measures contained in this bill can be amended or removed in the future. Future proofing is a red herring and a decidedly smelly one at that. The weaknesses in the provisions of this bill only serve to underline that it is only continued public ownership of the majority share of Telstra that will guarantee services in the bush. I say that and point out as background that Australia's geography and spread of population, concentrated as it is on the east coast and in the capital cities, are, I would argue, absolutely unique in the developed world. That is evermore the reason why we cannot plant a market model on telecommunications of all services—because of the huge disadvantage that our regional businesses, farmers and others in remote and rural communities stand to suffer should there be only a market model and a very weak regulatory framework. That framework would try to force one operator, in the face of competition, even though it is a dominant player, to service the needs of its private shareholders in the face of the enormous cost—I grant that—that is involved in delivering equivalence of service to people in country Australia.

The Parliamentary Secretary to the Treasurer outlined the government's future-proofing aims in his second reading speech as maintaining service quality into the future, rural Australia not missing out or facing unreasonable delay when future services—and I would add 'technologies' here—become available, and other benefits currently provided by Telstra through its regional presence not diminishing. The parliamentary secretary went on to say that this bill is the government's commitment to lock in these aims. As I just said, and the PM has agreed, locking anything into legislation is hardly permanent. Any future government with the will and the numbers can change any existing legislation as it sees fit. This is the crux of the argument against any further sale of Telstra.

I might be getting repetitive, but it is the simple truth that only by retaining majority public ownership can we future proof telecommunication services in the bush. The government proposes to future proof telecommunication services for country Australia in this bill in three main ways: (1) the Minister for Communications, Information Technology and the Arts may make a licence condition requiring Telstra to maintain a local presence in regional, rural and remote areas of Australia under existing powers provided for in section 63 of the Telecommunications Act 1997 and, in relation to this condition, the minister or the ACA may make administrative decisions relating to such things as approving Telstra local presence plans; (2) the regular review of telecommunications in regional, rural and remote Australia by the proposed Regional Telecommu-

nications Independent Review Committee, RTIRC, every five years; and (3) ensure that at least two directors of Telstra—and here I quote from the bill's explanatory memorandum—'will be required to have knowledge of, or experience in, the communication needs not only of regional areas but also of rural or remote areas'. As future-proofing instruments, these provisions have significant weaknesses. There is no requirement for the minister or the ACA, for that matter, to impose local presence conditions on Telstra. The bill gives the minister the option to do so, but there is nothing to compel her or him to do so.

I also have grave doubts about the supposed independence of the proposed review committee and the effectiveness of the review process as set out in the bill, especially in regard to the time frames involved. The RTIRC's chair and members are to be appointed by the minister via a written instrument, which will also determine the term of office for the chair and committee members. This written instrument is not a disallowable instrument and therefore is not subject to parliamentary scrutiny. This is entirely unacceptable. The committee's members will be responsible for judging the adequacy of country Australians' telecommunication services. So it follows that country Australians should at least have the opportunity to have their say on those appointed to the committee in the parliament. The bill also does not specify how the review committee is to measure the adequacy of services, despite the Estens report outlining specific indicators of adequacy.

This means the committee's findings could be as meaningless as the 'up to scratch' benchmark adopted by the coalition parties. That was a line thrown out by Senator Ron Boswell on a *Sunday* program a couple of years ago, in desperation to come up with some sort of measure of when things would be acceptable for a full sale. So 'up to scratch' became the Holy Grail of the whole argument. This nebulous term means nothing. While in Longreach the other day, Donald McGauchie said, 'I don't know what "up to scratch" means, but we'll know when we get there.' What an absolute nonsense, and the public knows it.

Mr Windsor—It's a disgrace.

Mr ANDREN—It is a disgrace, as my honourable colleague the member for New England says. It is an absolute disgrace, but the public know what a nonsense it is. And that is the measure of how unpalatable this whole process is out there amongst rural Australians.

Estens determined that adequate service in the bush means that services are provided in a timely way, are of good quality, function well, are generally reliable and are priced in a way that enables broad access and take-up by regional, rural and remote consumers. Even these broad terms have been ignored in this bill. Further, the Estens report and the National Farmers Federation both propose the committee conduct its review at intervals of no more than three years, rather than the five years provided for in the bill. The speed with which communications technology is developing these days would warrant reviews on a more regular basis, at the very least.

As for the third aspect of the government future-proofing strategy of providing at least two Telstra directors that have knowledge of, or experience in, communications in regional, rural and remote areas, the Telstra Corporation Act 1991 already requires that two directors 'have knowledge and/or experience in regional communications'. It is difficult to believe that the additional requirements of rural and remote communications experience of those two directors will

have any great impact on the board's decisions, especially when a privatised Telstra would seek to free itself of conditions to service country Australia when its competitors have no such obligation beyond an entirely inadequate contribution to the universal service obligation.

If Mr McGauchie, the chair of Telstra and the former chief of the NFF, is any indication of rural understanding, he has come down firmly on the side of the top end of town where he now resides and works. I would suggest that he is certainly not representative of the needs of rural and regional Australia, at least he is not listening, judging by the comments I have heard him make in recent days. We cannot and will not impose community service obligations on the banks, so why are country people supposed to believe that we can do it to the telcos, and why would or should a privatised Telstra be any different from a privatised Commonwealth Bank in its treatment of the marketplace?

Back in 1997 when the saying was 'Don't be the last bank out of town'—the banks were shutting up all over the place; they did not want to be left holding the baby and they were getting out at a rate of knots—I asked the Treasurer a question about the responsibilities of banks to rural customers. He answered along the lines that red-hot competition would deliver services to the bush. Given that red-hot competition has seen the other privatised telcos in this market cherry-pick the eyes out of the profitable bits of the market and that, by and large, except in regard to the amount that they are required to set aside under the universal service obligation, the telcos have shown very little or no interest in regional markets, why the hell would Telstra be required or be interested to do that?

Why would Telstra be interested? Why would it not find ways around it through protests and competition channels to say, 'Why are we being treated in such a manner when our competitors are not?' If we cannot make the other telcos contribute the amount that is required to universalise services across Australia now, how are we going to do it when they are all competing like mad, not only on the Australian market but on international markets, to maximise the return to their private shareholders? It is an absolute nonsense.

The market decides where private companies conduct their business and, where the market is too small to make the provision of services profitable, service will not be profitable. It is basic economics—it is 'red-hot competition'. This bill will not guarantee anything in terms of telecommunications for country Australians. It is nothing more than part of a smokescreen to privatise a public asset that is returning more than $2 billion to the taxpayer in dividends each year and to try to protect the junior coalition partner from the retribution of regional, rural and remote voters. I suspect very strongly that this issue is going to haunt any country representative who chooses to ignore the deep and abiding resistance to further privatisation.

Despite all the rhetoric from the Deputy Prime Minister that the Nationals will not be pressured on the sale of Telstra, they have already voted for it in this parliament. The Deputy Prime Minister says the Nationals will not be pressured by the Liberal Party into supporting the sale, but they have already voted on it—in 2003 and 2004, quite apart from their collective support for the sale of the first slabs of Telstra. Were things up to scratch then? They say that we are almost there. What about then? I will claim some credit for the fact that, had I not been in this place between 1998 and 2001, the argument would not have been on the public agenda—although it was out there in the public debating chamber. Out there in rural

Australia they were channelling complaints and concerns by the hundreds through my office around the time of the mobile phone switch-off. It was the Labor government that agreed to the ridiculous switch-off of analog, but it could have been reversed.

The Independents moved a disallowance motion to try to reverse that decision in the 1996-98 parliament, but the major parties were not interested in it—the Labor Party because it made the blue back in 1991 by signing off on this ridiculous deal that said, 'Mobile providers will be able to provide a mobile service to 90 per cent of the population.' 'That is good enough. Where do we sign?' said Paul Keating. Hang on, that is 90 per cent of the population, 15 per cent of the geography. That is all it meant. So, when it came to the switch-off of analog at midnight in 1999, or 2000, as we switched over to the new millennium, there was not going to be anything else out there except GSM, which was useless outside the major towns and the highways. So it was only that pressure that forced the government to make Telstra put up the CDMA network. It would not have happened, I would suggest, had not that concerted campaign been largely fed through my office, through state Independent offices and through ginger groups such as the Farmers Association to some degree at that point, the Country Women's Association and others.

Nor would we have had Telstra Country Wide established, which was a reinvention of regional Telecom offices. They had to rediscover the networks that had been lost through the dismissal and retrenchment of people who had that knowledge. They had to recreate their understanding of the regional and country networks—where all the bogholes were and where there were lines wrapped in paper. They ran around and stitched it together with a glue that subsequently was found to cause corrosion by itself, even more rapidly than the moisture that was getting into the lines. They had to find the mix of reasonable, mediocre and downright rubbishy network that was out there and begin the task of putting it all back together again. The job has only just begun and here we are, talking about something being up to scratch and ready to sell. The *Land* got it right in January of this year in an editorial, when it said:

> This government can't wait to wipe its hands of Telstra to get rid of a nuisance, to get arm's length from the whole process and let the market sort it out.

That ain't good enough for country people. They have drawn a line in the sand, even those who enjoy good services by dint of Country Wide and increased budgets—still only a fraction of what they need. The people who have got those decent services in country towns and major regional centres know that they have only got them through the pressure they have been able to exert on their elected government through those members who cared. They are going to stand by their fellow country Australians. They have drawn a line in the sand and they say, 'No more'—not 'When it's ready', but 'No more'.

For those concerned, for instance, about mobile phone services I might draw their attention to one of Besley's recommendations around mobile phone services, which was that towns of certain size be given access to mobile, and that has been happening. But CDMA was put up at Monkey Hill between Sofala and Hill End to the north of my electorate, after a lot of agitation and a lot of pressure, and it is a lemon—an absolute lemon if you have not got a car kit. Even then, if you go around the corner in Hill End away from a direct line of sight you are battling to get any sort of signal. What sort of use is that for the many tourists who come to the central west, particularly to the old gold towns like Hill End and Sofala? In Sofala you cannot get a signal in the main street—

you have to go down onto the bridge out of town towards Ilford before you get a signal. This is the base station that was set up under Besley.

CDMA, unlike analog, which drifted like a mist down into the valleys and provided a heap of coverage including what Telstra called 'fortuitous service'—but it was a good and reliable service for bushfire fighting, for farmers out mustering and for all sorts of purposes—is a line-of-sight technology and it is quite incapable of delivering anything like a reasonable service in the hilly areas of the tablelands unless you are lucky enough to be in the line of sight. If you have a handheld phone, and certainly if you are a tourist from Sydney who has GSM, you have to have two phones if you go touring in the bush these days if you want mobile coverage. Is that adequate? Is that equivalent?

The previous speaker, the member for Moncrieff, talked of reasonable expectations. I think he gave the game away. It is not the Telstra company that is under attack here; it is the willingness of government to wipe its hands of those reasonable expectations of country people of a proper internet connection, a speedy internet connection. There are people moving out there to these rural villages who want to conduct business: architects, book editors—you name it. That is the new growth of country towns and small villages. Particularly after September 11 it is happening quicker and quicker. It is called 'tree change'. People are moving to the country and taking their business out there, but they are very disappointed when they get there and there are no plans for many exchanges to upgrade in the foreseeable future. That is what they are scared about and that is why they are saying, 'Absolutely no.' This bill is a giant con trick and country people have not fallen for it. *(Time expired)*

Mr WINDSOR (New England) (11.39 a.m.)—Before addressing the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005, which of the legislation that I have seen over the years is probably the ultimate insult to country people, and working through the speech by the Parliamentary Secretary to the Treasurer—the speech was quite brief, particularly in relation to some of the future-proofing issues in the provisions of the bill; the parliamentary secretary actually gave the game away about the flexibility of this piece of legislation and how it fits in with the broader agenda—I particularly thank the member for Calare, who spoke before me, for the work that he has put in not only on behalf of people in his electorate but on behalf of country people on this issue. He is a very humble man, as we are all aware, but there is no doubt in my mind or in the minds of many people right across regional Australia that it was because of his constant badgering of government since 1996 about phone services and the provision of telecommunications services to country people that Telstra Country Wide was actually set up.

He made a very important point a moment ago. We are not attacking Telstra Country Wide. I think they have some excellent people working there. They do have some problems with resourcing that need to be addressed, but there are some excellent people. I have been fortunate in my area to have had a regional manager, Ian Peters, who has done a lot of hard work of behalf of the people in the region—not only the New England region but also part of Gwydir. I thank him for his efforts and his successes. He is currently in the Canberra and Queanbeyan area, so I encourage the members whose electorates he is located in to get in touch with him. I am sure he will do what he can to help. But he is doing what he can within the resources that are made available. The additional funding

that was given by government—and at the time I believed this and said so—was an absolute insult when Telstra had $4 billion to $5 billion in profit and some tax on top of that going through the system. I think it was the Deputy Prime Minister—or it may have been another minister—who stood up one day and said that the government was going to make this gratuitous gesture to country people of $180 million over four years. The concessional arrangement for country people is $45 million a year—the price of the trinket for selling this piece of infrastructure.

I took that as an insult—and a lot of people did. Obviously there is a greater need for many more resources, and there is the capacity within the company as it is structured today for those resources to be delivered. Over the last few years the government has been playing the game of dressing up a partly owned body for sale, rather than putting the money back into infrastructure development. We have had a lot of debate recently about how important infrastructure is. The Treasurer is on his feet every day talking about the impacts of privatisation on Dalrymple Bay, who should pay for all these boats hanging around offshore and how it is all dreadful. I do not disagree with some of the comments that the Treasurer is making there about the need for infrastructure—better highways, better railways and better seaports. Both sides of the parliament have been talking about this in recent days and it is a debate that needs to be had.

We have been talking about improving infrastructure and then this day we are talking about a piece of legislation in this parliament which is essentially about running the sale of Telstra through the parliament—another piece of legislation that adds to the so-called future proofing. The Treasurer talks about improving infrastructure and the underinvestment in infrastructure that has occurred in this country in the last decade, he criticises the Carr government—and I agree with most of that—and other state governments and he says that we need to develop our infrastructure when the one piece of infrastructure that negates distance as a disadvantage of being a country resident is telecommunications. If we sit in this place and sell the one piece of infrastructure that can give country people a comparative advantage, I think we are doing a great disservice to ourselves, the nation and our grandchildren. This is the most important piece of infrastructure that we are going to need this century—whether it be in the delivery of medicine, health facilities, educational facilities or business facilities.

I have seen some dreadful arguments put up. I was in Dubbo recently and met Roger Fletcher, a well-known meatworker. He and I went to the same school. Some would say it is the school of hard knocks, and he has probably had more knocks than I have had. We went to the same high school, and I know Roger reasonably well. Roger, amongst others, particularly within the National Party, is arguing that we sell Telstra, get some of the money and buy highways. At a Telstra meeting in Dubbo recently, Roger stood up and said, 'Because of the technology I've got now, I don't have to drive to Sydney anymore; I can do it all from here.' That is very nice if you happen to be in a location where those services are in place, but what if you are not? What is going to happen in 20 years time when we have got different services?

For anybody to suggest that, through some community service obligations, regulations and legislative arrangements in this place, the government can future-proof and guarantee services into the future is another insult. It is an insult to people's intelligence. I will give you some examples. Even the Prime Minister said in here that one government cannot bind a future government to a legislative program. It is not constitutionally possible. One example is the privatisation of Syd-

ney (Kingsford Smith) Airport. In the run-up to that, when people were arguing that it was a public asset and should not be sold, Mr Anderson and Senator Minchin were both saying, 'Don't worry: everything is okay.' That is almost a Joh Bjelke-Petersen argument: 'Everything'll be all right; don't worry about that.' Mr Anderson and Senator Minchin said: 'We guarantee that certain noise levels will be maintained. We guarantee that certain access provisions will be maintained. We guarantee. It's in the legislation, and it's in the regulations.'

Mascot was sold. Within two days, Nick Minchin started to say, 'One government can't bind a future government in terms of regulatory processes into the future but, if you vote for us, we'll look after you.' Some months later a Boeing 747 happened to be approaching Sydney a little out of curfew and it had a bit of a brake problem. Mr Murphy may well remember that; he probably heard it. It had a brake problem which was in breach of the regulations that had been set down to guarantee these aspects of the regulation of the airport to the residents, the community and the nation. All of a sudden, the regulations were changed and the curfew arrangements altered because a 747 had a brake problem.

I know that is probably a relatively small thing, but it demonstrates the capacity for change—and the government had not even changed. Never mind this business about binding future governments, they made changes to the regulations within the period that they were in government. So for anybody to say in relation to this most important piece of infrastructure, 'Trust us, everything will be all right; don't worry about it, it's all going to be okay,' is an insult to the intelligence of not only country people but people generally. The government cannot guarantee the existence of services to anyone, particularly under a fully privatised operation where government is essentially removed from the process. The member for Calare said it was through the political involvement of members of all sides of parliament that we have been able to garner some improvements. If it had been left up to Telstra itself, a lot of the improvements that we have seen through Telstra Country Wide would not have been achieved.

I would also like to congratulate the President and the members of the New South Wales Farmers Association. They are leading a charge, and they are demonstrating what country people actually believe. Mal Peters—who happens to be the brother of Ian Peters, whom I complimented a moment ago—needs particular congratulations. He has been subjected to enormous political pressure, and he is one person who, on behalf of an organisation, is out there actually listening to what people are saying. I wish the National Farmers Federation would upgrade their rather lame objections to the progress of this issue as well.

There are a number of other issues. Parliamentary representation is supposed to be about representing the community's view through the parliamentary processes into the legislative process. There have been a number of surveys done on the sale of Telstra. Some of those have been criticised. I know the member for Calare has done one; I have done two. The member for Kennedy, a Labor member from Victoria who is not with us any more—I cannot think of his name or the name of the seat—Queensland National Party member De-Anne Kelly and the Democrats have all done surveys. I remember De-Anne Kelly, the member for Dawson, in this chamber one day talking about her survey. She castigated everybody else's surveys as being false and said she had done her own survey of 27,000 people—or some enormous number—within her electorate. I interjected and said, 'What did they say about the sale?'

She admitted in the parliament that over 80 per cent of her constituents said no to the sale. Two days later, this member of the National Party, De-Anne Kelly, the member for Dawson, voted for the sale of Telstra. So there is a basic breakdown in the representational system.

John Anderson can run around, as he has done in recent days, saying, 'We've been re-elected to government on a number of occasions with the sale of Telstra in that platform.' Go and listen to what people are saying out there. Over 90 per cent of people in the electorate of New England have said on two occasions they do not want it sold. There are similar numbers in other Labor and Liberal electorates. Alby Schultz, the member for Hume—a member of the government—showed great courage in this place to actually say what his constituents believe. That is what political representation is supposed to be about. I know there are others within the government who are uncomfortable. I hope that some of the members of the Senate, particularly the Queensland Nationals—who seem, depending on which day of the week it is, to be showing some spine in relation to this issue—demonstrate that spine.

I offer some advice to Barnaby Joyce. He is in the building today for the announcement of the Page Institute's investigation into the future of Telstra. If that institute is working well, we should hear this afternoon that the Queensland Nationals—Terry Bolger, Barnaby Joyce, Ron Boswell and others—will be against the sale of Telstra. The Page Institute is named after that great Australian, Earle Page. In my view, he would be turning in his grave if he even contemplated the pieces of legislation this House is going to be dealing with about the sale of the most important piece of infrastructure for country people this century. His whole being was about the provision of infrastructure for country people. I know well his grandson Don, who is a member of the New South Wales parliament. The New South Wales Nationals are opposed to this legislation. It is about time the federal National Party started to listen to what their constituents say. A lot has been said about the nebulous phrase 'up to scratch', which means nothing. No-one can define it. The Prime Minister cannot define it, the minister cannot define it and even the man who said it, Ron Boswell, cannot define it.

This is going to be a 'line in the sand' issue for country people. If the National Party believe they can just do this, tread water through to the next election and get in again on the back of the Liberal Party, I have news for them. This is the critical issue for country people this century. This is the one issue where, if country people get equity of access to modern technology at comparable costs and have the capacity to influence the new advances in modern technology into the future, they will be able to reverse the trend and negate the disadvantage of distance.

Some people suggest that Telstra has to be sold—that you have to leave it up to the market and competition will solve the problem. I have heard the Prime Minister and the Treasurer a couple of times talking about relaxing the foreign ownership rules. If we are looking at this telco as being a global player, as Senator Nick Minchin keeps saying, with the growth in China why would a fully privatised and partly foreign owned Telstra be concerned about delivering new communications services to the people of Warialda or Woop Woop? The market will determine whether the mobile phone market in China or somewhere else in the world is where the bottom line is, where the profit will be made and where the shareholders will be better serviced. Why would you provide services which do not even exist yet to country people in Lightning Ridge when there is no profit there?

It is an insult to people's intelligence to say to them, 'It'll be right.' When you are dealing with an institution which will be the biggest business in Australia and which will probably be partly owned by media conglomerates and international media outlets, it is absurd to suggest that the Prime Minister of the day will, as he did the other day, say to Telstra, 'You will provide services to Lifeline.' As if the Prime Minister of the day is going to stand up and say, 'Mrs Smith of Lightning Ridge needs this new satellite driven form of technology which doesn't even exist yet, and you will provide it'! Who are we kidding if we even think that that is the way it is going to work. The government brings this legislation into the parliament today with all these mealy-mouthed words about a review every five years and 'the government must report to the public'. What does that mean?

Mr Murphy—Nothing.

Mr WINDSOR—It does not mean anything in delivering the many new services which we do not even know exist at this stage. There has been talk about operational separation. We will have to keep an eye on the Page Institute. I hope that they are not muddying the waters with a red herring of a slight improvement coming out of this. I hope they do not try to show they are doing the right thing by country people by arguing that, for a few shillings now, they can all have a new road and the rest of the century will be okay. There has been a lot of talk about operational separation. I hope the National Party in Queensland stand up—I would be very supportive of that because the New South Wales Nationals have absolutely no spine at all on this issue—because, if they do not, there will be some operational separation of a political nature taking place over the next few years in country Australia.

As the member for Calare said, country people do not want a variation on the theme that will come out of the Page Institute. They do not want some future-proofed, up-to-scratch variation with option 3 attached to it. They do not want Telstra sold. They know not only that this is the most important piece of infrastructure this century but also that, because a lot of the service delivery is not going to be profitable compared to the Chinese mobile phone market or the Sydney phone market, you need political involvement at a political level in this House and not bits of paper. They do not want a review every five years in which the government puts out a document that says it has listened to them and that all the members of the review committee will be independent. That is an absolute insult to country people. I call on country people to stand up on this issue. You can reverse this. You can provide a medical miracle and invent a spine for some within the National Party—particularly the Queenslanders. I believe we can stop the sale. To all country people out there I say: stand up on this issue; this is very important for future generations of country Australians.

Mr MURPHY (Lowe) (11.59 p.m.)—I would like to congratulate both the member for New England and the member for Calare for their contribution to this debate on the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005. They have made some erudite and pertinent comments. As a boy from Dunedoo myself, I know something about living in the country because that is where I grew up. It is little wonder that people are abandoning the National Party, because they do not represent people in the bush. They certainly do not represent the people of Dunedoo or the people who live in Orange, Bathurst, Tamworth or Gunnedah, whom the members for Calare and New England represent. I was interested to note the member for New England's

comments about Earle Page. He is right: he would be turning in his grave today, as would, I dare say, Black Jack McEwen, who actually had a bit of guts and stood up to the senior coalition partner. He would be doing catherine-wheels in his grave, because quite plainly The Nationals are irrelevant. There is testament to that here today. You only have to look at the chamber to see just that, because we have not only the member for New England and the member for Calare but also the member for Kennedy representing what would otherwise be largely National Party constituencies. Those people have the good sense—like the people of Dunedoo, where I come from—to know that The Nationals are just bloody hopeless, do not represent them nor stand up to the senior partner in the coalition, the Liberal Party.

The complaints in relation to Telstra that have been chronicled in this debate are legion because day in and day out, not only in this House but in the media, members of the National Party are making statements on what they are doing to get an improved service for people who live in the bush. But, of course, when they come here they do something different. I am sure that, when the full privatisation legislation is introduced into this House, they will abandon their principles, they will abandon the people they represent and they will be the first to put their hands up and vote for this legislation. They will not do what the member for New England has just called on them to do to stand up for their constituencies, so this is outrageous. I was very pleased to hear the member for New England discussing the analogy of the full privatisation of Sydney airport.

Mr John Cobb interjecting—

Mr MURPHY—The Parliamentary Secretary to the Minister for Transport and Regional Services interrupts me. I know quite a lot about the full privatisation of Sydney airport and I know quite a bit about the government's communications policy agenda, which is being manipulated by our biggest commercial media proprietors in this country. I will come to that later because it is relevant to this debate. In relation to the privatisation of Sydney airport, for the benefit of the parliamentary secretary, in the coalition's aviation policy in 1996 when the planes were roaring over the electorate of Lowe the coalition promised that they would not sell Sydney airport until the noise problems had been fixed. The member for New England knows that, as do the electors of Lowe who elected me to federal parliament in 1998 on that issue. We were promised that we would get fair noise sharing and we were told that under the long-term operating plan for Sydney airport we would get 17 per cent air traffic movements to the north of Sydney airport.

Mr Windsor—You were guaranteed that. It was to be in the regulations.

Mr MURPHY—We were guaranteed that and that the government would not privatise Sydney airport until there was fair noise sharing, as the member for New England correctly interjects. And we were going to be given a second airport. As I have said in this chamber numerous times, Sydney airport operates very well as a shopping centre and a car park. It is making an enormous amount of money, and yesterday you saw the beaming smile of Max 'the Axe' Moore-Wilton, the former head of the Prime Minister's department, who was there with the senior executive of Singapore Airlines championing the new A380 Airbus. Those airbuses are going to be roaring over my electorate and the member for Grayndler's electorate in the inner west of Sydney day in and day out, creating more noise—and presenting the environmental risks that large aircraft flying over a densely populated city create—in a complete triumph for the government and

abandonment of the people who expected that the government would do something about aircraft noise.

That is no different from this debate today, because the government are really responding to the agenda of the people who have a vested interest in getting their own way at the expense of the public interest. The government are quite clearly allergic to the public interest and, as I said earlier, Black Jack McEwen would be doing catherine-wheels in his grave today because the National Party are not standing up for the people who elected them to represent them here. For the benefit of the member for New England, I asked Minister Truss, who was in the chamber earlier today, when that report would be released by the Page Research Centre and he said it was going to be at 12 o'clock. So by the time we finish this debate we might be able to find what The Nationals are going to do.

Mr Windsor—We'll see if they are listening.

Mr MURPHY—Yes, we will see if they are listening. As you have said, there will be a lot of mealy-mouthed comments by those members of the National Party who will say, 'This is what we're going to achieve,' but you can be sure, just as the sun will rise tomorrow, that when the full privatisation of Telstra legislation comes into this chamber they will support it, they will vote for it and they will abandon the people they represent because, quite plainly, they are not interested in it—just as they will equally support the government's agenda to change our cross-media ownership laws. It is an absolute joke. Who is really running this country of Australia at the moment? Certainly not the government in relation to media and communications reform in this country.

Mr John Cobb interjecting—

Mr MURPHY—You are right, Parliamentary Secretary: I am not running it, but are you going to stand up to Kerry Packer and Rupert Murdoch when the Broadcasting Services Amendment (Media Ownership) Bill comes back into this chamber after 1 July? That will concentrate traditional media in this country to such an extent that it will threaten the public interest and the future of our democracy. Are you going to vote against it? Of course you will not. You will support it. It does not matter what side of politics you are on: it is not in the interests of the future of this country to concentrate media ownership. The role of the media is critical in a democracy, as is my right to stand here today and represent the people, just as the member for New England, the member for Calare, the member for Lingiari and the member for Ballarat did earlier today in debates in this House. That is what people expect us to do; they elect us to come here and represent them.

But in relation to media policy in Australia, this government are just servile agents and they do exactly what the minders of the two biggest media moguls in Australia ask. It is absolutely scandalous that we cannot get a fourth free-to-air television network after the moratorium concludes at the end of 2006. Wouldn't it be a good thing for news, information and diversity of opinion to have an additional commercial television network in Australia? But we will not get it because the biggest media proprietors do not want any further competition.

I encouraged John Singleton, who wants to buy a licence for a 100 per cent Australian content free-to-air television network, not to give up the faith. I was alarmed the other day when I read a report in the *Australian Financial Review* and I was moved to write a letter—fortunately it was published—to encourage Mr Singleton to take on the biggest media players in this country. That would be

in the public interest and would be good for our democracy.

Mr Windsor—They are anti competition!

Mr MURPHY—That is right, and I am glad you raised that. The member for New England had better stay here for the debate and give me a few prompts.

Honourable member interjecting—

Mr MURPHY—I do not need prompts because it is a bloody disgrace.

The DEPUTY SPEAKER (Mr Wilkie)—Order!

Mr MURPHY—'Bloody' is in the Bible, in the book, and I feel very strongly about this issue. This Howard government is going to slaughter our democracy by the full privatisation of Telstra—and the opportunities that that creates for anyone who is into media ownership in Australia—and by what it is doing to traditional media. That is the real agenda of the government. So much for the new age technology that Senator Alston used to talk about: 'We have to change our media laws because we are living in the Stone Age.' The reality is that in the mornings people listen to radio stations, read newspapers and watch free-to-air television broadcasts. That is where they get their news and information and that, in the main, is what influences how they think and how they vote.

Yes, a lot of us get news and information from other sources but overwhelmingly, at this point, most people rely on traditional media. That is why the government defeated that very sensible amendment that was moved by Senator Harradine, which would have allowed a freeing-up of the media ownership laws in Australia. That did not suit the media proprietors because they could not own television stations and newspapers in the one major market.

I am gravely concerned that reports that I have been reading in the newspapers and elsewhere suggest that, when the bill comes back after it has been recast, media proprietors will be able to own three out of three—that is, they will be able to own radio stations, television stations and newspapers. And that is very alarming. Let me say, for the benefit of the parliamentary secretary, that I put a question to the then Minister for Communications, Information Technology and the Arts, Daryl Williams, on 1 June last year. I asked:

> Can he indicate whether he is now prepared to accept the amendment to the Broadcasting Services Amendment (Media Ownership) Bill 2002 moved by Senator Harradine in the Senate last year that would prohibit a media proprietor from owning both a television network and a newspaper in mainland capital cities of Australia ....

What a triumph of sophistry I received in the response from Mr Williams! He said:

> The Government has rejected Senator Harradine's amendment ... Excluding newspaper and television combinations in the metropolitan markets would deny companies the benefits of cross-media reform in the very markets where the range of voices is greatest.
>
> Denying Australian media proprietors the opportunity to achieve cross-media efficiencies in the two largest media sectors will inhibit their ability to be competitive on an international stage and to invest in foreign markets. This is particularly the case when countries such as the United Kingdom and the United States are amending or repealing their cross-media laws, giving their domestic firms a significant comparative advantage.
>
> The amendment would also prohibit our largest media groups from responding to the overseas entrants into the Australian media market that would accompany the removal of the foreign investment limits proposed in the Bill.
>
> The amendment would also have the effect of preventing companies that own a television station from establishing a new newspaper in the same market, including, for example, a second newspaper in one of the smaller metropolitan capitals.

Notice that they did not talk about the establishment of new newspapers in the major capital cities, because that is the real agenda. It is scandalous that the minister did not answer my question, so I put a follow-up question on the *Notice Paper* on 17 November last year, as soon as parliament resumed. I said to the new minister, Minister Coonan:

> ... can the Minister explain why it is desirable to allow further concentration of media ownership in Australia by Australia's two principal media proprietors owning both newspapers and television stations in Australia's metropolitan markets.

I received yet another dishonest response, which is consistent with the government's media and communications policy. It said:

> The Government is committed to reforming Australia's media ownership laws, while protecting the public interest in a diverse and vibrant media sector. The Government's previous media ownership reform bill lapsed following the calling of the election. The Government now has a further opportunity to consider its approach to media ownership reform, and as part of this process it will be consulting with stakeholders about the best means of implementing its commitment.

If, as it says in the first sentence of that reply, the government is 'committed to reforming Australia's media ownership laws, while protecting the public interest in a diverse and vibrant media sector,' why will it not allow a further free-to-air television network in this country after 2006? Why did it not accept the Harradine amendment which would have stopped, for example, Mr Packer buying Fairfax and Mr Murdoch buying a free-to-air television network? These are very serious issues and very little is being said about them. As I have said many times, I am going to keep speaking out about them.

We know what is going on behind the scenes at the moment. There have been numerous reports, and I follow this issue very closely. Graeme Samuel, the head of the ACCC, is looking at the future of our media ownership laws because there is a conspiracy of silence going on at the moment. Why? Because the government have actually said they will go back to the big media moguls and say, 'You work out what you want, and we'll give it to you, but you've got to come to some agreement.' So much for democracy! As I said, who is running the country in Australia? It is certainly not the Howard government when it comes to media policy; it is the big media moguls. I was astounded to read an editorial in the *Weekend Australian* last Saturday in which they actually lectured the government. It said:

> Competition policy is where the Government's conflict of interest is most acute.

This was an editorial entitled 'Dial-a-debate on Telstra,' which is the subject of the bill today. I think they have a hide in lecturing the government about its conflict of interest in relation to Telstra when clearly they have an interest themselves in the full privatisation of Telstra and the changes that have been foreshadowed to the foreign ownership and cross-media ownership laws in Australia. These are very serious issues and after 1 July, when the government has control of the Senate, the government can ram this through and slaughter our democracy. I cannot stand mute and not say how horrendous this is for the future of our democracy.

With the winds of time, media proprietors change their views and get behind political parties, and that is their right. I have no problem with that. But I was just staggered during the debate on the Iraq war that every News Ltd paper in North America, Australia and the United Kingdom had uniform editorial support for the war in Iraq. There were hundreds of thousands of people who marched in the streets of Sydney in February before the war started more than two years ago, and I cannot believe that not one of the editors in Mr Murdoch's stable thought that our involvement in that war was not the right

thing. Yet, human nature being human nature, because he who pays the piper calls the tune, no-one took on the big boss. That is why I am so concerned about the future of our media laws and the determination by the Howard government to crush our democracy and allow our most powerful media proprietors to own more of the media. It is not in the public interest. All that is against the background where the public broadcaster is not getting one additional dollar in its triennial funding.

People are very, very concerned about this issue. They are certainly concerned about it in my electorate of Lowe. Just imagine if a media proprietor owned all the newspapers, a free-to-air television network and, say, 2UE and 2GB in Sydney. That is what they are talking about at the moment. This is a serious threat to the public interest and the future of our democracy. I do not care who is listening to this debate or what their politics are—that cannot be good for the future of Australia, just as it cannot be good for the people of Dunedoo and the people in the bush whom the members for Kennedy and New England represent to flog off Telstra without looking after the people in the bush and giving them a good service. *(Time expired)*

The DEPUTY SPEAKER (Mr Wilkie)—Before I put the question, I remind the honourable member for Lowe that he needs to make his remarks relevant to the bill he is addressing. He did stray quite considerably during his speech.

Mr KATTER (Kennedy) (12.19 p.m.)—I was called a national disgrace by the last Minister for Communications, Information Technology and the Arts for having said that people will die if Telstra is privatised. It was no consolation or joy to me when some four or five months after that occurred there was a terrible case in rural Victoria. Whether or not the death of that young boy was a result of the lack of service, we will never know. People arguing against the sale of Telstra would say it is proof that the system is already not working, but the point is that that terrible case put enormous pressure on the government to act—and there will be no use in putting any pressure on the government when Telstra is privatised and out of their hands.

The National Party have made a lot of noise about this issue and the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005, but what they do not realise is that they are digging themselves a deeper grave. What they do not understand is that, when they create expectations out there and then do not fulfil them, they will find that their grave is a lot deeper than it would have been had they just kept their mouths shut, bent the knee and gone along with their masters.

The member for Parkes may well smile, but I will ensure when I visit his electorate that the people there know, after Telstra has been privatised and when they cannot get services, that he thought it was funny. People out there are deprived of services and without them they could actually die, and the member for Parkes thinks it is something we should laugh about it in here! The Nationals have lost a quarter of their party because of people like him who think it is funny to take away services from the bush. They have lost a quarter of their party and they have not learnt a damn thing. Like the Bourbons of old, they have learnt nothing and they are going to produce nothing also.

If I speak with some anger it is because three days ago I was speaking with the Mayor of the Croydon Shire Council, Corrie Pickering, and the Mayor of the Carpentaria Shire Council, Ashley Gallagher. Croydon is maybe the tiniest shire in Australia and a place where I was a ratepayer; we had a cattle station up there. I am very friendly with

Corrie Pickering. I gave the panegyric at the death of the former shire chairman who was her brother-in-law. I am also very close to Ashley. Both of them have said repeatedly that when the last cyclone occurred up there—and this gentleman over here, the member for Parkes, thinks this is a matter for humour and for laughing—nearly one in two of the station properties in the Gulf Country had no services. They had no services because under partial privatisation we had gone from having six technicians up there to having two technicians covering an area the size of Victoria. The poor beggars could not get around and fix the fault that occurred with the solar systems that had been put in. This is very serious in the gulf.

We got a loan of a couple of horses from Ashley Gallagher and had a bit of a wander around—Mark Vaile was up there in the Gulf Country that day, to give him his due, and we were both on horses. I said to Ashley, 'Lucky it wasn't 1975,' and he said it was lucky because they had no means of communication. Because they had the satellite telephone service they had done away with their RFDS radio, as we all had. We had the satellite telephone so we thought we did not need the RFDS radio anymore and we had returned those radios, our only form of communication with the outside world. But his homestead went totally under water in the flood in 1975—the roof and everything was under water. There were numerous other stations that were in exactly that situation, so it was literally a matter of life and death.

Corrie exploded with rage on national television and radio, and Ashley Gallagher did, because we have just seen Cyclone Ingrid go right across—in this case, north of those areas—and there will be no services there. We are currently in a position to put pressure on Telstra. If you think that members of parliament or even governments are going to be able to pressure an independent body the size of Telstra, then you believe in the tooth fairy. If the member for Parkes seriously wants to put that proposition, let it go back to his own party. When the central council of the National Party met in Longreach, every one of the state members—including Lawrence Springborg, who is now the leader of the National Party in Queensland, in the state house—fought like a tiger to oppose the sale of Telstra. The vote was about 94 to seven. The seven were the members of parliament from here and their friends and flunkies who were sitting around them. Roger Kelly, De-Anne Kelly's husband, got up and spoke passionately against the sale of Telstra, and De-Anne Kelly at that stage said, in the middle of the election campaign, that she would never vote for the sale of Telstra. Well, 94 to seven!

The treatment by the party's representatives in this place has been so contemptuous that within two weeks the senator from Queensland was down here telling us about all the lollipops we were going to get if we sold Telstra. To quote Donny McDonald, the federal president's sister-in-law who was at the big meeting with Ziggy Switkowski, the honourable senator from Queensland went to hospital with a stress attack from the meeting in Cloncurry. But she was the first one who got up at the meeting and she said: 'You've told us all the good things we're going to get when we sell this. Would you like to outline what we're going to lose?' Well, what you are going to lose is your communication with the rest of the world. In our day and age, how you can work without a computer I do not know—I am trying it but I am not being very successful, I can assure you. And to be without a telephone is literally a matter of life and death for the people I represent. But I also represent the outlying suburbs of Townsville—at Thuringowa—and, quite frankly, those suburbs are not going to be treated any differently. It took me three years

to get charges to be the same for the people of the northern beaches area of Townsville when they rang Townsville, just 10 kilometres away—they were paying trunk line charges. But I got it. And I got it because it is a government instrumentality at the present moment.

It would appear to me that universal service obligations are being removed. I thought the government and this sneering, jeering fellow, sneering and jeering at my defence of the country people of Australia, would earn his pay by getting put into this document a guarantee of universal service obligations. But it would appear that just the opposite has occurred. It would appear that the minister is going to abrogate that responsibility to some tribunal, and you can rest assured that that tribunal will be loaded down with the friends of Telstra and with the friends of Optus. You can be absolutely certain of that. It would appear to me that the minister is going to abrogate responsibilities to provide universal service obligations to the Australian Communications Authority. The word is 'may': the minister 'may' intervene. I do not know how the minister intervenes; she has no powers to intervene with the operations of a private corporation.

Universal service obligations exist now, right at this very moment. But remember the COT cases? There will be a lot of people here familiar with those. They got nationwide publicity over a period of about 10 years, and the first thing Ziggy Switkowski did when he got in the saddle was pay them all out, for a figure that is reputed to be $32 million, to shut them up. When I was in the party there were a few people who had the guts to stand up in the party room and say, 'Don't talk to us about universal service obligations,' because in the northern suburbs of Melbourne—not in the bush—and in Fortitude Valley, right in the centre of Brisbane, the universal service obligations were treated with absolute contempt. Some 50 or 60 businesspeople went bankrupt as a result of the lies that were being told to them and the complete disregard of the universal service obligations.

For the information of the leering, jeering parliamentary secretary, or whoever it is who is running the House at the moment—the member for Parkes—as far as the universal service obligations are concerned you can pass all the laws you like in this place but as a member of parliament I hear hundreds of times a week in my office about the laws being treated with contempt. The laws are only useful if someone is prepared to back them up. It would be a very brave government indeed that would take on a corporation the size of Telstra. If you say to me with a straight face that Mary Murgatroyd in Julia Creek, whose phone breaks down is going to get the phone fixed straight away by Telstra then you really think we are a lot dumber than we are. We might look dumb, we might act dumb at times, but we are not dumb enough to think that that is going to occur. Do you seriously think they are going to put a technician in an aeroplane in Townsville and fly him out to Julia Creek to fix Mary Murgatroyd's telephone when it breaks down? Of course they are not.

What happens—I have had numerous cases, and any member of parliament worth paying would have had similar cases—is that Telstra says, 'Your phone's working.' You say your phone is not working, but Telstra says it is working. Who is the tribunal going to believe—the expert, Telstra, or Mary Murgatroyd in Julia Creek? We all know who is going to be believed: the one with the technical expertise and knowledge. People who have been in politics for a long time know that a law is not worth the paper it is written on. It is really about whether the government is going to enforce the law. That is where this is at. It appears to me that the

government are not even going to put up that facade of illusion. It appears to me that they are going to abrogate their responsibilities to this Australian Communications Authority. In my experience, when you set up an authority you set up experts in that field. The experts in that field would all be employees of, consultants to, or otherwise getting their work from, Telstra and Optus. They will have the biggest of vested interests in serving the interests of those two giant corporations.

I have heard many arguments and some of them were from people who, in other circumstances, may be regarded as sensible people. Point 1: they simply do not understand that a law is only as good as its enforceability. Point 2: it would appear from this document that the government is not even going to provide the universal service obligations. When I was in the National Party I worked very hard on a back-up position that we split away the service and maintenance for at least the bush—the country or rural areas of Australia. That is a very serious scenario which, I have to be honest and say, some people in the National Party at the present moment have tried to achieve. But Nick Minchin just came out, on the front of the *Financial Review* last week, and banged that on the head with a hammer and said: 'No, we're not going to do that. To split part of it away would be to damage the institution as a whole.' I have to admit that there is some truth in what the minister has said. But I think the more overriding consideration, Minister Minchin, may be the service to the people of Australia and ensuring that that service continues.

In Queensland we passed emergency services legislation which was very difficult for some of us because we believed in the principle of collective bargaining and the unionists' right to collectively bargain. But when people's lives are at stake, when their electricity breaks down, people will die. There were three deaths in Brisbane that were the result of the strike that occurred then in the confrontation with the Queensland government and we had to pass emergency services legislation.

There is nothing more important than telecommunications. There is case after case actually attacking the Flying Doctor Service, unbelievably enough—cases where people rang up the Flying Doctor Service and said: 'Please will you come out because we've got a person here who's had a serious accident. Please come out,' and they did not come out. I would defend the Flying Doctor Service in all bar one of those cases. But the point of the story is that the people rang up in each of those cases. If the plane had come out straight away, there was a good chance that the person who died would not have died.

Let me quote one case. In the Saxby rodeo case, a bloke in the rodeo gets a kick in the head. The next day he has a bad headache and it gets worse. Someone rings up for him and the RFDS says: 'You've got a headache. We can't fly 1,000 kilometres every time a person has a headache. Take a couple of aspirins, ring us back.' They did ring back to say he was considerably worse. The doctor decided he had better fly out. They ring back again to say, 'It's really serious, you're going to have to fly out.' The doctor said: 'Yes, we're organising it now. We're on our way.' Then it teemed rain, he could not land and the bloke died. That was a case where he would have survived. I stridently defend the Flying Doctor Service—you cannot afford a service that flies every time a person gets a headache. But they had a telephone. If it had not rained, the Flying Doctor would have landed and that person's life would have been saved. But if they did not have a telephone that person most certainly was going to be condemned to death. That is what is going to happen to us.

There is another element here. We owned a station property right up in the middle of nowhere in the Gulf Country. We saw four or five changes of technology. When we went there, there was a copper wire that carried the telephone up to our area. It did not carry it as far as our station but some of our neighbours were on the copper wire—the party line as it was called. They were serviced that way. Then we changed to the DRCS, which we were not on, but a number of our neighbours were on the DRCS. Then we switched to satellite and we were one of the ones that went onto the satellite. Now the DRCS is being replaced by HCC—I think that is what it is called—so that is four changes of technology in the space of 12 years.

It was a matter of the government saying to Telstra: 'Here is the regulation; you will provide that service. We appoint the board at Telstra; you will provide that service.' When you say you have a corporation at arm's length, they are at arm's length now. They are not at arm's length whilst the government appoints the board or the majority of the board, as is the situation at the present moment. I was the head of the electricity industry in Queensland and I had a number of public servants say to me: 'We are at arm's length; you cannot direct us.' So I dictated to my secretary a proposal that we change the board, and suddenly they found out that they could do the things that they were telling me they could not do. That is the real world and that is how the real world works. Once you take away the government's right to appoint members to that board then you will find that this institution is totally unreactive to government pressure. They can treat it with defiance and they will treat it with contempt and defiance. We have seen that in the case of Coles and Woolworths in the marketplace in Australia where cattlemen now have only two people to sell beef to in Australia.

To conclude on this issue, I think that Kay Hull is very courageous and so is Alby Schultz. Kay Hull moved a proposition here that is the law of Australia. If you want to take over a corporation or sell it off in toto, then you have to stand in the marketplace and ask for a majority of shareholders to vote that the corporation be sold. That is the law of the land. The government are treating their own laws with absolute contempt. What Kay Hull did—and I was still laughing a month afterwards—was to say, 'Enforce the law of the land.' The majority of the shareholders have a say when there is a takeover on, and when the board decides to sell the corporation there must be a vote by the majority of shareholders. That would be reasonable, surely. *(Time expired)*

Mr SNOWDON (Lingiari) (12.39 p.m.)—Firstly, let me acknowledge the interesting contribution from the member for Kennedy. Whilst I can identify and support much of what he said, I am not sure that I agree with all of the sentiments that he expressed towards our colleague here the member for Parkes. I will say to the member for Parkes, though, that he has a problem. Good comrade that he is, the member for Parkes has got a problem. You cannot walk both sides of the street, and that is what the National Party are intending to do and trying to do.

I have in front of me, as it happens, a document titled *Future proofing telecommunications in non-metropolitan Australia*, a position paper from the Page Research Centre Ltd, which I understand was launched today at midday. I have not had time to read it all but I just want to note who wrote this paper. The Page Research Centre is an organisation run by the National Party. The Telecommunications Advisory Group was Senator elect Fiona Nash as chair, Senator elect Barnaby Joyce as deputy chair and Mr Troy Whitford as secretary. If I were the Na-

tional Party I would be thinking about reading this document before I supported this piece of legislation, if for no other reason than to satisfy myself that those people who are responsible for authoring this document and who have a responsibility as the Telecommunications Advisory Group for the National Party in terms of this Page inquiry know what they are talking about. You should read this document to get some agreement amongst yourselves about what it is you are prepared to support or not support. The fact is—as the member for Kennedy so eloquently put it, though some might say 'eloquently' is stretching it—there is no case for the bush to accept the possibility of the full sale of Telstra.

I live in a remote part of Australia. All of the Northern Territory—except Darwin—and Christmas and Cocos islands are my electorate. I have described time and time again in this place the difficulties that electors and citizens in the seat of Lingiari confront when dealing with the issue of telecommunications. This happens whether or not you are a resident in Alice Springs, which is the largest town—not large by Sydney standards; it has only 28,000 people so it is not a big town—and you would think that in an environment where the government is proposing to sell off Telstra there would be no questions about service standards or access to services by the people of Alice Springs. Yet there are. The reason there are questions about the service standards of Alice Springs is that the infrastructure is simply not up to scratch. I have got ADSL in my house but people within a kilometre cannot get it. You have to ask the question: if things are so hunky-dory, why would people in Alice Springs be having difficulty getting access to decent telecommunications infrastructure, the most modern telecommunications infrastructure?

It is worth looking at this document from the Page Research Centre—not that I would be acknowledging necessarily my support for this document. They try to give a definition of the word 'parity', emphasising the importance of parity between metropolitan and non-metropolitan communities. They define 'parity' as: carrying the sense of an equivalent ability to complete telecommunication tasks at equivalent cost. I would add: at equivalent speed with access to bandwidth of equivalent size—all of the things that make living in Canberra so comfortable.

You do not have to worry if you live in Canberra—no problem—but if you live in Alice Springs you have a problem and, worse, if you live on a cattle station in the Gulf Country you have a problem; you might have to wait weeks for service. I recall in one instance people on Amungee Mungee station had to wait three weeks to get someone to come and fix the phone. Then there is the community of Palumpa, where there is not enough infrastructure to meet the demand for telephone services because it has been undercapitalised in the first instance. It takes four weeks to get a phone on. You have to ask yourself: why is it that these people—in this case, a remote Aboriginal community—have to confront these sorts of difficulties?

Then, of course, there are the situations that occur often throughout the north of Australia where the telecommunications fall over for whatever reason. Someone might put a backhoe through a cable or there might be electrical faults—a range of things could happen. But what we know is that the Telstra technical staff, as efficient and as good as they are, are totally under-resourced and far too often services go down for long periods of time and people are disadvantaged. As the member for Kennedy said, ultimately this could potentially be critical for someone. It could be a life and death matter. It is certainly the case that across the Northern Territory, and across other parts of remote Australia as well, people are at risk because of their

lack of access to telecommunication services.

You cannot, and I do not, lay any blame at the feet of Telstra Country Wide staff in the Top End—none at all, quite the opposite. Danny Honan and his crew and the technicians and staff who look after Telstra Country Wide in the Top End do a stupendous job. They try and do what they can to fix the faults as they arise, and they have very innovative thoughts about how to deliver new communications, but they are compelled by dint of the responsibilities they are given by the Telstra board—a matter which I have raised here previously. They work within a budgetary framework which is insufficient to meet the demand for their services. That is the bottom line, and you are expecting us to believe that somehow or another this future-proofing exercise will guarantee that people who live in the bush will have the same standard of service as other Australians. You propose to review it every five years with no compulsion upon the government to put in place some process to establish that things are below par if they come up with some assessment during the five-year period. You are going to go back to government at budget time and the government are going to say, 'We will be happy to give you $100 million, $200 million, $300 million or half a billion—whatever it is going to cost.'

Just think how rapidly technology has been changing. New technologies are emerging all the time. We know what will happen if we pursue this course of the full sale of Telstra: if you live in Sydney, Melbourne, Canberra or the major metropolitan areas, or even along the eastern seaboard up to Townsville and no doubt in the member for Hinkler's electorate, you will be okay. You will be fine. But if you live in an isolated community like the member for Kennedy's electorate or, dare I say, the member for Parkes' electorate or my electorate or the member for Grey's electorate or the member for Kalgoorlie's electorate, forget it. Just take a deep breath and say, 'Um.' You will have better luck transmitting a message to the wider world doing that than you will through the new telecommunications infrastructure, because it will not be there. And whose responsibility will that be? It will be the National Party's responsibility for rolling over to the government on the full sale of Telstra. The absurdity of these future-proofing arrangements! You cannot be serious. You want us—that is, the Australian community—to believe that, through a process yet to really be defined, you are going to come up and review telecommunications and make sure everyone has access. No-one is fooled and no-one believes you.

The member for Kennedy talked about universal service obligations. It is worth looking at recommendation 5 of the Page report:

> The Federal Government must ensure that telecommunications legislation continues to include the Universal Service Obligation.

Recommendation 6 states:

> With such discrepancy between the amounts, the Page Research Centre recommends that before any sale of Telstra an independent audit be conducted to ascertain the exact cost of the USO and a further study into what benefits management of the USO may afford the telecommunications supplier.

Do you think you will have that done before July? I do not think so. You cannot be serious.

The DEPUTY SPEAKER (Mr Baldwin)—I remind the member for Lingiari to address his remarks through the chair.

Mr SNOWDON—It is a general remark not made to a particular 'you'. I can make the remark generally and I am. You cannot have us believe that you are deadly serious about this process. As a collective group—as

a bunch of people sitting together in the party room—the Deputy Prime Minister trots in and says: 'I've got bad news for you, fellas. We're rolling over yet again.' What do you say to him? You say: 'Okay, John. Whatever you say, leader. We'll do that for you. It's in the good of the country. Bad luck for our constituents. Bad luck for people who live in remote Australia. They can just forget it.' Future proofing!

I think the coalition ought to start thinking about future proofing their own electorates. We are going to have a process put in place under this piece of legislation where a body will be established—that is, the Regional Telecommunications Independent Review Committee—and the qualifications for membership of that committee will be that they must have a knowledge of or experience in matters affecting regional Australia and/or telecommunications—that is, they will be National Party members. The chair and the majority of members of the committee must not be officers of Telstra—that is good—a Telstra subsidiary or certain officers of the Commonwealth. What about Optus or any other telecommunications carrier? That is okay, is it?

Members are appointed by written instrument for a specified term. By whom? Of course, the minister. So what do we have here? A group of sympathetic National Party flunkeys advising the government as part of the so-called independent review committee. You think that is going to wash, do you? It is not some independent statutory body. No way, Jose. It will be a hand-picked team of flunkeys to give the government what it wants.

The Australian community expect better of this government, and I know that people in remote Australia, certainly in my electorate, are not going to be fooled by it. I cannot imagine how any National Party member, or Liberal member for that matter, who comes from a regional seat could accept that somehow or another this will be grabbed with glee by the electorate. Of course there is the other side of it. It might be that this little exercise sets up another little rort. It will be a situation of: 'We've got to address a problem over here. What'll we do? We'll just pump some money into it. It won't matter whether or not it is judged on the basis of need. We have a loud voice—the member of Parkes—who's got a problem with telecommunications infrastructure. Pour the dough in. What does it mean about universal service standards? Oh, there won't be any! Why won't there be any? Because they're not all National Party electorates.' If you happen to be sitting in my seat—the member for Lingiari, a Labor member of parliament—the attitude will be: 'Oh, don't touch his electorate. Can't have telecommunications in his electorate.' This is the new regime. How hideous. The RTIRC is to conduct reviews on the adequacy of telecommunications services in regional Australia.

Mr John Cobb interjecting—

Ms King interjecting—

The DEPUTY SPEAKER—Order! The member deserves to be heard in silence.

Mr SNOWDON—I am happy that they keep talking.

The DEPUTY SPEAKER—I am not, member for Lingiari.

Mr SNOWDON—Again, you must think we are all fools. I guess it is a judgment you have to make, but I know that the people in my electorate are not fools. They show great sense and are greatly aware of what they should be having access to. When we hear the National Party talking about these issues, they are talking about the people who live on the land, the pastoralists and those in the small towns.

In my electorate—and this is another aspect of this issue—there are 250-odd people who own pastoral leases. Those leases might be for large companies. They might be big leases or small leases. They might be for working in the agricultural sector. Those leases are for big areas of land in comparison to elsewhere in Australia. But, by and large, if you live in the bush in the Northern Territory, you are black and you live in a remote community, where there is undercapitalisation and the infrastructure is poor. You do not have access to proper services in education, health or housing, and certainly not in the area of telecommunications, as other Australians do. We are not seeing sufficient attention paid to this issue by members of the National Party or, indeed, the government generally. Frankly, I do not expect the Prime Minister or his Liberal Party colleagues in the ministry to have regard for it, because they never have shown any in the past. Why should they change their attitude?

We know that some measures in this bill came about as a result of recommendations 8 and 9 of the Estens report. You will recall the Estens inquiry; it was another case of a handpicked mate. A bloke from the National Party was asked to go around Australia and inquire into telecommunications. He did not come to Lingiari. He did not come to the Northern Territory. So how would he know about that area? The reply is: it is all based on written submissions. Well, as I have just pointed out, a large proportion, the predominant proportion, of people who live in the remote communities of my electorate are Indigenous Australians. I doubt whether they ever knew that the Estens inquiry was on. Certainly the inquiry team made no effort to engage with that community. I am concerned, therefore, that we have a piece of legislation based on an inquiry which was itself flawed, and now the recommendations of that flawed inquiry are being further watered down by this government.

What I have noted very clearly from the Page research, requested by the National Party, is that they are not fooled by it. Even though Estens is one of their own, they are not fooled by it. They have made some pretty significant recommendations in relation to how this legislation should be seen. The problem is that it is going to fall on deaf ears, because here we are debating this legislation in the parliament. Has the National Party party room sat down and contemplated the recommendations of the Page committee? Has the coalition party room contemplated the recommendations of the Page committee? It seems to me that there is an obligation on people who develop and make public policy in this country and who pass legislation like this is to ensure that the Australian community is fully informed and is engaged in discussion, dialogue and debate.

There has been no discussion, dialogue or debate about this sort of rubbish in my electorate, apart from the survey which I undertook to establish regarding whether or not people in the electorate were satisfied with their telecommunications. The survey that I undertook received responses from 700 constituents—90 per cent supported keeping Telstra in majority government ownership; 75 per cent believed prices in the bush would increase if Telstra were sold. I have not yet touched on the issue of competition. Unfortunately, time runs out. There is no competition in telecommunications in the bush. There is a dominant provider, a monopoly provider and a good provider when it works—Telstra. *(Time expired)*

Mr NEVILLE (Hinkler) (1.00 p.m.)—Before I go into the substance of my contribution today on the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005 I will say a

few words about the contributions of the members for Kennedy and for Lingiari. Quite frankly, they were both all over the place. I would make one opening remark: the fall in standards of servicing, connections and repairs in Telstra did not start when this government was put in place. This long spiral of bad culture started under the Labor governments of Hawke and Keating. What followed from that was there was no Telstra Country Wide with whom you could engage and get things fixed. You just had to put up with it.

Ms King—We had local technicians fixing the problems.

The DEPUTY SPEAKER (Mr Baldwin)—Order! The member deserves to be heard in silence.

Mr NEVILLE—Now there are 39 offices around Australia, where you can put a human face to Telstra. There is not the centralist control that saw the whole organisation being run from Melbourne. The poor old technicians used to run around with hand designed computers. One technician after the other would say to you, 'This system does not work.' Technicians would drive past houses to go to one job, go back to the depot and drive out to the second place the next morning when, on their own initiative, they could have pulled up and done the job in 20 minutes. That sort of senseless, mindless centralisation left this country with a ramshackle telecommunications system.

I found it very strange that, on the one hand, the member for Lingiari ripped into The Nationals saying, 'It's up to you; it's because you rolled over to the Liberals,' and all that sort of thing and then, on the other hand, he criticised the Page and Estens reports. Quite frankly, I take some pride in the fact that I have put a lot of measures to the government, which it has adopted. People like the members for Kennedy and for Lingiari should get out there and engage with the new technology that is around and then come into this place with some sensible suggestions instead of mindless criticism.

Ms King—Then don't sell Telstra!

The DEPUTY SPEAKER—Order! The member for Ballarat will refrain from interjecting.

Mr NEVILLE—This piece of legislation is one of the most anticipated rafts of legislation on telecommunications to come before the House. I say that because, in terms of media air time, newspaper column centimetres and general public commentary, there are few issues which rate as highly—in the government's delivery intentions or in the community's expectations—as future proofing, the continued meaningful presence of Telstra in country Australia and the need for Telstra to remain operationally responsive and up to the mark. Why is there such interest, expectation and concern? All Australians expect to have fair and reasonable access to telecommunication services of high standards. The right to connectivity and engagement with the broad mass of Australia should not be limited to one's geographic isolation or location.

This is relatively easy to deliver in major urban areas. Big populations in comparatively small geographic areas create the right environment for a competitive market that can deliver good profits to the industry stakeholders. But, when you are providing modern telecommunications in regional, rural and remote areas, there is more of a challenge. For its land mass, Australia has a relatively small population. For every square kilometre of our land mass there are only two people. Around 84 per cent of our population is contained within the most densely populated one per cent of the continent. In fact, the three major capital cities of Brisbane, Sydney and Melbourne account for

more than one-third of the population. Australia's geography and population density are simply not conducive to market forces delivering modern telecommunications across the length and breadth of the country; hence, the government must have a firm hand in delivering these services to regional and rural Australia. The Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill seeks to do that.

There are a great many ideas and opinions flying around about the future manifestations of a fully privatised Telstra—structural separation versus operational separation or Telstra's wholesale services against their retail operations. On top of that there are discussions about how revenue from a prospective sale might be spent, whether it be to create a fund to future proof Australia, to reduce debt or to purchase new infrastructure. These debates, in some respects, muddy the waters. But the one thing that should be at the forefront of our concern in this debate is how we guarantee quality telecommunications services in regional Australia well into the future. We need to ensure that our telecommunications infrastructure is capable of servicing our needs now and into the future regardless of the level of ownership. We need to make sure that the telecommunications networks support our businesses in a competitive world market now and into the future. We need to make sure that rural, regional and remote Australians share in those benefits and, equally importantly, that they engage with their fellow Australians via the most modern technology available.

This bill gives effect to the government's response to two broad components of the Estens inquiry. The first is the establishment of a mechanism which compels future governments to independently review telecommunications services. To me, that means monitoring the performance of the telecommunications companies, especially Telstra, and their engagement in future-proofing—in other words, their engagement in rolling out technologies into regional Australia into the future. The second component is the empowerment of the minister or the regulator to approve an acceptable local presence plan delivered by Telstra.

I have often stated that I do not approach this debate with some philosophical or sentimental attachment to Telstra. That has never been my argument. I am more concerned about what is delivered to Australians and, in particular, what will be delivered to rural and regional Australians, many of whom cannot access the benefits that are readily available as part of a capital city lifestyle.

I was the author of a resolution in 1998 which is sometimes referred to down here as the Bundaberg resolution, because it came out of a National Party conference in Bundaberg. It set out seven areas of broadcast and telecommunications requirements that were preconditions to the National Party agreeing to the sale of public infrastructure. In other words, before all this breast-beating was going on in the Labor Party, we were setting down some positive parameters under which we would be prepared to accept the sale of public infrastructure.

I make no apology for having demanded that the sale of Telstra not go beyond 50 per cent and that it be delayed until some guarantee was in place to ensure that ongoing, high-standard telecommunications services for regional and rural Australia were a focus of government policy—and indeed they are. When we went to the last election, the policy was that Telstra would not be sold unless and until that quality of service and performance was available. I do not apologise for demanding that there be mechanisms which allow the government to monitor how well services are being delivered. The govern-

ment's response to Estens is well under way, with 21 of the 39 recommendations fully implemented, and there is no doubt that progress has already been made in bringing services up to scratch in many areas of regional and rural Australia and for many remote communities. In fact, the number of people who turned out for a telecommunications forum held recently in Bundaberg indicates that there are still people out there anxious to see a culture change in Telstra's attitude to servicing and that they are concerned about the roll-out of new technologies, broadband being the example.

Having said that, I would like to pay a tribute to the current Minister for Communications, Information Technology and the Arts, Senator Coonan. To my way of thinking, she is a very engaged minister. I find it very refreshing for someone to come out, go into tough meetings, face a barrage of questions and be prepared to engage with people who have lots of complaints. I find it refreshing from two points of view: firstly, it gives the public contact with the minister and, secondly, it gives the minister a window into the problems that occur in telecommunications at a practical level. So we are not just talking concepts; we are talking about real, day-to-day issues that affect people's lives.

At that forum we had a young lady from Mount Perry, which is in the centre of my electorate. She had just moved onto a rural property. As someone looking to establish a small business while still finishing her tertiary studies, this woman needed reliable internet access. That was not going to happen for at least six months because of substandard lines. Initial advice was that an equipment upgrade would cost $1,500 and take six months. Telstra Country Wide is now doing the right thing by providing a satellite phone until the landline can be put in place.

I had another case—although this was not one that came up at the forum—of a student who lives only five kilometres from the city of Bundaberg and who could not get broadband. This person is a medical student undertaking a 12-month medical placement. That involves considerable assignment work to and from the university, which cannot be done without broadband. From that case, we understand that a lot of students will need broadband, especially those who want to undertake external courses or medical placements. We know how important it is to get doctors to go to country areas. So it is important that students going through their studies have a positive experience of regional Australia and do not go into medicine with the idea: 'If I go back to the bush, I'm going to have substandard telecommunications.'

I think those sorts of messages—although not that one specifically—are coming across to the minister as she conducts these telecommunications forums. I compliment her for that. I think we will see in the regulations emanating from this legislation an appreciation of the minister's knowledge and her engagement with these difficulties.

On the positive side, this government have already invested $1 billion in telecommunications infrastructure and services to bring regional areas up to scratch. We have made remarkable inroads into the gap between the big-city environment and the country town environment in telecommunications. In my own electorate of Hinkler, we have seen CDMA mobile coverage introduced over recent years to Mount Morgan, Woodgate, Baffle Creek, Moore Park, Mount Perry, Gayndah and the northern parts of Gladstone. The hinterland towns of Mundubbera and Gayndah have had GSM upgrades, and the booming coastal townships of Woodgate, Agnes Water and the Town of 1770 have received coverage in both CDMA and GSM.

That is because, although those towns would normally just have CDMA, they attract a large number of tourists and there is an appreciation on the part of the government—and, to be fair, Telstra Country Wide—that it makes sense to also put GSM onto those towers. ADSL broadband connections have also been brought to Bundaberg, Gladstone and the outlying suburbs and settlements of Boyne Island, Clinton, Avoca, Bargara, Mount Larcom, Calliope, Mundubbera and Agnes Water.

Of course, as I said before, the implementation of a lot of these measures will depend on the regulations. The bill specifies that reviews of regional telecommunications services should take place at intervals of no greater than five years. I personally believe—as an outer boundary, that is—that this is too great a time lapse between reviews. I would prefer to see an outer time limit of three years. We are keenly aware of the rapid pace of technological advancements, and I think that a five-year window between reviews is an eternity in modern communications technology. Technology changes very quickly, and the challenge is to keep up with those changes. So, yes, we do need to review services regularly, but I think we need to review them more frequently.

The second major aspect of this bill is the requirement that Telstra produce and implement a local presence plan, in much the same way as Telstra Country Wide currently operates. Having a decentralised, regionally based structure with local people will help ensure that regional customers have a point of contact that they can count on. They have come to count on Telstra Country Wide, and I have found it to be a marvellous innovation. Whether it is called Telstra Country Wide is not the important thing. My vision would be that there would be no fewer than the current 39 offices; that they would be proactive, hands-on, with access to senior management within the greater Telstra organisation; and that, as any problems arise, the company—which has millions of contracts with regional and rural Australians—would act with speed, focus and concern. That is terribly important. Telstra must not only be a great company but be seen in the marketplace as having a human face—not the centralised Telstra that we saw under the Hawke and Keating governments but the Telstra that is out there engaging with people on the local level.

I would even like to see it taken further. I am not talking government policy now; this is just a personal preference: I would like to see installations, servicing and repairs decentralised. I think there is a lot to be said for those Telstra services being managed on a regional basis. Local knowledge can make a huge difference in the efficiency of the technicians either rolling out or repairing the network.

It is a good bill. It implements another two of the 39 recommendations of Estens. In addition, it provides some latitude in the regulations to be responsive to the needs as we go forward. I commend the bill to the House.

Mr BILLSON (Dunkley—Parliamentary Secretary (Foreign Affairs and Trade)) (1.18 p.m.)—Mr Deputy Speaker Baldwin, I know you have a very strong commitment to improvement of telecommunications services and facilities in your region. It must be difficult being in the chair at this moment on an issue so important to your electorate of Paterson when you would rather be speaking in support of the measures this bill contains. I would like to thank all members, particularly the member for Moncrieff, the member for Maranoa and also the member for Hinkler. He has been resolute in his vigour, focus and energy, and engaged not only politically but intellectually in the question of telecommunications requirements across the

country, and his insights are always of interest to me.

I would also like to congratulate the Labor Party for indicating they will not be opposing the bill. It is encouraging that the Labor Party are recognising some of the telecommunications issues and challenges facing rural and regional Australia. Since the Howard government has been elected, I guess it has been a coaching exercise from this side of the House. We all look back and still shake our heads at that terrible decision under the former Labor government to close the analog mobile phone network and the pressures that that placed on many rural and regional communities. It was a decision that Labor pursued with no plans for a replacement network. Thankfully, upon the election of the Howard government immediate steps were taken to correct that poor decision.

The Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005 is a very significant step forward in protecting the delivery of high quality telecommunications services into the future. This legislation forms part of the government's response to the regional telecommunications inquiry, or Estens inquiry. Members would be aware that this inquiry made 39 recommendations in relation to regional telecommunications, all of which the Howard government accepted. A number of the recommendations related to what Estens described as 'future proofing', and that has been the subject of some discussion in the House. It is these recommendations that the legislation responds to. This bill does two things: firstly, it establishes a requirement on all future governments to conduct regular, independent reviews of regional telecommunications services; and, secondly, it ensures that a local presence plan, to be prepared by Telstra, needs to be approved.

The Howard government has a proud record when it comes to improving telecommunications services in regional Australia. The introduction of full telecommunications competition, the development of tough legislative consumer safeguards and the provision of targeted assistance have led to marked improvements in regional telecommunications under the Howard government. We can say without question that, on any reasonable grounds, it is very safe and accurate to say that consumers in regional Australia have never had better telecommunications services. These communities and consumers have never had greater choice of provider, and they have never had stronger safeguards. All of that is a testament to the work of the Howard government and vigorous members like you, Mr Deputy Speaker.

We want to make sure that this performance and these gains continue into the future. This bill is part of that process. Trying to predict future telecommunications needs is an impossible task, and I do not think anybody in this place would think government should be forecasting into the future, trying to precisely describe what the future of this rapidly developing and evolving sector will look like. Not only does technology change at a rapid pace, so do expectations and customer needs. This legislation puts in place a mechanism to help ensure that services do not slip backwards and that services continue to improve into the future. Under this legislation, all future governments will have to initiate a regular, independent review of telecommunications services in regional areas.

This legislation sets the framework for the reviews rather than trying to predict precisely what they should consider or when that consideration should occur. What we have said is that they must occur. These reviews must occur at least every five years, but if it is clear that they should be conducted more frequently, the legislation al-

lows for this. The member for Hinkler was talking about some of the circumstances that may give rise to a more frequent review. However, we do want to make sure that, if there are major infrastructure projects arising from a review, these can be largely completed before embarking upon the next review. Large-scale telecommunications infrastructure projects would need to be identified, commenced, completed and then implemented within a tighter window if the reviews were too tight. The five-year maximum for the review gives scope to take account of circumstances and needs and also improvements as they arise.

The reviews will be able to be wide ranging in their scope, but one of the key purposes, as identified in the Estens inquiry, is to provide a mechanism to assess whether important new service advancements are being delivered equitably in regional Australia. The legislation makes clear that the reviews must be independent of government and that the review committee must include people with experience in telecommunications and in regional issues.

The legislation also requires governments to respond publicly to the reports. In this context, I feel the need to respond to the scaremongering of the Labor Party that there is no commitment in the legislation to funding. All one needs to do is look at the facts and the performance to see that that is merely empty scaremongering. The Howard government has spent more than $1 billion on communications, mostly in regional Australia. There have been two recent inquiries into regional telecommunications services—the Besley inquiry and the Estens inquiry. We responded to the Besley inquiry with a $163 million package of measures and we committed over $180 million in response to the Estens inquiry.

We have an excellent track record of responding to the demonstrated needs of regional Australia. We have done so in the past and we will continue to do so into the future. But we cannot determine now what funds might be required in the future, when they might be required, or, particularly, on what specific services or enhancements they will be applied.

The second feature of the legislation relates to the Estens recommendations about Telstra maintaining a local presence. The Telstra Country Wide model has been a great success, both for Telstra and for the communities it serves. We know how important it is to have local people in local communities able to deal with local issues. I know in my own area, Mr Deputy Speaker, you might recall my strong advocacy of the need to expand Telstra Country Wide into outer metropolitan communities. It was very welcome that that was supported by both Telstra and the government. In the peninsula in particular we are already seeing benefits in improved services, access to local people and local advocacy of improved capital expenditure requirements.

The bill ensures that Telstra will be required to maintain an approved local presence plan. Despite what Labor thinks, this is not something that we will leave up to Telstra. The plan will have to be submitted and approved by the minister, and the minister will be approving a plan that meets the legitimate needs of regional Australia and not simply the needs of Telstra. It is disappointing that Labor cannot help but play politics with regional Australia. When speaking on this bill, Labor has shamelessly tried to make out that this bill is all the government is doing in relation to telecommunications and that somehow this bill signals the beginning of the sale of Telstra. Let me make it clear: this bill is about fulfilling our commitment to

implement in full the response to the Estens review.

The measures in this bill are important to preserve ongoing telecommunications services and improvements in regional Australia, but this bill is only one part of the government's agenda, which is to drive service improvements. The Howard government has had from day one, and continues to demonstrate, a genuine commitment to competition as a way of delivering the ongoing benefits of innovation and cheaper prices. The Minister for Communications, Information Technology and the Arts is currently having a very close look at the adequacy of the telecommunications competition and regulatory framework.

We are also involved in funding the roll out of new and better services in regional Australia as part of the response to the Estens inquiry. The Higher Bandwidth Incentive Scheme has brought affordable bandwidth services to more than 260 towns throughout Australia. For people living outside regional towns, HiBIS has given them access to affordable satellite broadband and choice of provider for the very first time. Regional telecommunications services are something that the Howard government take extremely seriously. This bill helps to demonstrate our ongoing commitment to regional telecommunications services. I urge the House to support the bill.

Question agreed to.

Bill read a second time.

Third Reading

Mr BILLSON (Dunkley—Parliamentary Secretary (Foreign Affairs and Trade)) (1.29 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

MIGRATION LITIGATION REFORM BILL 2005

Second Reading

Debate resumed from 10 March, on motion by **Mr Ruddock**:

That this bill be now read a second time.

Mr LAURIE FERGUSON (Reid) (1.29 p.m.)—There is no dispute about the problem that this legislation, the Migration Litigation Reform Bill 2005, seemingly seeks to tackle. In 1995-96 there were 596 judicial review applications in the migration field. The 2003-04 report of the department indicated that during 2003-04 there were 4,991. If the current figures are anything to go by, this year's expected number of judicial appeals should reach similar levels. In passing I noticed in the *Bills Digest* a contention that there has been a significant drop in judicial appeal applications from the point at which they increased due to the ban on representational actions. Yes, there has been a drop; but the current level is far in excess of that back in the late nineties. It might not now be 11½ times greater, but it is at least eight times greater, so there is still a significant problem.

Related to this field are questions about the manner in which people utilise the RRT initially, and other aspects of migration law, to essentially prolong their presence in this country. This is not a new phenomenon or a new problem. In 1998 the then minister, Gerry Hand, indicated to the Legal and Constitutional Committee, with regard to the Migration Legislation Amendment (Judicial Review) Bill 1998, that he and the department were concerned about:

... the amount of public resources consumed in judicial review processes which ultimately did not alter the situation that the person was not entitled to remain in Australia.

So the problem that the government, the department and the country face is not new; it was highlighted that far back by Gerry Hand.

As well as the question of the number of appeals being launched, there is the nature of those appeals. As the government has indicated, when you have a failure rate of those claims of about 90 per cent, one has to ask oneself: is something going on here? That is obviously not the situation one would expect in any level of law. Of the previous bill related to this one, the minister at the time commented that the expectation of the preceding bill, which lapsed in 2004, was that there would be a reduction of 25 to 30 per cent of claims and a saving of $5 million to $7 million.

Not only do we have the situation where people launch appeals on questionable grounds but we also have the situation at a lower level where 40 per cent of claimants at the RRT do not even deign to turn up for the hearings. These are people who seek to utilise a very important part of our migration process and refugee intake and yet 40 per cent of people do not even turn up. Once again, one has to say that maybe there is something going on here.

With respect to time limits, which are a fundamental part of this bill, 40 per cent of people currently do not fit within the time limits that are prescribed. So on the one hand it is indisputable that there are challenges to our migration processing system, and this bill is perceived as one of those attempts to overcome that. However, a few questions must be asked. One of those is the status of the migration litigation review undertaken by Hilary Penfold in 2003. That is one of the issues that must be tackled on this matter. The minister stated on 10 March:

> Measures in this bill have been drawn from that report.

This is not the first time that the government has relied upon the argument that this bill stems from a worthwhile review of the field and, one would assume from those comments, is traceable back to that inquiry. On 25 March last year then Minister Hardgrave said in relation to the bill I referred to earlier:

> The amendments being made by this bill ... follow the completion of the Attorney-General's recent migration litigation review.
>
> … … …
>
> The government will be announcing its response to other matters in the review shortly.

I may not have watched too closely, but I have not seen too much of a response, apart from the reliance in this legislation and the speeches around it, to that undisclosed, unrevealed, secret society report.

We also saw a degree of reliance by the government on that secret, undisclosed report in *Bills Digest No. 118 2003-04*. A comment on page 9 about the Migration Amendment (Judicial Review) Bill 2004, the previous bill from which this one essentially springs, says:

> The Government has asked Parliament to approve the current Bill without releasing the Migration Litigation Review. There has been no public indication of what its conclusions and recommendations were. This prevents any assessment either of the adequacy of the Review in addressing the issue of migration caseload or the adequacy of the Bill as a response to the Review.

So what we have here is undoubtedly a problem, which both sides of politics feel we have to find a solution to. We have an inquiry but we do not have the revelation of the details of that inquiry. One does not know whether this is an ingredient of Hilary Penfold's suggestions. One does not know whether she had alternatives. One is unsure of whether it really canvassed all the problems that lead to the flood of litigation in the migration field. It is unsatisfactory that, given so much reliance on the inquiry by the government, the ministers and the department, nearly two years later it has not seen the light of day for the public or those people interested in this field.

Whilst understanding the need to do something about the problem, one has to question whether this is the only and the most intelligent response to the issues. I do not want to canvass the outcomes of the case of plaintiff S157; however, I think we are all aware that the preceding attempt by the government failed dismally in persuading the High Court of the need to do something about this—or that it was even in section 75 of the Constitution. We have some expectations, unfortunately, that this might again fail—that for all the best will in the world by the government, its obsession with privative clauses may again basically stymie attempts to reduce unmeritorious litigation in this field.

Labor would say that a single obsession with overcoming the High Court and moving forward with privative clauses does not really examine the full gamut of possibilities as to why this litigation exists. It could equally be put forward that there is a lack of case management in the early parts of the process. Some claimants who launch cases are not doing it for questionable motives but because they do not understand the system and where it is going. Some of the problems that we face are at the front end of the case load process. Also, one must be realistic: the policy area tends to be a very emotional area, with very committed people enmeshing and involving themselves with claimants' cases. But one has to ask whether the lack of tenure for people in the RRT, along with the overall detention policy in this country, leads to a number of well-meaning people giving comfort, support and assistance to claimants in questionable cases. They are frustrated with the processes we have on a broader front in this country and concerned that there might be an aura in the RRT of people having some concerns about their future presence on the RRT if they do not essentially take a hardline position with claims.

One could also question the broader issue: the way in which ministerial discretion in this country requires litigation. People essentially cannot raise matters outside the refugee convention until a very late stage in the process. I do not think there is any question that a significant part of the litigation, a significant part of the activity on behalf of claimants in this field, is to basically, at the end of the day, raise matters that cannot be raised through the current processing system. Besides being concerned with privative clauses and purported privative clauses, we should also be looking at that area to see whether part of our problem is manageable and able to be overcome by consideration of these matters.

Similarly, besides the concern that there might be constitutional questions about this legislation—we might be back here at the end of this year or in a year or two's time—we should be looking at other alternatives. We should also contemplate the question of whether this whole area should have the presence of lawyers who are essentially paid to operate in the field. This field, which relies on conventions, should perhaps be turned to legal aid and funded through that source so that there is another way of channelling meritorious cases, based on the amount of money that the legal aid system would have. I return again to the question of whether some of this litigation is precipitated by the government's current section 417 requirements on ministerial discretion. Perhaps we should be looking at an earlier stage in the current process in this country—we relate this to refugee conventions alone, as opposed to CROC and the questions of stateless people and other issues that sometimes get in the process further down the line—and encompassing these issues at a primary source.

Labor are saying that we do not for one moment resile from the need for action on this front. The 1977 comments by then Min-

ister Hand are indicative of Labor's long-term response to these matters and of the fact that we think the current system facilitates fraudulent and unmeritorious claims. There are some misplaced sentiments in parts of the Australian constituency about who gets hurt in these processes. Of course we have to try to ensure that people get a reasonable go in the system. We have to make sure that people are not sent overseas and shot down on airport tarmacs because they did not get a fair go in our system. However, I think we should also understand that there are other parties affected by this current situation where cases are dragged out for years on end by a deliberate strategy of delays. Families with genuine claims have to wait for a number of years and get emotional about the uncertainty. I understand that. With the government's current policy on TPVs, people are left in an endless limbo of uncertainty, unsure whether they will be here for another year, given permanent residence or rolled over for another three years of temporary residence. Certainly criticisms of that are quite necessary and understandable. We should be worried that at times through our immigration processes people's uncertainty is lengthened by unnecessary litigation by others. Once again, it is not a new phenomenon. In 1997 the waiting time for judicial review in the RRT and MRT was over 300 days and 400 days respectively.

Part of the need for this legislation is extremely humane. There are people who are affected by the conduct of others. Some people attempt to forestall the conclusion of their cases and grab at any straw to prolong their stay here. They hope that something will emerge in their personal lives—that they will run into somebody who will act as a spouse or a fiance, that their skills might be recognised or that they might be a carer et cetera—but in their attempt to prolong their stay they hurt others. This is a very important thing to get on the public record in this matter.

It is interesting to see the figures on exactly how many overstayers have been here for over a decade. We see reports on this daily and hear stories about how they have acclimatised themselves to Australian society. They go to our schools, to our churches and are good employees. All this is very true, but unless we can find a way of ensuring that the hearings of these cases are essentially shortened, then we have the problem of not getting the proper values in our migration system. The people who are genuine claimants should be the ones who win through. Every onshore applicant who is not genuine is taking the place of a person in the camps of Pakistan and Kenya. As I say, there is a broad sentiment of hope that we can do something about the problem that the government faces.

However, there are other aspects of this bill that are extremely disquieting. There is the attempt with cost orders—as it seems to the opposition because we would not go as far as the government—to possibly dissuade people from sometimes worthwhile litigation. Labor is on the record as saying that there is nothing necessarily wrong with costs being ordered and I note that they are not mandatory. Historically, Labor has said—and I agree it is the case—we should have some cap, some limit, on these fees and in this legislation it is not specified. It is uncertain and it is unclear.

At the same time, we have the attempt by the government to not only target lawyers working for fees but also pro bono lawyers who, out of a genuine commitment to people, feel the need to fight cases because of human rights concerns. Labor see grounds for capped fees for those people who do it for financial profit. Figures from the migration agents' field over recent years inform us that

a significant number of lawyers have moved into this particular field of law as other doors have closed. To our minds, it is unfair that community organisations—groups that are essentially focused on refugee requirements—could be hit with very substantial costs. It is not as though we have not, as a parliament, done anything regarding voluntary organisations. The changes to the migration agents' legislation last year brought in a requirement that those with a certain percentage of unsuccessful cases would have to show cause why they should stay in industry. It is not as though it gives a free hand to non-government organisations that are senseless, allegedly, in the way they launch cases. There is a degree of protection for the most, let us say, unthinking NGOs and refugee groups. There is no real need, as we see it, to go to this further point of costs being lodged against those groups.

With regard to summary decisions, where cases can be dismissed without proper hearings, once again, questions have to be raised. Labor have said from the beginning that we understand why migration law requires some action by the government. We can see that. We think the case has been made by the statistics quoted earlier and by common, daily experience, which a minority of members of parliament representing high NESB electorates see daily. We acknowledge that, which is why we are essentially supportive of the main thrust of the legislation. However, there is an attempt by the government, coming through the side entrance, to extend this position to areas other than migration law. The main report the government relies on to justify their legislation is in some secret cabinet or in the back rooms of some ministerial office—they have failed to reveal the reasons that allegedly came out of the inquiry. Also, we have been given no justification whatsoever to extend these summary decisions outside of migration law. Has there been, throughout this debate and the debate on the previous bill, any evidence whatsoever that there are other fields of law where people are launching claims just to buy time through our system? Logically, I cannot think of many people for whom that would be their aim in life. It is very obvious that people with dubious claims—who are essentially visitors to this country trying to stay forever—might do it. But I have not heard anything from the government to justify in any way this attempt to have summary decisions made across the whole expanse of our law.

I note that, in a recent commentary citing the minister, 'New laws to speed migration court cases,' the minister was quoted as saying that the legislation would deal with 'hopeless matters'. The legislation itself makes the point that in parts it goes beyond 'hopeless matters' to those in which there are no reasonable prospects of success. On the public record, there is an attempt by the government to diminish exactly how wide an expanse of litigation will be hit. In reality, such an ill-defined expression as 'reasonable hopes or expectations of success' is put forward to justify both the costs assault on lawyers and non-government organisations, and on what can be summarily dismissed. I am not, unlike the people who will perhaps speak after me, a lawyer, but I notice in the Civil Liability Act of New South Wales a definition that would go a lot further towards reassuring people than we have in this act—that is that the person reasonably believes 'on the basis of provable facts and a reasonably arguable view of the law that the defence has reasonable prospects of success. A fact is provable only if the person reasonably believes that the material then available to him or her provides a proper basis for alleging the fact.' There is nothing like that definition in this piece of legislation. Rather, it is very wide and encompasses a significantly higher

number of possibilities than would a reference to hopeless cases.

The government also attempts to channel cases through the Federal Magistrates Court. Labor totally support that attempt. We are on the record as saying it is the way to go. We do not want to see people manipulating the system, as occurs now. Labor's policy was that there be no appeal from the Federal Magistrates Court to the Federal Court. We have no difficulties with the way in which the government has ensured that the migration jurisdiction of the High Court is paralleled in the Federal Magistrates Court. Equally, we note that the government has provided funds towards the expansion of the Federal Magistrates Court over the past few years and appointed further magistrates. The only question for us on this front would be whether people with adequate background in an area of law which is so contentious and which is so swiftly changing have been placed on the bench. On those fronts, we have no difficulties with the question of an attempt to circumvent unnecessary time wasting by access to the High Court as previously.

In regard to the time limits, I also note that the government has recognised the position of the Labor senators on the legislation, which lapsed in 2004, moving from deemed receipt of hearing to actual receipt. Obviously, that is an advance and recognition of the problem that existed in the previous legislation. But we have some concerns that, whilst people can gain extensions from the 28 days by acting in the first 84 days, there could be a small minority of people who are unaware of their rights, who lack English skills and who are unaware that the decision made against them would be encompassed by these provisions. There must be some concerns about that, but they are not enough to override the overall need to try to tackle this area. Of course, the time limits will be uniform amongst the courts mentioned earlier.

As I said earlier, as well as agreeing with the attempt to move matters to the Federal Magistrates Court, the opposition is on the public record as being a bit questioning, a bit dubious, that the only way we can solve this matter is by prohibitive clauses. The opposition is on the record as saying, in the last preelection period, that we should do something about the RRT. The proposal was that there be a new tribunal made up of three members with a legally qualified chairperson and two community members—because, unfortunately, there is a degree of public questioning of the RRT's efficiency and expertise. The opposition also believes that the RRT should make the first decision rather than it being an internal departmental decision. Once again, whether or not the perception is false or unfair, the truth is that there is widespread concern in the electorate about the current processes.

It is not as though we come to this debate with a naive belief that there is nothing wrong and nothing to be fixed. There are a significant number of issues here. There should not be a total fixation or obsession on the question of prohibitive clauses. Instead of a multiple round of interviews and internal processing and instead of unassisted processing with no case management, we should look at doing something at the front end of the process. We have no doubt whatsoever that this is where there are very big issues.

Essentially there is a need for a new tribunal which is recognised and respected by the Australian electorate, which is respected by the claimants and which the people in the interest groups in this field have some respect for. There should also be only one appeal, as we said earlier, to the Federal Magistrates Court. 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, the House of Representatives notes with concern:

(1) that certain policies of the Government, including processes for the use of ministerial discretion, limited tenure for members of the Refugee Review Tribunal, aspects of the detention policy and a lack of proper case management for claimants, have caused a significant increase in migration litigation;

(2) that the Government refuses to make the report of the Penfold inquiry public and urgently requests the Government to make the report available;

(3) that this Bill uses the mechanism of 'purported privative clause decisions' to restrict judicial review of decisions made with jurisdictional error, which may be ineffective;

(4) the views of Labor Senators during consideration of the Migration Amendment (Judicial Review) Bill 2004 that similar time-limit provisions could be unconstitutional;

(5) that the time-limits proposed could prevent some applicants from exercising their right to judicial review;

(6) that this Bill make changes to the Acts governing the High Court, Federal Court and Federal Magistrates Court with respect to summary judgements that would affect all litigation, not simply migration litigation;

(7) that the provisions allowing cost orders against persons who encourage others to commence litigation without reasonable prospects of success would apply to volunteer and pro bono lawyers and advisers, and would apply without any cap on the costs that could be ordered and that these provisions may be too broad, with no clear explanation of how the 'no reasonable prospects of success' test is to work in practice; and

(8) that this Bill does not include the proposal contained in the Australian Labor Party's policy 'Protecting Australia and Protecting the Australian Way' to establish a Refugee Status Determination Tribunal ".

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

Mr TURNBULL (Wentworth) (1.57 p.m.)—The law and practice on migration litigation is complex and its history tortuous. The Migration Litigation Reform Bill 2005 is designed to streamline the process of providing a fair hearing for people dissatisfied with the decisions of the Department of Immigration and Multicultural and Indigenous Affairs.

Before turning briefly to the detail of the legislation, I will make some general observations about justice in migration cases. No-one should doubt that the government of Australia, on behalf of our sovereign nation, has the right to determine who shall come to stay in our country. The integrity and security of our borders and the maintenance of that integrity and security are a fundamental right—indeed an obligation—of our nationhood. But we are a nation founded on laws and the rule of law, and the decisions of the Commonwealth government are subject to that law. In particular, our Constitition provides in section 75(v) that the High Court has jurisdiction over the conduct of Commonwealth officers.

Leaving the constitutional dimension aside for one moment, what should be the fair process of reviewing the decisions by the officers of the department of immigration? What does justice demand? Most people would feel that justice would be fulfilled if an applicant received a fair hearing from an officer of the department and one review of that decision. After all, if a person is tried for murder in the Supreme Court and is convicted, they will have but one appeal of right, to the Court of Criminal Appeal, and only by leave a further appeal to the High Court of Australia.

It is worth noting that the Office of the United Nations High Commissioner for

Refugees requires that applicants for refugee status receive a primary decision and one review only—either administrative or judicial. Justice delayed, it is often said, is justice denied. However, in migration cases where the applicant is at large in the community and obtains, as most do, a bridging visa pending the determination of appeals, the delay in a final determination will postpone a departure from Australia and deliver, at least for a time, that which the applicant seeks—residence in Australia. Of course, with refugee applicants who are in detention a long period taken in legal hearings will cause them great hardship. The applicant, caught in the toils of a legal process about which he or she may have quite unrealistic prospects, finds their stay in detention extended, in some cases into years.

The current process of reviewing immigration decisions is far more convoluted than either justice or commonsense demands. A departmental decision is reviewable on its merits—a rehearing. Most are reviewable before either the Migration Review Tribunal or the Refugee Review Tribunal. Decisions—

The SPEAKER—Order! It being 2 p.m., the debate is interrupted in accordance with standing order 97. The debate may be resumed at a later hour.

QUESTIONS TO THE SPEAKER

Question Time

The SPEAKER (2.00 p.m.)—Yesterday the Chief Opposition Whip asked me to investigate whether the level of microphones on the opposition side of the chamber is similar to that of those on the government side. Interestingly, a request had been received earlier in the day to have the chamber microphones and speakers checked, as a number of opposition members had commented on the difficulty of hearing a minister's comments. The chamber equipment has been checked to the extent possible during a period when the House is sitting and a more thorough examination will happen in the non-sitting period. Initial examination indicates no discernible difference between microphones. However, a problem often arises when a member turns away from the microphone. It is important to face the microphone while speaking. It has also been drawn to my attention that some interjections not recognised by the chair are being included in the parliamentary broadcast. I draw to the attention of members, particularly new members, that comments of this kind may not necessarily attract the protection of parliamentary privilege.

QUESTIONS WITHOUT NOTICE

Senator Ross Lightfoot

Mr BEAZLEY (2.01 p.m.)—My question is to the Prime Minister. Given that the Prime Minister has met with Senator Lightfoot this morning, is he satisfied with Senator Lightfoot's explanation regarding today's media reports and the admissions made in Senator Lightfoot's report of his visit to Iraq? If he is not satisfied, what action does he propose to take? If he is satisfied that Senator Lightfoot's actions have been appropriate, on what basis has he reached this conclusion?

Mr HOWARD—I have met Senator Lightfoot. Senator Lightfoot has prepared a statement which he signed, and which I now table. That statement covers the material allegations that have been made. Let me read a few excerpts from the statement. I do not intend to read the entire statement. In relation to the allegation about the money, the statement says as follows:

I did not take $US20,000 in cash with me to Iraq. The only money I took with me was $US1,000 of my own money for personal expenses. I have a receipt. At no stage have I ever received, nor have I carried, nor have I given to the Kurdish regional

government or the PUK or any agent or officer thereof, $US20,000. In relation to the gun, as also noted in my report—

I am reading here from his statement—

I was offered the use of a 38 calibre pistol by my Iraqi national guard detail.

Opposition members—Ha, ha!

Mr HOWARD—And:

They were obviously genuinely concerned for my safety.

Whilst those opposite may find that amusing, I do not think in the circumstances of Iraq it is an unreasonable precaution to provide somebody with a pistol. The statement continues:

While I did take the weapon from them, I was uncomfortable with it and did not subsequently carry it. Indeed, I left it secured in one of the vehicles in which I was travelling.

On the basis of the statement that has been provided by Senator Lightfoot, I find the response in that statement to the allegations entirely credible.

Foreign Affairs: Indonesia

Dr SOUTHCOTT (2.04 p.m.)—My question is addressed to the Treasurer. Would the Treasurer inform the House of progress on initiatives that will further strengthen the ties between Australia and Indonesia?

Mr COSTELLO—I thank the honourable member for Boothby for his question. I can inform him that, after question time today, the inaugural meeting of the Joint Commission for the Australia-Indonesia Partnership on Reconstruction and Development will be taking place. This commission is chaired by President Yudhoyono and the Prime Minister of Australia. Attending the meeting this afternoon will be Foreign Minister Downer and his counterpart Wirajuda and also, on the economics side, me and Minister for National Development Planning Indrawati from Indonesia.

This commission was announced in the wake of the terrible tsunami disaster which struck on Boxing Day and which killed an estimated 290,000 people. It was the largest announcement of aid that Australia has ever made—a package of $1 billion in response to that tsunami for reconstruction in Aceh—and it is not just for reconstruction in Aceh, but also for economic assistance more generally and more widely to Indonesia. We hope that this commission will draw our two countries together. It will have a practical work program overseeing reconstruction, but in addition to that it will strengthen the economic fundamentals of our countries. Our experience in Australia has been that sustained growth cannot take place without a strong framework of institutions, a strong framework of property rights and strong management. As part of the partnership for reconstruction and development, we will also be announcing a capacity to help Indonesia strengthen its institutions—a government partnership fund will play a role in helping Indonesia strengthen its institutions and governance. That will help Indonesia to get strong institutions, which will assist it in economic development generally, promoting rising living standards for its people and, of course, in a stronger economy, giving it greater capacity to engage in the reconstruction which has been necessitated by this terrible natural disaster.

Skills Shortages

Ms KING (2.07 p.m.)—My question is to the Prime Minister. What does the Prime Minister say to Travis and Chris, two young men who say their apprenticeships with the Ballarat company MaxiTRANS are on hold while the company is importing skilled labour from China instead? Isn't Travis's partner, Natalie, right when she says that the Howard government's imported skills quick fix is just a 'cop out' because the Howard government cannot be bothered training Aus-

tralians? My question again is to the Prime Minister.

Mr HARDGRAVE—I am very pleased to answer this question, given that—

Opposition members interjecting—

The SPEAKER—Order! The minister has the call.

Mr HARDGRAVE—there has been a threefold increase in the number of apprentices in the electorate of Ballarat during the time of this government. In fact, in 2004 this government provided $7.8 million in incentives—

Ms King interjecting—

The SPEAKER—The member for Ballarat!

Mr HARDGRAVE—to firms in the electorate of Ballarat. That is the sort of work that we have done. We heard Chris on Radio National yesterday talking about his ambition to have an apprenticeship, and I certainly commend him and others like him who want a trade apprenticeship. We are doing our bit to support them. But what is really important to know is that the member for Ballarat has been running around absolutely bagging the company MaxiTRANS—

Ms King interjecting—

The SPEAKER—The member for Ballarat is warned!

Mr HARDGRAVE—a company that in fact has been doing the heavy lift of hiring apprentices in that region. There are something like 57 apprentices on the books at MaxiTRANS right now. This company, with operations in other parts of Victoria and also in Queensland, will soon have 80 apprentices on their books. They have 400 staff. That is an excellent proportion of apprentices compared to the total number of staff.

I think we need to actually get all of this into some context. There is no way on earth that, as has been suggested by those opposite, a skilled migrant arriving in Australia can substitute in the role of an apprentice. It is fundamentally impossible for that to occur. But we need to understand that this company is very well organised, geared towards apprenticeships, geared towards growing its business and geared towards growing the economy of the area around Ballarat—and as part of its plans it wants to make certain that it has the critical mass of skilled workers in its work force. MaxiTRANS has made it very, very clear that it continues to want to work with the local community and grow the local economy by these means. The other point that needs to be understood—and this is where the member for Ballarat, the member for Jagajaga and a couple of the other duds on the other side are completely exposed—

Ms King interjecting—

The SPEAKER—The member for Ballarat has been warned and is on very thin ice.

Mr HARDGRAVE—is that these apprentices, Chris and his mates, have been employed by the group training organisation in the local area. They have not been without a job at all. They have not had an opportunity to get a host placement with MaxiTRANS on this occasion, but work is being done to ensure that their ambitions of an apprenticeship are being realised. The member for Ballarat is very clearly exposed on this, running around and telling people around the country that these kids have missed out on a job when they already had one. They were already placed in the group training organisation. The member for Ballarat and her colleagues on the other side would be wise not to follow the jargoning exercise of the member for Jagajaga but to put a bit of substance into the discussion and back companies like MaxiTRANS that are in fact doing the heavy lift of hiring apprentices.

I table a statement from MaxiTRANS yesterday which outlines very clearly their commitment to the cause of getting more young people trained. This government works very hard on that. Ideally we want young people trained and into these skilled labour positions, but in the meantime we respect the decisions of companies like MaxiTRANS to grow their business case and create more opportunities for more young people to have more jobs.

Senator Ross Lightfoot

Mr PRICE (2.11 p.m.)—Mr Speaker, I do apologise but I am a little confused. Was the statement that the Prime Minister tabled a statement that Senator Lightfoot has made in the Senate or one that he will make in the Senate?

The SPEAKER—The Prime Minister said he was tabling a statement by the senator.

Mr Downer—It was a signed statement.

Uranium

Mr WAKELIN (2.12 p.m.)—My question is addressed to the Minister for Foreign Affairs. What steps is the government taking to facilitate export markets for Australian uranium? Are there any alternative views?

Mr DOWNER—I thank the honourable member for Grey for his question. He is the member representing Roxby Downs and has been a champion of that great mine which has done so much for South Australia. It originally was opposed by the Australian Labor Party.

When I was in China in August of last year the Chinese officials I was with raised with me the possibility of buying uranium from Australia, and I explained to them then that that could only be done if we were able to enter into a satisfactory nuclear safeguards agreement consistent with longstanding Australian government policy—a safeguards agreement which would be akin to the safeguards agreements we have with a number of other countries and arrangements we have with the other nuclear weapons states.

As a result of this we have started the process of negotiating with China a nuclear safeguards agreement. The Director General of the Australian Safeguards and Non-Proliferation Office visited Beijing at the end of February, and I think China understands very clearly what our policy is on uranium exports. We cannot be sure yet, but I have some quiet confidence that we might be able to negotiate a satisfactory safeguards agreement which is consistent with our broad policy and with the other agreements we have. This agreement will have to be a treaty-level agreement, and any agreement of this kind will be subject to the usual scrutiny by the Joint Standing Committee on Treaties.

The government wants to take full advantage of Australia's competitive position in the uranium industry. China is the world's second largest energy consumer, behind the United States. Its electricity demand is growing rapidly, by around 13 per cent a year, and it is seeking to diversify from fossil fuels. China plans to build four nuclear power plants between now and 2020. So China will become a uranium importer. As long as the safeguards agreement can be concluded, we would not see any further obstacles to exporting uranium to China.

More broadly, this is a government that believes that safeguards agreements are necessary but that, within that framework, we should be able to mine and export uranium. Are there any other views? There is the Labor Party view. There are many people in the Labor Party, including the Leader of the Opposition, who believe in the so-called three mines policy. This is, of course, a policy of deceit. It is trying to convince people, 'We are not too much in favour of uranium min-

ing but we are going to allow uranium mining.' It is a policy without commonsense, without rationality and without consistency. Not surprisingly again from the Labor Party, it is a policy that does not offer Australia jobs. They are always talking about the balance of payments. It does not offer Australia the opportunity to maximise its export earnings. It is completely irrational policy. I join with the Premier of South Australia, Mike Rann, in urging the Labor Party to abandon this nonsensical policy. If the Leader of the Opposition is a real leader, I am sure he will abandon it.

Senator Ross Lightfoot

Mr BEAZLEY (2.16 p.m.)—My question is to the Prime Minister. I refer the Prime Minister to his statement in which he suggests that Senator Lightfoot's statement is credible. Given the newspaper is standing by its story, will the Prime Minister ensure that there is independent testing of the explanation offered by Senator Lightfoot? If not, why not?

Mr HOWARD—The newspaper has made an allegation; Senator Lightfoot has responded. His response is now on the public record, and it will no doubt be trawled over by people and it will be available for examination by law enforcement authorities. I do not propose in those circumstances to commission some kind of independent analysis of it any more than I would propose to commission an independent analysis of contesting statements made by the Leader of the Opposition in the Sydney *Daily Telegraph*.

Small Business

Mr MICHAEL FERGUSON (2.17 p.m.)—My question is addressed to the Treasurer. Would the Treasurer advise the House of recent developments which will deliver benefits to Australia's small business sector?

Mr COSTELLO—I thank the honourable member for Bass for his question. I can tell him that, as a result of the initiative of this government, the parliament has now passed a law cutting tax for small businesses in Australia. Known as the entrepreneurs tax discount, it will deliver a benefit to 540,000 Australian small businesses. With a turnover of up to $50,000, small entrepreneurs and small business people can get 25 per cent off the tax they are currently liable for. If they are a company and they pay tax at the 30c rate, they would be obliged at the moment to pay $15,000 of tax. A 25 per cent tax discount will reduce their tax liability by $3,750, which is a decent tax cut. If they are individuals and they have $50,000 of taxable income, their tax would be $11,172, and a 25 per cent discount would reduce that by $2,793. They are decent tax cuts for small businesses in Australia, up to 25 per cent on a turnover of $50,000.

Why has the government again cut tax for small business? This side of the House believes that it is important to encourage small business. Small businesses are people who go out and risk their savings and create jobs. Small businesses are independent people. Small businesses are people who take responsibility. They are the people that get an economy going, and they are the people that deserve the kinds of tax cuts that we have now managed to get through the parliament. This, of course, is in addition to this government cutting the company tax from 36c to 30c, halving capital gains tax, introducing rollover relief, giving a 50 per cent disregard on the sale of a business and abolishing a whole host of indirect taxes—and additional indirect taxes could be abolished next week if the Labor states adhere to the agreement that we have come to them with on the GST. This is another piece in the jigsaw of giving small business opportunity in this country.

While I am on my feet, let me also observe that the OECD has today placed on its web site a statement making clear that the document that was relied on last week—allegedly to show that there had been an increase in tax on wages in Australia—that included payroll tax from 2002 onwards was incorrect. The OECD will be redoing its figures and, as stated by the OECD in a statement from Paris overnight:

> The tax wedge for the average production worker in Australia ... declined ... between 1996 and 2003.

No doubt the Labor Party will be apologising for the claims that it made, and no doubt news organisations that reported to the contrary will be correcting the record.

Senator Ross Lightfoot

Mr BEAZLEY (2.20 p.m.)—My question is to the Prime Minister. I refer to his reluctance to have any independent testing of the serious allegations made against Senator Lightfoot. Given that those allegations go to questions of potentially serious matters—maybe criminal matters—why won't you have it independently tested?

Mr HOWARD—We have a situation here where an allegation has been made, that allegation has been denied and that denial is contained in a signed statement which is now in the public domain and will be seriously, carefully and comprehensively examined. Sundry copies of it will no doubt be forwarded by various active people to various agencies. I have no doubt that, if there is anything untoward which has not been drawn to my attention or the attention of the government, that will surface.

If an allegation made against a colleague of mine is publicly refuted through a statement personally signed by him, I am not going to be in the business of setting up some kind of independent inquiry in relation to that. In the absence of some further material casting doubt on what my colleague has said, I am not going to do that. I happen to take the view that my party is composed of honourable men and women. If those honourable men and women deny things, I do not intend to assume that those denials are untrue.

Let me simply say again: an allegation has been carried in a number of very reputable and esteemed journals, the allegation has been denied—it was denied on radio this morning—the denial was amplified in the statement that I have tabled, the denial has been signed and it has been repeated in a discussion I have had with Senator Lightfoot and in a discussion he has had with the Leader of the Government in the Senate. I have no personal knowledge of these matters. I was not in Iraq. The first I knew about this was when I turned on the Channel 9 news this morning at six o'clock. I must say that I held my cup of tea at my lips as I saw the news—I did not immediately consume it. But when it settled down I thought, 'This is a going to be an interesting day!' I do not think I have been wrong about that. Knowing nothing myself about this matter—

An opposition member—You were there!

Mr HOWARD—I was simultaneously in Davos, Aceh and Iraq at the end of January! I am flattered by the capacities that the opposition imputes to me, of which in my 65 years I have hitherto been completely unaware. Let me simply say to the Leader of the Opposition: a claim has been made, it has been comprehensively denied and, in the absence of further material of substance coming to my attention, no, I do not intend to establish an independent inquiry.

Foreign Affairs: Japan

Mr CAMERON THOMPSON (2.24 p.m.)—My question is to the Minister for Foreign Affairs. What are the implications for Australia's relationship with Japan of the

decision to provide a secure working environment for Japanese forces in Iraq? Are there any other policies?

Mr DOWNER—I thank the honourable member for Blair for his question and for his thoughts. There is no doubt that when I am in Japan next week—and I will be travelling there to advance our bilateral relationship—I will get a warm welcome from the Japanese, particularly in response to what Australia has done to contribute to a secure environment for Japanese forces in Iraq. I note that Prime Minister Koizumi said of the Australian decision: 'I welcome it. I highly appreciate the decision.' Chief Cabinet Secretary Hosoda said he was 'very grateful and very much thanked Australia for its decision'. So, amongst other factors, there is no doubt that this is a very important development in Australia's relationship with Japan. It does something I have always wanted to do, and that is to build a stronger security relationship with Japan and develop it beyond just an economic relationship.

There are other approaches. The honourable member for Blair asked if there were other policies. There is the policy of the Italian government on Iraq. The Italian parliament on Tuesday voted 246 to 180 to maintain 3,000 Italian troops in Iraq. They voted not to withdraw them—as some people are claiming—but to maintain them. I note that yesterday the foreign policy adviser to the Italian Prime Minister spoke to our ambassador and explained that, contrary to what the opposition in this country has been claiming, there has been no change in Italian policy. Prime Minister Berlusconi said publicly yesterday: 'Everything has to be agreed with allies. We will do everything in a concerted manner.' After President Bush spoke to Prime Minister Berlusconi yesterday, he said 'he wanted me to know that there was no change in his policy ... any withdrawals would be done in consultation with allies and ... depending upon the ability of Iraqis to defend themselves'. This is a point that I and the Prime Minister made yesterday.

The opposition—when it comes to other policies we sometimes mention them—are hoping everybody will withdraw from Iraq. I said last week that the opposition had 17 different policies on Iraq. I think I am more of an expert on opposition policies on Iraq than the opposition are. I do not think they follow what they are saying. Last night we had a spectacular: the famous member for Griffith on *Lateline*. It is always worth watching. He announced not only the 17 policies but also the 18th and 19th. We had the member for Griffith talking about our deployment of 450 troops, and he was saying: 'The Italians are leaving'—as though the Italians were just going to walk out—'and that is going to leave a less secure environment. What is going to happen to the Australians?' So Tony Jones forensically asked, 'So the Australians might have to be reinforced?' What does the member for Griffith say? He said, 'Well, you are right'. In other words, Labor will not rule out supporting the sending of more troops to reinforce the 450—but they think we should withdraw from Iraq. I do not think I have ever seen in politics such a classic example of walking both sides of the street.

The member for Griffith, having said this—so don't forget all that—was asked about the letter he sent to the Prime Minister that the Prime Minister referred to. He said in the letter that Australia had a 'solemn duty' to provide security for Iraq. Tony Jones asked him about it and the member for Griffith suddenly decided that policy No. 19—our formal legal responsibilities in Iraq—concluded in June 2004. I do not know where he got that from, but suddenly there is a new policy. There is a new policy almost every hour from the Labor Party on Iraq.

Let me give the Labor Party a policy. Follow the lead of Harry Barnes, the member for North-East Derbyshire, my parents-in-law own MP—not that they have ever voted for him, but they just might do so on 5 May, and I will be giving them a ring. Harry Barnes has set up Labour Friends of Iraq. Labour Friends of Iraq is about supporting democracy and freedom in Iraq. We hear none of that from the member for Griffith—you can forget him. We hear none of that from the Leader of the Opposition, who on this issue is trying to satisfy the sort of green Left of the Labor Party without wishing to tarnish his credentials with the Americans too much. There is an old saying in politics: walking both sides of the street does not work.

DISTINGUISHED VISITORS

The SPEAKER (2.30 p.m.)—I inform the House that we have present in the gallery this afternoon Mr Michael Martin, the Irish Minister for Enterprise, Trade and Employment, accompanied by His Excellency Mr Declan Kelly, the Irish ambassador. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Senator Ross Lightfoot

Mr BEAZLEY (2.30 p.m.)—My question is to the Prime Minister and follows his answer to my previous question. Is the Prime Minister satisfied therefore that nothing that has been done by Senator Lightfoot or anyone he is associated with contains any possible breach of our law in the form of the financial transactions act or possible breaches of Iraqi law, such as that involving the carrying of concealed weapons? I quote from the relevant Coalition Provisional Authority order, which is still in force:

3) Other than by Coalition Forces and duly authorized Iraqi security forces—

these are the people who may carry weapons—

whose duty position requires the carrying of concealed weapons in the course of their duties, the carrying of concealed weapons is prohibited.

Mr HOWARD—Mr Speaker, I understand that the Leader of the Opposition is asking me for a legal opinion. I think I will decline giving a legal opinion, and I thought it was in some way a breach of the standing orders to request it. Let me just repeat what I have said. I regard the response that Senator Lightfoot has given in the circumstances as a credible response to the allegations that have been made. For that reason I do not intend to commission some kind of independent inquiry. He has made a statement. It is for all the world now to see. It will be trawled over, no doubt, and if there are particular allegations or claims that the Leader of the Opposition wants to make let him make them, let him take action, let him pursue with the appropriate authorities what he regards as being the allegedly improper conduct of my colleague.

Trade

Mr HARTSUYKER (2.32 p.m.)—My question is addressed to the Minister for Trade. Would the minister inform the House how free trade agreements help boost the Australian economy?

Mr VAILE—I thank the honourable member for Cowper for his question. Of course, his electorate being just near to the north of my electorate, he recognises the importance of exports for the strength of his local economy. The government is pursuing probably the most ambitious trade agenda of any Australian government in the history of this country. Along with putting enormous resources and energy into our pursuit of the multilateral agenda—that is, the successful conclusion of the Doha Round of negotiations—and not resting on our laurels and just

putting all our eggs in that basket, we are also pursuing a range of bilateral opportunities with major trading partners.

Earlier this year, on 1 January, the free trade agreement with the United States of America, the world's largest economy, entered into force. At the same time the free trade agreement with one of our major regional trading partners, Thailand, also entered into force. During the course of this year we will embark upon negotiations bilaterally with the 10 ASEAN countries to our near north, and today and tomorrow we will be meeting with our Indonesian colleagues here in Canberra and that will be part of the discussions with them.

Earlier this week I announced we would be negotiating a free trade agreement with the United Arab Emirates, in the Middle East. Later on this year hopefully—if we make a decision and our trading partners do too—we will launch negotiations for a possible negotiation with China and Malaysia. This is a very ambitious Australian agenda, and it is delivering for the Australian economy. As I indicated in debate yesterday, it delivered $152.5 billion worth of exports in 2004. That is set to grow, with 13 per cent growth in the first six months of 2004-05.

Whilst the federal government is doing that, we are seeing state governments being lazy and resting on their laurels after collecting the booty from the sales of some of their assets that are creating choke points for some of these exports. Yesterday we heard of the outcome of the negotiations on the coal contracts. We have seen almost a doubling in the value of our coal exports prospectively, yet we still read in the papers that up to 50 ships are being held up waiting off the port of Dalrymple Bay in Queensland. I did a bit of research about when the Queensland government sold the long-term lease in Dalrymple Bay. Queensland's Premier Beattie said in his press release at the time:

> On the one hand we receive a strong return for the state from this asset; on the other hand we help ensure the long-term efficiency of the coal supply chain and the sustained competitiveness of the Central Queensland coal industry.

Premier Beattie needs to revisit those words and think a bit more clearly about what his government should be doing to release this bottleneck at Dalrymple Bay for one of Australia's major exports—an export opportunity that could significantly boost the income to the economy of Australia out of the port of Dalrymple Bay. We learnt yesterday that the Queensland Competition Authority has been considering for 20 months the dispute between the users and the operators of the coal-loading terminal in the port of Dalrymple Bay. We have also learnt in the last couple of days that, not long after leaving the Queensland government, Mr David Hamill became the Chairman of Prime Infrastructure, the operator of the coal loader at Dalrymple Bay. I wonder if that has anything to do with the delay in the Queensland Competition Authority's decision in the dispute between the operators of the terminal and the users. The federal government is getting on with the job of providing opportunities for Australian exporters by helping to negotiate these deals and it is time that the Beattie government in Queensland in particular took some action to take care of what is fast becoming a national disgrace.

Anzac Cove

Mr ALBANESE (2.36 p.m.)—My question is addressed to the Prime Minister. Can the Prime Minister confirm whether the request from the Minister for Veterans' Affairs concerning road works at Anzac Cove stipulated the need to protect the heritage and sanctity of the Anzac Cove site? Given public concern on this matter, will the Prime

Minister release this letter and other relevant correspondence?

Mr HOWARD—I would have to check the letter before answering the first part of the question. Off-hand, I simply cannot answer that. As to the second part of the question, it is not normal practice to release correspondence with foreign governments. I am, however, happy to have the relevant opposition spokesman in this area—who is Senator Mark Bishop, I think—briefed about the contents.

Workplace Relations: Reform

Mrs GASH (2.37 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House of the benefits of workplace relations reform for job creation throughout Australia?

Mr ANDREWS—I thank the member for Gilmore for her question and her interest in ongoing reform in this area. Today the Australian Bureau of Statistics released the long-term unemployment figures. They highlight the fact that long-term unemployment in Australia has fallen by 47 per cent since March 1996. The trend long-term unemployment level is now at its lowest level in Australia since 1986. Indeed, in the last month very long term unemployment—that is, those people unemployed for two years or more—has fallen by 9.7 per cent and this, too, is the lowest level since records were first kept in 1986. This is a result of the strong economy which has been administered by this government and of the workplace relations reforms which this government has put in place, which have helped to slash unemployment throughout Australia. However, the government acknowledges that further reform is necessary. Indeed, over the past few months almost every business organisation and industry group in Australia has called for further reform in this area. That is something on which we have heard absolute silence from the opposition.

Last week the member for Perth told the Australian Mines and Metals Association:

> After the last election we announced that we would undertake a review of our industrial relations policy. That review is ongoing ...

However, two days ago the Leader of the Opposition reportedly told ALP members of parliament that Labor would be 'a policy free zone'. One wonders whether that is why the Leader of the Opposition was re-elected. That was reported, but there was another report today in the *Australian* by Mike Steketee about a meeting that was held at the Star Hotel in North Fitzroy in Victoria. Such luminaries from the other side of the House as the member for Melbourne and the member for Fremantle are reported to have attended this meeting. One of the participants is reported to have told Mr Steketee:

> ... there are huge amounts of money available to fight election campaigns but very little to develop ideas.

The reporter goes on to say:

> There also was a strong view that it was not good enough to leave policy-making to the next ALP national conference ... and to the shadow cabinet.

This report indicates that many members on the other side of this chamber believe that the opposition is a policy free zone. The report indicates that there is a stark contrast between the parties. On one hand you have a party of policies and programs; on the other hand you have a party that is simply dedicated to petty in-fighting. On one hand you have a party of reform; on the other hand you have a party of reaction. We will continue to make policies and we will put them into practice for the wellbeing of the Australian people.

Anzac Cove

Mr QUICK (2.41 p.m.)—My question is to the Prime Minister. Does the Prime Minis-

ter recall stating in an interview on the ABC *Insiders* program on Sunday, 13 March 2005:

Advice continues to be from the Turkish authorities that archaeological work was carried out before the construction.

Can the Prime Minister table any reports of the archaeological work he referred to? Was any archaeological work carried out by Australians prior to construction commencing and, if so, has the government received any reports of this work? Would the Prime Minister release any such report?

Mr HOWARD—I will have a look at the records and, keeping in mind the obligations we have in relation to dealings with a foreign government, if there is any further information I can supply to the member for Franklin or to the House, I will supply it. I hazard a guess that the archaeological work would not have been carried out by Australia because the works are being carried out by the Turkish authorities.

I know I do not need to remind anybody that we are dealing with the territory of another country. We made certain requests in relation to a road in one part of the area, which was, as I understand, a little away from Anzac Cove. They were made in the context of providing easier movement of people, given the large number of people who go to Anzac Cove not only on Anzac Day but throughout the year. If there is anything further I can make available, consistent with the obligation of which I have spoken, I will make that available.

Health: General Practice

Mr BAKER (2.44 p.m.)—My question is to the Minister for Health and Ageing. Would the minister inform the House how the government is providing more affordable general practice services to Australians living in rural and regional areas?

An opposition member—Ring him up and ask him the question!

Mr ABBOTT—I thank the member for Braddon for his question. I am sure lots of people want to ring him up to hear this good news. They want to hear this good news because, thanks to the policies of the Howard government, bulk-billing rates in rural and regional Australia have jumped from 52.8 per cent in the December quarter of 2003 to 64.9 per cent in the December quarter of 2004. A year ago, barely one in two GP services were bulk-billed in country Australia. Today, nearly two in three GP consultations are bulk-billed in country Australia.

Bulk-billing is certainly not the be-all and end-all of Medicare, but it is important. It should be widely available, especially to children and concession card holders, and that is precisely what is happening thanks to the policies of the Howard government—in particular, the $7.50 regional bulk-billing incentive introduced as part of 'Strengthening Medicare'.

I am sure the member for Braddon will be pleased to know that there has been a 14 per cent bulk-billing increase in his electorate. The member for Barker also has enjoyed a 13 per cent bulk-billing increase. Just so members know that the benefits of the Howard government are bestowed on a bipartisan basis, I can tell you that in Ballarat and in Capricornia the bulk-billing rate has gone up by 11 per cent—and I look forward to the press releases from those members giving credit where credit is due. All these results demonstrate that you can trust the Howard government with Medicare and that the Howard government is the best friend that Medicare has ever had.

Anzac Cove

Mr ALBANESE (2.46 p.m.)—My question is to the Prime Minister. Is the Prime Minister aware that a respected Australian archaeologist, Dr David Cameron, conducted a survey of the Anzac Gallipoli battlefields in

January 2003? Is the Prime Minister aware that the information on Dr Cameron's survey is available on the ANU web site and that this information contains photographs of a human femur found at Anzac Cove and artefacts found in his survey?

Mr HOWARD—I am not aware of that, no. I will have a look at it.

Telecommunications: Interceptions

Mr WOOD (2.47 p.m.)—My question is addressed to the Attorney-General. Would the Attorney-General advise the House of the government's position on the use of telecommunication interception powers to assist in fighting police corruption?

Mr RUDDOCK—I thank the member for La Trobe for his question. I know, as a former and very distinguished member of the police force, he is very much aware that allegations of police corruption strike at the very heart of our society because they undermine the integrity of those services intended to serve and protect our community. The Australian government strongly supports measures to combat corruption in Australian police forces. These measures, of course, must be consistent with the existing legislative frameworks available as investigative tools. Corruption can only occur when proper oversight and accountability mechanisms are not in place.

The telecommunications interception powers that we have are amongst the most intrusive investigatory tools available to law enforcement and anticorruption bodies. For that reason the Australian government expects Victoria to meet the same legislative requirements as every other jurisdiction. I have to say this is well understood by the Victorian government, but it is disappointing that it refuses to address the inherent conflict in the vesting of interception powers in the Director of the Office of Police Integrity who in his separate role as Ombudsman also has responsibility for oversighting the use of interception powers by the Victoria Police.

I note that there is an editorial in the *Herald Sun* today that calls on me 'to act in the best interests of crime prevention'. I strongly agree with that sentiment, but I have to say the only authority standing in the way of conferral of interception powers to be used in the fight against corruption in Victoria is the Victorian government. I am willing to work with the Victorian government to assist it in complying with the interception regime that now exists, to ensure that Victoria is able to access exactly the same interception powers that have already been conferred on dedicated, independent anticorruption bodies operating in New South Wales and Western Australia. I notice the silence of the opposition on this matter. I hope it is a strong endorsement of the position the Commonwealth is taking on this question—

Opposition members interjecting—

Mr RUDDOCK—and that you might encourage your Victorian colleagues to come to the party.

The SPEAKER—I remind the honourable Attorney-General that the use of 'you' and 'your' is to be discouraged.

Anzac Cove

Mr ALBANESE (2.50 p.m.)—My question is to the Prime Minister and follows on from my last question. Is the Prime Minister aware that, after completing the survey, Dr David Cameron held talks with the Australian Office of War Graves, Environment Australia and the Australian Ambassador to Turkey in relation to the findings of his survey? Is the Prime Minister still satisfied that the need to maintain the heritage, integrity and sanctity of the site was properly considered before the roadworks at Anzac Cove were requested by the Australian government?

Mr HOWARD—It follows from the fact that I am not aware of this report that I would not be aware of those discussions. I can but repeat that and seek some further advice. My recollection—and I will have to check the letter again—is that the request made for roadworks by the minister, which was the subject of the letter that I was asked about earlier in question time, related to roadworks away from Anzac Cove—in fact, in the Chunuk Bair and Lone Pine areas.

Aerospace Industry

Mr McARTHUR (2.51 p.m.)—My question is addressed to the Minister for Industry, Tourism and Resources. Would the minister inform the House of the government's policies aimed at promoting Australia's aerospace sector? What benefits will flow to Australia's economy as a result of these policies? Is the minister aware of any alternatives?

Mr IAN MACFARLANE—I thank the member for Corangamite not only for his strong interest in the aerospace industry but for his ongoing support of industry, particularly high-tech industry in his electorate of Corangamite.

Mr Gavan O'Connor—Here's Captain Zero. He's the zero tariff man.

Mr IAN MACFARLANE—I checked your electorate yesterday, Gavan; it could do with some work. Australia's aerospace sector is generating jobs, exports and economic growth. The Australian government is standing right behind this industry and supporting it as it grows. Yesterday I announced a $12.5 million support package for the Australian aerospace manufacturer, Hawker de Havilland, a key player in the Boeing 787 Dreamliner project. This funding. which was complemented by the Victorian Labor government—I am unable to disclose how much, but can I assure the House that it was a pleasure working with a Labor government who had a vision to grow the economy—will cement Australia's role in developing the most advanced commercial aircraft ever built in the world.

Hawker de Havilland has won the highly contested contract to develop the 787's trailing wing edges and, as a result of the government package, the bulk of this work will be done here in Australia. This is great news for the Australian economy, with the establishment of some 220 high-technology jobs and some 15 apprenticeships. As well as that, there will be hundreds of indirect jobs created by this project in terms of tooling, design and R&D. In all, the project is expected to generate for Australia some $4 billion in revenue. This government support has ensured that Australian technology, Australian R&D, is commercialised here in Australia for the benefit of Australia and for the benefit of creating jobs in Australia.

I am asked if there are alternative proposals. The alternative proposal from the Labor Party would not have seen this project happen in Australia. Their policy of abolishing Invest Australia would have seen these jobs and this project go overseas and Hawker de Havilland miss out on the contract. While the Labor Party are happy to sit there and watch apprenticeships, jobs and economic wealth go overseas, this government is ensuring that jobs and economic growth are maintained.

Health and Ageing: Community Care Programs

Ms GILLARD (2.54 p.m.)—My question is to the Minister for Ageing. Didn't the minister mislead the House yesterday when she said:

> ... the government notified all services that there would be an invitation to apply for new services.

Isn't it the truth that the government has notified every community care service funded under the National Respite for Carers Program that their existing services will only continue to get funding if they compete for

funds by tendering and their tender is accepted?

Ms JULIE BISHOP—I thank the member for her question. In view of the question yesterday and my answer to it in *Hansard*, let me make a few points. This open competitive process is designed to ensure that more providers can offer new or better or different services in the community care programs, that existing providers can offer better ways of delivering community care programs and that older Australians who are receiving services under the community care programs have better access to services. In relation to the timing, existing providers have been on notice for some 18 months or more as existing contracts have not been renewed but rolled over, pending the outcome of the community care review. Last August the government produced its response to the community care review, 'The Way Forward'. I recall that at the time the member for Canberra supported the government's approach to the community care review. In fact, when the document was released there was support from the Australian Labor Party on the approach we were to take. Now when we do adopt that approach all the Labor Party does is criticise.

A letter was sent to peak organisations and to providers advising of the open competitive process. Advertisements were placed in the paper. A procurement company was engaged to ensure independent probity and advice. The new contracts will be in place by 1 July. The department is working with all applicants and all providers to ensure that if transition arrangements are needed they will be put in place. Our priority is to ensure continuity of care for older Australians. This government has expended over $1.4 billion on community care programs. The service providers need to be accountable and older Australians deserve choice and better access to community care programs.

Employment: Programs

Mrs ELSON (2.57 p.m.)—My question is addressed to the Minister for Workforce Participation. Would the minister inform the House of the benefits of government programs that are helping parents back into the work force?

Mr DUTTON—I thank the member for her question and congratulate her on the fact that since she has been the member the unemployment rate in her electorate has dropped from 9.6 per cent to 6.6 per cent. It shows how hard she continues to work. I am very proud to inform the House today about a new voluntary pilot we have for parenting payment recipients. We know that it is very important process to go through because we know that in this country we have about 600,000 children who are living in families where nobody works. Two-thirds of those families are headed by only one person, so sole parent families comprise two-thirds of families where nobody works. It is a problem we need to continue to address.

The pilot will cover seven regions across the country, including the Gold Coast. We are very proud of the fact that there will be many hundreds of recipients able to go into the Work for the Dole program who will benefit from what has been an incredibly successful program right across this country. It has been successful in providing work experience to people and in lifting their self-confidence and self-esteem. It ultimately provides for a stronger and more secure financial outcome not just for them but for their families as well. It shows that this government remains committed to the Work for the Dole program. It remains committed to providing young people and mature age people with work experiences that help them practically into paying jobs.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Workplace Relations: Reform

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (2.59 p.m.)—Mr Speaker, I seek the indulgence of the chair to add to an answer.

The SPEAKER—The minister may proceed.

Mr ANDREWS—In my previous answer to a question from the member for Gilmore, I said that it had been reported that the Leader of the Opposition had told Labor MPs that Labor would be a policy-free zone. I wish to table an Australian Associated Press report of 15 March 2005 the heading of which is 'Labor to be policy-free zone as it attacks government' and which contains this paragraph:

> Mr Beazley told a private meeting of Labor MPs and senators that the opposition would be a policy-free zone while it focused on attacking the government.

PERSONAL EXPLANATIONS

Mr BEAZLEY (Brand—Leader of the Opposition) (3.00 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr BEAZLEY—Yes.

The SPEAKER—Please proceed.

Mr BEAZLEY—I claim to have been misrepresented savagely and grievously, though the journalist might well claim to have been misrepresented by the minister—but that is for the journalist to worry about.

The SPEAKER—The Leader of the Opposition will come to the reason for his claim.

Mr BEAZLEY—In the course of his remarks the minister said that I had stood up in some place or other and said that the Labor Party intended to be a policy-free zone. I have never said that anywhere, not at any point of time. Of course, that is not quite what the AAP story says, but what the AAP story says is also wrong. I have not said to my colleagues that we will be a policy-free zone. What I have said is what is elsewhere said in this AAP report when there are direct quotes—that is: 'We are going to hold this government accountable.' And we are doing very well at it indeed.

The SPEAKER—The leader has already explained where he feels he has been misrepresented.

Ms KING (Ballarat) (3.01 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Ms KING—You bet I do!

The SPEAKER—Please proceed.

Ms KING—The Minister for Vocational and Technical Education in answering my question as to why the government has failed to train enough local young people in traditional trades stated that I had criticised MaxiTRANS. I refer the minister to my statements in this place and in the media on the issue which make it clear that my criticism has always been of this government's failure to avert the skills crisis.

QUESTIONS TO THE SPEAKER

Parliament House: Child Care

Ms BURKE (3.02 p.m.)—Mr Speaker, you may not have been aware of this but a member of parliament has had to leave her child unaccompanied in the galleries today. I draw this to your attention not only to investigate it but also to highlight the desperate need for child care in this place, which has arisen again today. I ask you on behalf of the women and men in this place, most impor-

tantly the staff, to yet again explore the need for appropriate child-care facilities in this place.

The SPEAKER—I thank the member for Chisholm and I will make further investigations on that issue.

PERSONAL EXPLANATIONS

Ms ANNETTE ELLIS (Canberra) (3.02 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Ms ANNETTE ELLIS—Yes.

The SPEAKER—Please proceed.

Ms ANNETTE ELLIS—In the House today, in answer to a question, the Minister for Ageing inferred from my support of a discussion paper issued some many months ago now, which was purely a discussion paper for consideration of community service delivery in this country, that somehow I had implied that I would support the government's actions now in relation to the delivery of community services. That is very misleading and it is wrong.

QUESTIONS TO THE SPEAKER

Parliamentary Library

Mr ADAMS (3.03 p.m.)—Have you sanctioned the restructuring of the Parliamentary Library and research service? As the Library and the research service serves all honourable members, senators and committees, will you give an assurance that the research service will remain independent and will not be an instrument of government or departmental policy?

The SPEAKER—I thank the member for Lyons for his question. I think the passing of the Parliamentary Service Amendment Bill yesterday would have covered the first part of his question. On the second part, I think he is well aware that the independence of the Library is something that he and I and all members of the Library Committee will continue to work very hard to maintain.

DOCUMENTS

Mr ABBOTT (Warringah—Leader of the House) (3.04 p.m.)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the *Votes and Proceedings*.

Mr ABBOTT (Warringah—Leader of the House) (3.04 p.m.)—I present documents on the following subjects, being petitions which are not in accordance with the standing and sessional orders of the House.

Supporting Christian minorities in Iraq—from the member for Prospect—2468 Petitioners

Relating to a special meeting of Australian religious leaders—from the member for Mitchell—15 Petitioners

Concerning the West Aviat Golf Course—from the member for Hasluck—2891 Petitioners

Relating to aged and community care—from the member for Warringah—45 Petitioners

Relating to the labelling of personal care products and cosmetics—from the member for Warringah—584 Petitioners

Concerning palliative care services on the Central coast—from the member for Dobell—624 Petitioners

Relating to a transport access linking Monash and the southeast to Melbourne—from the member for Chisholm—750 Petitioners

Relating to refugees in detention centres—from the member for Corio—86 Petitioners

Seeking a medicare office for Kogarah—from the member for Barton—3070 Petitioners

MATTERS OF PUBLIC IMPORTANCE

Economy

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

The arrogance and complacency of the Government in the face of growing evidence of its mismanagement of the Australian economy

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 BEAZLEY (Brand—Leader of the Opposition) (3.05 p.m.)—This is, of course, the last day of sitting before a substantial break. The next time we meet we will be here to discuss the budget—a budget which will have at its focal point a $66 billion hit put on its bottom line by the government to get itself re-elected, a hit which drove consumption but no investment in the things that this economy needs for the next phase of its development. People ask me from time to time what I find different as I come back to being Leader of the Opposition after a gap of some three years. They ask it of me as I get around in recent times at the shopping centres in Werriwa. They ask it of me in boardrooms as I get about discussing with them where we intend to take opposition policy over the course of the next few years. People are genuinely interested in the answer to that question.

I will tell you what I find very different in the situation that I find now from the situation that I found when I last left being Leader of the Opposition. As time has gone by, as Australians have had a chance to look at the long boom of sustainable growth in the Australian economy which we have experienced, they have asked themselves the question: who is responsible? They have come to a very clear-cut answer, an answer arrived at by economic commentators who spend their lives professionally analysing these things. It is arrived at too by ordinary Australian citizens who benefit from good decisions and carry the burden of very bad decisions. They have come to a conclusion that the Hawke and Keating governments, in which I was honoured to serve for a period of 13 years, set Australia on a path of long growth and great economic success, and they took the hard decisions while they did it. They took the hard reforming decisions and set up a period of sustained growth.

The reason those economic analysts and those citizens have conversations with me on these matters now is that for the first time in 10 to 15 years they ask themselves whether or not it continues and what are the terms and conditions of its continuing. I must admit that they did not ask me that question in the first few years when I was Leader of the Opposition but they ask that question now. As they find themselves asking that question they come to the conclusion more and more that the good times were a product of decisions taken by a tough reforming government, formed first by Bob Hawke and then by Paul Keating, and that this government has simply skated on that. It has surfed on it and contributed nothing to it. It has exploited it to get itself re-elected. But in not adding value it is creating a situation where chickens are now coming home to roost.

The government in their arrogance say, as those chickens come home to roost, that the Australian public can just cop it sweet. We see the arrogant prancing, dancing government in here every day in question time. They will not answer questions. They blame everybody else for every problem that they confront. They accept no responsibility. They take no responsibility. They expect Australians simply to cop the squandering of their prosperity. The Australian people will not do it.

Let us review the chickens that have come home to roost as we have analysed things since the new year began. Interest rates have

risen, despite government promises in the last election campaign. Don't go with all this blah that the government goes on with, with their wriggle words, when they say, 'We didn't quite say that.' We all saw the Liberal Party propaganda, the paid propaganda—$18 million worth of it pumped into the heads of the Australian public—that if you re-elected the Liberal government your interest rates would not rise. Whack! Day after day, hour after hour, it was pumped through to the public. Then the Prime Minister and the Treasurer get up with little smirks on their faces and say, 'We didn't quite say that,' and they go through the set of wriggle words that they offered on one or two radio interviews during the course of the campaign. The public finds that deceitful and arrogant.

Then we find consumer confidence in the face of this is plummeting by a record amount—the largest single monthly fall in 31 years of the survey. We see a massive current account deficit reach $50 billion in 2004 and virtually no export growth for four years. The minister was up here again today talking about exports of $152 billion. If you have had the Labor Party's growth rates, Minister, you would have been talking about a figure above $200 billion. It is simply that: if you had the Labor Party's growth rate based on the Labor Party's reforms of the Australian economy, which you have subsequently squandered, you would have been talking about $200 billion and you would have been discussing a trade surplus. But your massive failure to build on a very good wicket indeed, constructed for you by the Australian Labor Party in office, has produced this record current account figure.

Mr Michael Ferguson—And record debt.

Mr BEAZLEY—And record debt. I am glad you said that—record foreign debt—an honest man on the Liberal Party side, and I think he should be acknowledged. That record current account deficit of course is reflective of a record foreign debt bill of $421 billion, over double the debt under Labor. It is a burden of more than $20,000 for every man, woman and child in this country. What an extraordinary performance by our political opponents, and they arrogantly skate over it. Arrogantly they say that the Labor Party can cop it sweet—don't worry, it is not owed by us; it is owed by everybody else; you don't have to worry about this.

But they said truthful things, which ought to be at the forefront of ministers' thinking about themselves of course, when they were in opposition. They said at the time that one of things you have to worry about when you have levels of foreign debt which were very much lower than that and a current account deficit very much better than that was that there was always a problem with that: it does put upward pressure on interest rates. That is why we now have an interest rate regime which is the second highest in the industrialised world. They like to boast about interest rates, but interest rates are rising, so that in comparative terms—they like to talk historical terms; they do not like to talk comparative terms—we now have the second highest interest rates in the industrialised world. And when we say the second highest we are not talking about a small margin; we are talking double the rates in the United States, double the rates in Europe and quadruple the rates in Japan. And you cannot go around saying it is because these countries have not had growth economies. Most of those with whom we compare ourselves have experienced better growth than us in this last year and still their interest rates are that much lower than ours.

That brings me to the question of the growth of the economy, which is now down to 1.5 per cent when the rest of the world is growing at five per cent on average. It is not 1.5 per cent against an international recession such as was experienced by the Labor

government in the early 1990s; it is 1.5 per cent against an international growth rate averaging about five per cent. The government plan to tax Australian families and businesses this year by $100 billion more than when they were elected in 1996. It is no wonder that various folk who bear us no ill will but indeed wish to see our success, such as those in charge of the Reserve Bank of Australia and commentators in the OECD, now have views on Australian reforms. They have looked at the performance of the previous Labor government and the reforms we put in place. They have seen that performance and commented on it in their reports—of course, without naming us, but they mentioned the relevant time lines in those reports. The reforms that they refer to, of course, are without exception all reforms that were put in place by Labor. You do not see them talking about changes in the taxation system; you see them talking about the reforms that the previous Labor government put in place.

They say there are further reforms necessary, and what are the reforms that they identify? As they look at what was a highly productive work force growing in productivity year on year but which has experienced in this last year for the first time in a decade a reversal of productivity, they say this problem is driven largely by two factors: skills and infrastructure. They identify the microeconomic reform issues, if you like, to release the blockages in the Australian economy. It does not go to building on the industrial relations reforms that we put in place in 1993 and 1994 which have driven the real wage rises in the latter part of the '90s. It does not go to an argument against an industrial relations system that no longer exists. It goes to the question of the skilling of the Australian population. What have we seen from this government, this arrogant government, since it has been in office? As a result of failing to match the states in investment in vocational education—a failure of some $833 million—they have turned 270,000 people away from TAFE colleges.

They wonder why there are problems with apprenticeships and skilled workers now. Between 2000 and 2003—the relevant period for people who would be tradespeople now—trade apprenticeships declined by 2,300. Most of the growth in new apprenticeships is in areas where there are no skills shortages, and a staggering 40 per cent of people starting new apprenticeships do not complete their training. And of those who did complete new apprenticeships, which the government introduced for statistical and political purposes—not for labour market reform purposes—half the people who have gone through those training processes, massively subsidised by the Australian taxpayer, say that they do not believe their skills have been improved and six per cent say that they finished with fewer skills than when they started. That is what you call 'value subtracting' in the skilling process put in place by our political opponents.

It is estimated—and this is a real crisis—that over the next five years 175,000 workers will leave the traditional trades and only 70,000 will enter. That is a massive crisis, for which the government's only answer is to say they will import skilled workers. They have neglected 270,000 young Australians and they are now going to turn on the drip of migration to bring in 20,000 skilled workers this year. I have to say, and you have to give due warning when you look at figures like this, that is merely the first year's program. There will be 20,000 in the year after that and the year after that and the year after that and the year after that—20,000 more to fill the gap of 100,000. What a tragedy for ordinary Australians. How embittering it will be for ordinary Australians as they look at that fact and at the consequences of that. I fear

the consequences of that for their support for the very important migration program that we have. If there is a lack of support and respect for it, there will be only one group of people to blame and that will be those who are sitting opposite.

We have seen a trashed legacy over the course of the last decade and the Prime Minister, still in his arrogance, was urging me to look at Dr Edwards' article which appeared in *New Matilda* the other day. He thought it supported his argument, but Edwards got it absolutely right when he said of this government:

> ... they have done very poorly in preparing Australia for the issues posed by an extended period of strong growth, and by Australia's increasing integration into a fast changing global economy.

Failing in the way in which they have failed places our prosperity in jeopardy. It does not end it, but the benefit for the Australian people is lost. There will be a change of government in three years and it cannot come soon enough. *(Time expired)*

Mr BROUGH (Longman—Minister for Revenue and Assistant Treasurer) (3.21 p.m.)—A funny thing happened today. Today we came into the chamber for the last question time before the budget session. We had a matter of public importance on the economy proposed for discussion later in the day. You would expect you would get a stream of questions from the Leader of the Opposition and the shadow Treasurer on the issue of the economy. We did not get one question—not one single question on the economy when the Treasurer and the Prime Minister were sitting here ready to answer, because it was not deemed important enough for the opposition at that time to ask their questions. And why not? Maybe it has something to do with the announcement today by the Australian Bureau of Statistics which was brought to the attention of this House by the Minister for Employment and Workplace Relations. In answer to a question he said: 'Long-term unemployment has fallen in this great country of Australia to the lowest level in 19 years.'

That is a great achievement by this government and by the business community of Australia. It is something that we should all be proud of; but it is something that the opposition actually want to run away from. It does not play into their political hands to say that the economy is falling apart; it says quite the opposite. It says those who have been out of work for the longest are now getting back into work. The long-term unemployment figure is the lowest in 19 years.

A day when we have a MPI debate on the strength of the Australian economy is a day when we can look at the figures put out by the independent ABS. Those figures say that this nation has the lowest level of long-term unemployment in 19 years. That is a fantastic result but one the government is determined to build upon by further workplace relations and freeing up of the labour market and letting business get on with investment and drive this economy to yet another high.

You have to ask yourself: why have this MPI today? It is pretty clear. It is because after the last federal election the Labor Party did a little bit of soul searching. They did not try and make it too public, although there was a lot of public comment. I think one of the better comments came from Mr Hatton, the honourable member sitting opposite, who said of the first speech by the new Leader of the Opposition to the party room that it was the best speech he had given, that it was better than his concession speech of 2001. Mr Hatton obviously remembered his last concession speech. Michael, you will have to compare it to his concession speech of 2007 and tell us what you think then.

We are having this debate because the Labor Party does realise one thing. It realises that it does have to have a discussion about the economy. The debate has to be economically sound and have rigour. But you do not get that by having all the noise or the confected agony and condemnation that the Leader of the Opposition and the member for Lilley are expressing about the government. You do not get it from that. You get it from policy. I think the member for Port Adelaide got it right when he said:

> Twelve months down the track if there has been no significant policy or party reform and there is evidence that procedures are not inclusive then the people will not be quiet. The party room will move against the member for Brand.

The fact is that two months have gone. We have had no policy whatsoever. There is no direction of where the policy is going. All we have had is more filibustering and long speeches from the member for Brand.

The member for Brand speaks about arrogance. There can be nothing more arrogant than a politician who denies their own past, and his past is something to behold. After the Labor Party lost government on 17 April 1996, they were asked about the black hole—it came to be known as the Beazley black hole—the $10 billion debt that was not known to the Australian public when they went to the polls and rejected Labor. This is what the member for Brand, the now leader of the Labor Party and opposition leader, had to say:

> We don't accept the figures that have been put forward. This notion of an $8 billion hole is largely a fraud—it is a cover, a blind.

On one hand he was right: it was not $8 billion; it was ten thousand million dollars. So I guess he knew in his heart that he could say those words and be partially accurate, because it was worse. It only became clear to us in government and to the Australian public a little further down the track.

That was his legacy. Today he stands up here and says that he is proud to have been a member of the Hawke-Keating government. He said that he was honoured to serve in a government that left us $10 billion in debt. When he was Minister for Defence he said that he would increase the budget, but he actually cut the budget. Given the state of the world today, with terrorism and with our requirements in this part of the world to support East Timor, the Solomons and so many other areas, where would we have been if this government had not come into power and retained and then built on our defence budget? This country would be a less safe place under a Labor government headed by the member for Brand. When he had the opportunity to do something about defence, he did not even keep to his promises; he went backwards. He said that he would deliver A but he delivered Z.

When he was minister for employment he created a record number of unemployed. Today, he has the arrogance to sit here and not acknowledge that our long-term unemployment levels are at 19-year lows, because how you could achieve that is something that he cannot really fathom in his own mind. More than one million Australians were unemployed under his stewardship of the employment portfolio. This is not the sort of man that Australians can afford to have in charge of an $800 billion economy.

He was also in charge of employment when we saw the lowest level of apprenticeships, which he is now talking about. He did not think about apprenticeships in the past. It was not something that you aspired to under a Labor government. It was seen to be a second or third best option. Well, it is not. Being a plumber, a sparky or a baker is every bit as important as being a lawyer or a doctor, and no-one should deride them. Yet, under the Keating-Hawke government, which the member for Brand was honoured to serve in,

such people were considered second-class citizens. That is not the case under a Howard government. We applaud and support these people and we support the employers who put them into these positions.

As has been quoted in this House over the last few days, when the Leader of the Opposition was education minister he said that he had nothing to contribute. He had nothing to contribute in any of his portfolios other than heartache to the Australian public. As finance minister he left us with a $10 billion deficit, and that was only in the last year of the Labor government.

My attention was drawn to a document just before question time, which goes to the woes of the Labor Party. It states:

> During the election Labor did not present a credible argument or plan to demonstrate our capacity to control interest rates or manage the economy as well as the coalition.

That is true. I do not think there is anybody in Australia who would disagree with that, which is why the government was so readily returned by the Australian public. The document continues:

> On the issue of taxation, the issue of Labor's lack of credible policy alternatives extended to taxation policy.

It was not just finance and the economy. It was taxation; it was employment. The document continues:

> This was the second consecutive election in which Labor failed to present a credible and comprehensive policy on taxation which attracted broad electoral support.

That is very accurate. The sad fact is that this is not a critique of the federal election in 2004. This is Labor's critique of itself in 2001. It did not learn by its mistakes. This document is from the former Premier of New South Wales, the Hon. Neville Wran.

Mr Swan—Ha, ha!

Mr BROUGH—The member for Lilley laughs. When asked if they were going to have another critique of themselves, they said: 'No. Let's not have a close look.' We know what Neville said last time. He said we did not have any credible policies on taxation, employment growth and the economy in 1998 or in 2001. The Labor Party did not have one in 2004. That is why we are here today debating a matter of public importance. The Labor Party think that by using the words 'economy', 'taxation' and 'employment' they somehow make themselves credible. You do not make yourself credible, member for Lilley, unless the Labor Party start to develop policies which move away from their past failed position and take them towards a credible policy into the future.

The man who would be Prime Minister, the member for Brand—this is his record. Is he the sort of person Australians deserve as a Prime Minister, a man who was part of a government—that he was, I remind the House, 'honoured to serve in'—that brought down nine deficit budgets in 13 years? Put in simple terms, that means that the national savings of this country went backwards nine times out of 13 under the former government's stewardship.

Today we are talking about foreign debt. If Australian companies borrow money to invest and grow the economy, that is one thing. The Australian people know that when the Australian government drives up debt, that debt is owed by the Australian taxpayer. We have not done that. The Australian taxpayer's debt is at record lows because we got rid of over $70 billion—$74,000 million—of the debt that Labor threw upon the Australian population. We the taxpayers had to find, in round terms, $10 billion a year just to pay the interest. That money could well have been spent on defence, on apprenticeships, on health, on education—on all of the things that make us a better nation—but it could not

be spent because the Labor Party, under its finance minister, the member for Brand and the now opposition leader, found that they could not manage the economy well enough. Yet the member for Brand stands here today and talks about arrogance. If he were to admit his failings in government, to admit his failings at the 1994, 1998 and 2001 elections, and to set some policy direction going forward, then the people on the back bench, the caucus members who are saying that he now has 10 months left to decide his future, may believe he has some credibility and decide to stick with the member for Brand.

The member for Brand is a lovely bloke to sit around and have a beer with. He would be okay to have a barbecue with. He is a nice, soft sort of chap to kick around a few ideas with, but running an $800 billion economy takes rigour. It takes real determination and guts to make tough decisions. That is what this government has been prepared to do. That is why we were able to withstand things like the Asian meltdown. That is why, when the US was going backwards, when Europe had stopped and when our major trading partners such as Japan were still in the water, the Australian economy kept growing. That is why more Australians are in employment today than ever before. That is why 1.5 million more Australians have jobs today than they did in 1996. These are not fictions of the federal government, the Howard government—they are statements of fact. They are there in black and white. Australian companies are making record profits because they are growing and investing in the nation's future. But fiscal mismanagement is what the Labor Party left the Australian population with.

But let us deal with the mums and dads of this country—the people. How are they feeling? What have they got? The real net wealth of Australian households has doubled under the Howard government in the last nine years. It has increased to an annual average of 8.6 per cent from just 2.9 per cent in the last seven years of Labor. That is the period the member for Brand was both the finance minister and the employment minister. Households have taken advantage of historically low interest rates, which continue to be at historically low levels, by increasing their borrowings. Household balance sheets have benefited commensurately. In other words, the wealth of Australian families has improved. The aspirational voters that the Labor Party twigged into for a little while are not some small part of the Australian population—they are the Australian population. The Australian Labor Party has failed to recognise that it does not matter what suburb you live in or what work force—whether you are a blue- or white-collar worker—you come from, you want to get ahead and, under a Howard government, that is exactly what has occurred.

Private business investment has grown by 8.3 per cent per annum under a coalition government—real investment, not the Public Service, not some confected way of trying to buy jobs. This is real growth—Australians getting into work and moving forward. The Labor Party has a problem. It recognises that it failed to have an economic policy, a taxation policy, an employment policy in 1998, in 2001 and in 2004. In 2007, unless it removes itself from its shackles—it now represents less than 20 per cent of workers, or one in five workers, in the private sector—it is not going to be relevant at the next election either. The member for Brand, whom I know to be a good bloke to have a beer with, is not the sort of bloke you can afford to put in charge of an $800 billion economy. The Australian population knows that. If you go to your bank manager and you find that he has run his own business into the ground, sacked all his staff and borrowed money all over the place, I think you would find another finan-

cial adviser. The Australian public know that. That is why they say to the member for Brand and the member for Lilley: 'Yes we will have a beer with you. We might have a bit of a chat with you around a barbecue, but for God's sake, we won't allow you ever to get a hold of the Treasury bench because it will be the most damaging thing to happen to Australia.'

Mr SWAN (Lilley) (3.36 p.m.)—This matter of public importance is necessary today because this government has failed to make the necessary investments in the future, failed to protect future prosperity, and we are living with the consequences of that. That is not just the analysis of the Labor Party—that is the analysis of the OECD and the analysis of the Reserve Bank Governor. So we do not have to rely on analysis of the Labor Party. It is even the analysis of John Edwards, who was so approvingly quoted by the Prime Minister yesterday.

All around this country, commentators, respected advisers to the government—the government's own officials—have recognised that there is a problem with growth into the future because of the failure of the government to invest in that future. Why has the government failed to invest in that future? It has failed to invest in that future because it has been putting its short-term political interests ahead of the long-term national interest. That is why we had the double whammy—rising interest rates and falling growth. That is why there is such concern around the community and internationally about the state of the Australian economy. If things were to go wrong internationally, we would have some problems. This government has not invested in the future.

Where can we best see this? We can see it in their last two budgets. They spent over $100 billion in their spending sprees in the run-up to the last two elections—and specifically, in the last election, the $66 billion spending spree between May and the election period. Then there was the election policy speech from the Prime Minister: $6 billion worth of madness; $100 million a minute that the Prime Minister spent when he was seeking to secure office, sitting there ironically with that sign on the front of the lectern saying 'Keeping interest rates low' while at the same time spending and spending and putting upward pressure on interest rates.

Where was the Treasurer when all this was going on? What was he doing? The simple fact is that he was too weak to stand up to the Prime Minister, putting his political interests ahead of the national interests. He would not fight for his country, and fiscal policy went to hell in a hand basket. This Treasurer favours what you could call the 'trampoline option'. He wants to go into the Lodge in one bound, with no intervening election. He does not want to fight for it. He will not challenge this Prime Minister. He just wants to be serenaded into the Lodge by brass bands. He does not want to do the hard work—he does not want to do that. As I said here last week, Costello to Howard is like Smithers to Burns. He is so subservient because he has his eye on the Lodge. He has not got his eye on the living standards of the average family in this country.

It was very interesting this week in the parliament because I think we began to see what is going to happen in the government in the months ahead. We saw the beginnings of a civil war in the government. The first thing we saw this week was the richest man in the parliament, Malcolm Turnbull, saying loudly that the government was weak in taxing the strong and strong in taxing the weak. He is trying to remake himself. He says he is going to be the Robin Hood of the parliament: he is going to get up and defend the poor and he is going to tax the rich. I was very impressed. I

was going to say, 'Comrade, come on over,' but what happened? It was only 24 hours till he was out there at the door—and the next minute he is mute; he is missing in action.

We have seen this from all of the pretenders for the leadership and the deputy leadership. Mr Abbott, the Minister for Health and Ageing, has made impassioned pleas about the impact of effective marginal tax rates on low-income workers, but he has been mute because he has elevated himself and he is overtaking some of those other contenders. So 'Malcolm in the middle' had to reassert his credentials for leadership, but where is the Treasurer in the middle of all of this? He is completely mute. I will tell you what this Treasurer wants. As I said before, he wants to be serenaded into the Lodge. He does not want to have to fight for it. He does not want to have to do the hard work. And the one thing he really wants when he arrives is a big bundle of cash in the Treasury. He wants to make sure there is going to be the biggest surplus—not to protect the economy for the future but to dish it out, like this government always does, just before an election.

This economy cannot sustain that approach to politics any longer. This Treasurer thinks that if you just hand out money before the election everything will be okay. The truth is that this economy is crying out for some real reform. It is crying out for incentive in the tax system, it is crying out for a government that will attend to our skills crisis and it is crying out for a government that will do something about skill bottlenecks. While the Treasurer is building up the war chest in the hope that he becomes the unelected Prime Minister of this country and he can use that to try to buy his way into office, all of these long-term problems go unattended because the Treasurer has got his eye on the Lodge; he has not got his eye on the living standards of the average family.

What do we get in this House every day? This incredible misinformation. We saw it here again today when he pretended to talk about the OECD report. This was the report that said this government has put in place some of the highest effective marginal tax rates in the Western world. They said we were second only to Iceland, and that still remains the case. The Treasurer came in here today to try to pretend that the OECD had said that their previous report was inaccurate and had posted a correction. I can tell you all they did no such thing, and effective marginal tax rates in this country are still some of the highest in the Western world. He was in here again yesterday being misleading on this point. He went through the living standards of a couple of profiles. What he did not tell people is that when those people work harder they get nothing—they get absolutely nothing.

If incentive is good for those on high incomes, why is it not good for those on the lowest incomes? And why is it the case that this government has left in place those high marginal tax rates which really punish someone on a minimum wage—someone on about $467? When they work harder and earn an extra dollar, this government, as a result of its recent changes, takes back a dollar and four. Prior to the last budget the figure was 83c or 86c. I will be really pleased when the member for Wentworth stands up again to assert the case for real tax reform that does something for people on the lowest incomes, when he gets up and asserts the principle that people on any income are entitled to incentive and when he repudiates the approach of this government, which is that the only people who deserve incentive are those on the highest incomes, and those people at the bottom get the stick. He will be credible when he shows some gumption in this parliament and repudiates that approach, rather than the prancing and nancying around that we have

had from him and other frontbenchers who are all pretending to run for the deputy leadership.

In the face of all of this—this dreadful record on tax—what do we get from the Treasurer? We get what I call 'Costellonomics': blame somebody else. And you are going to see that for the next four or five days. The Treasurer is going to be running around the country blaming the states. A problem with the tax system? Blame the states. A problem with infrastructure? Blame the states. But that is not going to work, because we have been doing a bit of research on revenues, and what we have discovered is that the real bonus in revenues from the GST not only has gone to the states but also has gone to Peter Costello. But you do not hear it when he comes into this House. How dare this Treasurer, who collects six times the revenue that the states receive from the GST, come in here and lecture them about how they ought to spend that money.

Two weeks ago he was in the parliament saying that they should spend more money on infrastructure. A week after that he was saying they should cut taxes. How can you do both of those things at once? I think he might be walking both sides of the street. The truth is that he wants to blame the states. That is what Costellonomics is about. When the numbers do not add up, when you get rising interest rates and falling growth, blame somebody else. That is why he has been so vicious in his misuse of subsequent OECD reports, because the most cogent critique of this government's failure when it comes to infrastructure, skills and taxation is contained in the OECD report of over one month ago. That has blown the whistle—and so it might, because all these reports make absolutely clear that the craven weakness of this Treasurer, who will not stand up to his Prime Minister, is what has put upward pressure on interest rates. This government backed the Reserve Bank into a corner and forced them to raise interest rates a week or two ago, and we will be waiting with bated breath to see what they do next time round.

I hope we do not have another interest rate rise. I sincerely hope we do not, because another interest rate rise is going to put Australian families under very substantial pressure. When this government skites about what it has done in debt reduction, it does not tell everyone that it has transferred the debt from the public sector to the private sector. So very small rises in interest rates have a very big impact on Australian families who have record mortgages and record credit card debt. That is why this government should be condemned for its failure to invest in the future. *(Time expired)*

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (3.46 p.m.)—I start on today's MPI by saying that life never ceases to fascinate me. To think that here in the national parliament, on the last sitting day before a few weeks break, the Australian Labor Party would come in and demonstrate such arrogance and duplicity! It really does never cease to fascinate me. Mr Deputy Speaker, as you heard, the first thing the Leader of the Opposition and then the rooster from Lilley, the member for Lilley, did was attack the government's election promises and election commitments. But, Mr Deputy Speaker, did you hear from any of the speakers today one election promise that we proposed that they want to cut? No, you just heard them having a go at our spending.

I want to know what program the Australian Labor Party intends to cut. If you are not happy with our spending, if you are not happy with our election commitments, come into the House and outline the programs that you want to cut. Do you want to cut the $21 billion of funding to Australian families? We know that that $21 billion of funding is a big

problem for Labor. We know it is a big problem for the member for Lilley, because part of that $21 billion is the $600 payments that the member for Lilley for weeks and weeks roamed around this country saying were not real. But then, lo and behold, the member for Lalor came out and said that they were real. So we want to know: do you want to cut the $21 billion worth of funding to Australian families? Do you want to cut the $14.7 billion worth of funding for personal tax cuts? If you are not happy with our spending, come in here and tell the Australian people if you want to cut almost $15 billion in personal tax cuts. If you do not want to cut those, do you want to cut the $2.1 billion of investment in aged care?

Does the Australian Labor Party advocate that we cut the $3.3 billion of funding in Medicare? Are they not happy with the $2.5 billion worth of funding for our defence and national security program? Do they want to cut the $2.5 billion from our superannuation initiatives? If they are not happy with our spending, do they want to cut the $2.4 billion out of AusLink? If they are not happy with our spending, will they come into the House and tell the Australian people if they want to cut the $1 billion of tax relief that we have put forward for mature age workers? Do they want to cut the $1 billion of funding for vocational education and training? Are they not happy with the $1.6 billion that we have put into the Australian water fund? If they are not happy with our funding, do they want to cut out the $1 billion in tax relief for small business? If they are not happy with it, do they propose that we cut out the $500 million to help Australian carers? Or do they want to abolish the $400 million of enhancements to the private health insurance rebate?

The fact of the matter is that they do not want to cut any of it. What they want to do is to come into the national parliament and carry on like pork chops. On one side of the street, they want to say that the government spends all this money and is wasting all this money and, on the other side of the street, they do not want to put forward any proposals to do any cuts at all. Again, you have day after day this carping and this duplicity from the Australian Labor Party where they are trying to have their cake and eat it too—walk down the left-hand side of the street saying one story; walk up the right-hand side of the street saying another story.

This MPI today focuses on the Australian economy. As I started by saying, life never ceases to fascinate me. Isn't it amazing that the member for Brand could actually bring himself to stand up in the national parliament and criticise the coalition government on its economic performance? This is the member for Brand. When we came to government in 1996, I am sure that the member for Brand was in the former government cabinet. I am quite sure that, when we came to government in 1996, he was the Minister for Finance, and I am quite sure that as the finance minister he was responsible, together with the whole cabinet, for the performance of the Australian economy. The fact is that when we came into government in March 1996 this country had a government debt of $96 billion. This is the member for Brand who came in here today and wanted to tell us how to manage the economy. He was the finance minister and left the nation with $96 billion worth of debt. Back in those days, that $96 billion of debt represented just over 19 per cent of our gross domestic product. Today, our government debt has been reduced to $23 billion, which represents just under three per cent. It used to be 19.1 per cent of our GDP; now it is just three per cent—and the member for Brand wants to make out that we are the baddies.

Another interesting thing to remember is that the 2004-05 budget was the government's seventh surplus budget since 1996. While Australia delivers surpluses, most of

the other countries in the OECD are not expected to record budget surpluses. Labor were in government for 13 years and they had nine deficit budgets. They were $74 billion in the red, including $69 billion in deficits in just the last five years of their management. That is absolutely staggering.

When you talk about the economy, there are certain variables you look at and reflect upon. The other important one is, of course, employment. As you heard from my colleague the Minister for Revenue and Assistant Treasurer, over 1.5 million jobs have been created since 1996. The unemployment rate is now at 5.1 per cent, the lowest since November 1976. Let us go back to the person making these claims, the member for Brand. The unemployment rate when the Labor government left office was 8.2 per cent, yet the Leader of the Opposition and the member for Lilley again come into the House and have a go at the coalition government for reducing unemployment and reducing government debt. These are precisely the people who were responsible for one million Australians being out of work. As I said, life never ceases to fascinate me.

Inflation is now at around 2.6 per cent and has averaged 2.4 per cent since the coalition came into office in 1996. In the 13 years under Labor, it peaked at 11.1 per cent and averaged 5.2 per cent. But, Mr Deputy Speaker, as you and all members on this side of the House know, the absolute corker is home interest rates. Again, life never ceases to fascinate me because it was the member for Brand and all his lot on the other side of the House who were absolutely, single-handedly responsible for home loan interest rates getting to 17 per cent in this country. They were single-handedly responsible for driving the economy to a stage where home loan interest rates got to 17 per cent. It is clear to me that the Australian Labor Party have forgotten what that meant to people—the incredible impact of home loan interest rates at 17 per cent. Under Labor, rates peaked at 17 per cent and averaged 12.75 per cent.

Since the coalition came to office in 1996, interest rates have come down from 10.5 per cent to around 7.3 per cent. On the average new mortgage there is an interest saving of around $980 each month compared to the average mortgage interest rate under Labor. In addition, it was the Howard coalition government that introduced the First Home Owners Scheme. As a result of that scheme, more and more Australians have been able to realise the dream of having their own home. Home ownership was an absolute nightmare—something they could never have contemplated seriously throughout the 13 years of Labor. The Labor Party come into this House time and time again to have a go at us for doing everything right—for getting the economy into good shape. The fact is that they continue to walk both sides of the street—and then they wonder why they are not elected. They ought to hang their heads in shame. *(Time expired)*

The DEPUTY SPEAKER (Hon. IR Causley)—The discussion is concluded.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004

Returned from the Senate

Message received from the Senate returning the bill and informing the House that the Senate does not insist on its amendments disagreed to by the House.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2004

Returned from the Senate

Message received from the Senate returning the bill and informing the House that the

Senate does not insist on its amendments disagreed to by the House.

AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (LEVY AND FEES) BILL 2005

Returned from the Senate

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

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2005

Returned from the Senate

Message received from the Senate agreeing to the amendments made by the House.

PERSONAL EXPLANATIONS

Mr TURNBULL (Wentworth) (3.57 p.m.)—Mr Deputy Speaker, I wish to make a personal explanation.

The DEPUTY SPEAKER (Hon. IR Causley)—Does the honourable member claim to have been misrepresented?

Mr TURNBULL—Yes.

The DEPUTY SPEAKER—Please proceed.

Mr TURNBULL—Just a few moments ago the member for Lilley, in his remarks on the MPI—

Mr Dutton—What a grub he is!

Mr TURNBULL—said to the House that I had, in the course of this week, said that the government was strong on taxing the weak and weak on taxing the strong and that I sought to be Robin Hood. I am not as generous with my—

The DEPUTY SPEAKER—The member for Wentworth cannot debate the point; he has to show where he was misrepresented.

Mr TURNBULL—Thank you, Mr Deputy Speaker. I have made neither of those remarks. I have made a number of comments this week, as on other occasions, about tax and tax reform. For the most part, as far as I can see—

The DEPUTY SPEAKER—I think the member for Wentworth has made his point.

Mr Murphy—Mr Deputy Speaker, I ask that you ask the minister at the table to withdraw the comment he made in relation to the member for Lilley. I believe the word he used is unparliamentary.

The DEPUTY SPEAKER—I would ask the minister to withdraw that remark.

Mr Dutton—I withdraw.

MIGRATION LITIGATION REFORM BILL 2005

Second Reading

Debate resumed.

Mr TURNBULL (Wentworth) (3.59 p.m.)—I was about to say before question time that decisions not to grant or to cancel a visa or to deport a person on character grounds are reviewable by the Administrative Appeals Tribunal. The AAT hearing only is fully adversarial. The other two tribunals conduct their own investigation and in the normal course the department is not represented. At present an applicant dissatisfied with the decision of the tribunal may seek judicial review from either the Federal Magistrates Court or the Federal Court. An appeal from the Federal Magistrates Court may be made to the Federal Court or, from a single judge of the Federal Court, to the Full Court. Further appeals may be made with leave to the High Court. In addition, there is a constitutional review stream under section 75(v) leading to the High Court, which remits migration cases to the Federal Court, which in turn remits such cases to the Federal Magistrates Court. So under the current law, a dissatisfied applicant can have one rehearing before the Migration Review Tribunal, for example, and as many as four judicial reviews and/or appeals—in the Federal

Magistrates Court, before a single judge of the Federal Court, in the Full Court of the Federal Court and in the High Court.

The overwhelming majority of these cases result in either the withdrawal by the applicant or a decision in favour of the minister. In 2002-03, for example, of 1,506 first-instance Federal Court decisions, only 101 resulted in either a win for the applicant or a withdrawal by the minister. Migration applications in the Federal Magistrates Court had increased from 182 in 2001-02 to 1,397 in the following year. Over the same period migration matters before the Federal Court rose from 56.5 per cent of total appeals to 66.5 per cent. Eighty-two per cent of all matters filed in the High Court in 2002-03 were migration cases, up from 41 per cent the previous year. The number of direct section 75(v) applications rose from 300 to 2,131 in that year and 99 per cent were migration matters.

In 2001 a new part 8 was introduced into the Migration Act, the purpose of which was to exclude most migration related decisions from review by a court. This did not preclude their being reheard by the various migration tribunals. However, the decision by the High Court in the S157 case in 2003 effectively rendered this limitation of appeals ineffective. The court held that a migration decision vitiated by what it described as jurisdictional error was no decision at all, hence could not be covered by the privative clause. Only the most minor matters would not be characterised as jurisdictional errors. The court had put the government, to a large extent, back at square one. This government has been of the view, as was its Labor predecessor and as indeed the member for Reid conceded in the speech preceding mine today, that the very large volumes of proceedings for judicial review and unmeritorious claims are placing unacceptable strains and expense on the migration system and the courts. These delays of course prejudice applicants with claims that do have a reasonable prospect of success.

So the bill before the House is designed to address these issues. It is one part of a package designed to streamline the review of immigration decisions. Another part of that package was the appointment of eight new federal magistrates last year to help clear the backlog of immigration cases. The Federal Court and the Federal Magistrates Court are creatures of statute, unlike the High Court, which is a creation of the Constitution itself. The bill is therefore able to limit the jurisdiction of the Federal Magistrates Court. It provides that it has the same jurisdiction under the Migration Act as the High Court has under section 75(v). The Federal Court's jurisdiction will be limited to complex cases transferred from the Federal Magistrates Court and those mostly 'character' cases involving judicial review of decisions made by the Administrative Appeals Tribunal. Nearly all migration cases remitted from the High Court will go directly to the Federal Magistrates Court. Making the grounds of review by the Federal Magistrates Court identical to those in the High Court, by replicating the language of section 75(v), is expected to serve as a disincentive to commence matters directly in the High Court itself. The bill also imposes uniform time limits on all migration cases. Applications for judicial review must be made within 28 days. The court may extend that time limit by a further period of up to 56 days if the court is satisfied that it is in the interests of the administration of justice so to do. Applicants will be required to disclose previous applications for judicial review of the same migration decision. This will allow the court to make an early identification of applicants seeking to relitigate matters.

An important element in the new legislation is enabling a court to dispose of a matter

if it forms the view that there are no reasonable prospects of success. These amendments are designed to depart from the very strict rule in the High Court decision in General Steel Industries Inc v Commissioner for Railways (NSW), where the High Court held that for a court to exercise its common law right of summary disposal the proceedings must be hopeless or bound to fail. That is a very high bar. This bill will establish a different and more practical standard. The government has formed the view that certain lawyers and migration agents have encouraged applicants to pursue litigation which is utterly without merit. Item 38 of the bill obliges persons not to encourage applicants in unmeritorious migration litigation. It requires lawyers in migration cases to certify at the institution of proceedings that they have merit. It enables the court to make costs orders against lawyers, migration agents and other people who have encouraged the prosecution of unmeritorious migration claims. As with the departure from General Steel in the strike-out provisions, the bill provides that a migration application does not need to be hopeless or bound to fail for it to have no 'reasonable prospect of success'. It is not an excuse for an adviser to say that he was acting on instructions from a client to whom he had explained there was no reasonable prospect of success.

The member for Reid was critical of this provision and said that he felt it was harsher than the language used in the New South Wales Civil Liability Act, in which lawyers are obliged to certify that a case has merit. I would say that in substance I do not believe the test will be administered any differently. I think the tests between the two sets of legislation will be regarded by the courts very similarly.

I would draw the House's attention—particularly the member for Reid's attention—to the actual provisions of new section 486E. While creating an obligation not to encourage a litigant to commence or continue migration litigation in a court if the migration litigation has no reasonable prospect of success, there is an additional limb to that obligation. The person so obliged—generally the lawyer or the migration agent—must, to have breached this obligation, not have given proper consideration to the prospects of success of the migration litigation or the circumstances must be such that there is a purpose in commencing or continuing the litigation which is unrelated to the objectives which the court process is designed to achieve.

This means that the obligation is not simply not to advise parties to commence or continue litigation which has no reasonable prospect of success but, in addition, the adviser must have not given proper consideration to the prospects of the case or have an ulterior motive—presumably a motive of wanting to drag proceedings out so that the applicant can remain in Australia on a temporary visa pending the outcome of the proceedings. In order for an adviser—a migration agent or a lawyer—to breach that obligation, it would have to be established not simply that the migration proceedings had no reasonable prospect of success but that the migration agent or lawyer had not considered what the prospects should be—in other words, they had not looked at it in a bona fide, responsible, professional way or had clearly done so with an ulterior purpose.

With respect to the member for Reid, his criticism of this provision is therefore a little unfair. The agents and lawyers will have to act in a way that is quite unprofessional to be caught by this legislation. Some people would say that the bill just gives statutory form to a subsisting professional obligation. Certainly that is the case with respect to lawyers—I cannot say what the professional obligations of migration agents are. Lawyers

are obliged already by their professional obligations to comply by the substance of this provision. The statute puts that beyond doubt and puts them in a position that they are at risk of an order against them for costs if they do not.

This is a financial accountability imposed on advisers who do not approach migration litigation with the right motives—that is, to advise clients to bring cases that have reasonable prospects of success and not to mislead clients into thinking that they have a prospect of success which simply is not there. The legislation is designed to provide some disincentive for advisers to file applications which are calculated to clog up the system and delay the ultimate result—which is that the applicant would have to leave Australia.

I should observe, however, on this point that while this provision is a very valuable one—and, as I said, in substance it is not very different from the professional obligations imposed on the legal profession, at least—it may not deter all litigants. There may be some applicants who will find themselves without an adviser as a consequence of this and, notwithstanding the advice they have received, they may want to soldier on and act as litigants in person. There is no party that takes up more of a court's time than litigants in person. In those circumstances the court can use the strike-out provision that I referred to earlier, as a means of disposing of the proceedings altogether.

In an ideal world the procedure for the review of migration decisions would be even simpler and more streamlined than this bill will make it. The Constitution, however, is a reality. I know better than most how hard it is to change the Constitution. It complicates the creation of a simple regime which would be just as fair and speedier and which would comply with the United Nations High Commission for Refugees principles which I noted at the outset. With those remarks, I commend the bill to the House.

Mr MURPHY (Lowe) (4.12 p.m.)—I would like to assure the member for Wentworth that we will achieve the constitutional reform that he was referring to. It is an unalloyed pleasure working with him on the Standing Committee on Legal and Constitutional Affairs. I again raise objection to the manner and timing in which bills are being introduced and rammed through this House. As members of the House know, this bill was introduced on 10 March. And seven days later, on St Patrick's Day, we are debating this bill in the House. Happy St Patrick's Day to all the Irish! I should declare an interest here because my grandfather was born in Dublin.

I would like to take the opportunity to remind the Attorney-General of the government's responsibilities under the *House of Representatives Practice* to afford the opposition reasonable time in which to make a measured response to bills and financial matters before this House. It is no excuse for the government to say that this bill is destined for a Senate committee review and that it should be rammed through this chamber. Right here, right now, the bill is being debated in this House and it is irrelevant whether the bill will eventually find its way to a Senate committee. The members of this chamber who represent electorates have every good reason in the public interest to debate this bill—particularly electorates such as Lowe, the electorate I represent, which has one of the most ethnically diverse constituencies in Australia. Given the amount of migration work my electorate office undertakes each year, this bill is of critical importance to me and my constituents. It is therefore unreasonable, unjust and a denial of the rules of our constitutional conventions for the Attorney-General to ram this bill through the House of Representatives.

With that out of the way, I would like to put on record that the Migration Litigation Reform Bill 2005 is supported in part by the opposition. I agree with the shadow Attorney-General and member for Gellibrand, Nicola Roxon, concerning the intention of those provisions of the bill that seek to improve the speed and efficiency of migration litigation in our Commonwealth court system. However, the complexity of this bill, both in its technicality and scope, makes it too simplistic to agree in principle with the bill as a whole.

As the Attorney-General doubtlessly recalls, the three successive coalition governments of the 38th Parliament, the 39th Parliament and 40th Parliament introduced a significant number of migration related legislative amendments, specifically designed to curb the runaway burden of migration-law induced workloads within the Commonwealth courts. These courts are the Federal Magistrates Court, the Federal Court of Australia and the High Court of Australia.

One example of legislative amendment to the Migration Act 1958 was the Migration Legislation Amendment (Procedural Fairness) Bill 2002. When it entered this House, I spoke at length on that bill concerning the wrongful interchangeableness of terminology such as notions of natural justice and procedural fairness. Natural justice and procedural fairness are not the same thing.

Next, in 2004, came the Migration Amendment (Judicial Review) Bill, which, I am very grateful to say, lapsed in the last parliament. It is interesting to note that the 2004 judicial review bill failed because the government attempted to apply time limits for judicial review applications and generally reduce access to judicial review in the Federal Court.

When will this government learn that you cannot extinguish the Commonwealth's constitutional jurisdiction of judicial review? Yes, this parliament can change the jurisdictional limits of the Federal Court. However, whatever residual jurisdiction is divested from the High Court to the Federal Court or Federal Magistrates Court will revert back to the High Court. The failed 2004 bill is a blunt reminder that natural justice, procedural fairness, the prerogative writs and other cornerstones of our Constitutional system are inextinguishable fires. You can move these jurisdictions between courts, but you cannot extinguish them.

Examples such as these bills, in my view, go to the heart of the fundamental failure of government to understand the essence of natural justice and procedural fairness. The bill before us this afternoon yet again demonstrates the government has entered into a paradigm whereby it has demonstrably lost the plot with respect to the capacity to make good law. By 'good law', as I have previously said in this House, I mean law that conforms to the natural law—that is, the law of reason.

I say this in light of one of the main sticking points with this legislation—the government have got it wrong with respect to their legal drafting. By this, I refer to the repeated attempts by the government to commit two serious affronts to good law. The first is to reduce or diminish the original jurisdiction of the High Court—that is, reduce to the point of impotence the operation of section 75(v) of the Constitution. The second is to reduce the application and availability of natural justice rights and rules of procedural fairness—in short, the application of judicial review proceedings—in the hands of a visa applicant.

I refer specifically to the 2004 judicial review bill, in which the government attempted to extinguish natural justice rights of an applicant in their appeal to the High Court of

Australia. This bill is very much a response to the current common law position on natural justice rights held in the hands of an appellant to a decision of a tribunal that has jurisdiction under the Migration Act—namely, the Refugee Review Tribunal, the Migration Review Tribunal and, in certain circumstances, the Administrative Appeals Tribunal.

In particular, the common law position on the privative provisions found in section 474 of the Migration Act and its relationship to section 75 of the Commonwealth Constitution centres on the decision, referred to by my colleague the member for Wentworth, of Plaintiff S157 v Commonwealth of Australia [2003] HCA 2. It was case S157 that resulted in the flawed 2004 legislation. It is case S157 that is the cause of this bill before the House today. It is therefore salient to note the ratio decidendi of S157. For the purpose of this bill, S157 is authority for the proposition that a decision made in which jurisdictional error is present—that is, ultra vires or beyond the statutory authority of the decision maker as conferred under the Migration Act—is not a 'decision' under the Migration Act. Therefore, the review provisions of the act do not apply.

We need to understand which review provisions in the Migration Act are relevant to the bill before the House this afternoon. Before talking about those review provisions, it is important to recall the constitutional power that section 75(v) of the Commonwealth Constitution prescribes. Section 75 is entitled 'Original jurisdiction of High Court'. Section 75(v) states:

> In all matters ... in which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth ...

In simple terms, a writ of mandamus compels a public officer to perform a duty. A writ of prohibition prohibits a public officer from performing some action. An injunction stops an action proceeding. Mandamus and prohibition are prerogative writs founded on the High Court's ecclesiastical courts and later equity jurisdiction of the Privy Council, whereas the injunction is interlocutory—being temporary—relief before some substantive issue is dealt with.

All these remedies form part of the suite of judicial review rights and hence constitute a formal part of our Christian jurisprudential heritage founded on the natural justice rights of every individual. This, I believe, is why the founding draftsmen of our Commonwealth Constitution gave specific statutory protection of these rights in section 75(v).

In Plaintiff S157's case, the case centred on two provisions of the Migration Act: sections 486A and 474. Section 486A imposes a time limit of 35 days in which an applicant may apply to the High Court for those very rights prescribed in section 75(v): mandamus, prohibition and injunction. Section 474 contains the dreaded privative clause definition. As the Migration Act states:

> ... *privative clause decision* means a decision of an administrative character made, proposed to be made, or required to be made ... under this Act ...

Section 474 states:

> (1) A privative clause decision:
>
> (a) is final and conclusive; and
>
> (b) must not be challenged, appealed against, reviewed, quashed or called in question in any court; and
>
> (c) is not subject to prohibition, mandamus, injunction, declaration or certiorari in any court on any account.

Again, Plaintiff S157's case is authority for the proposition that section 474 is, in the rationale of Chief Justice Gleeson at paragraph 178 of the judgment, valid as law but 'does not apply to proceedings for mandamus or prohibition that the plaintiff would initiate'. His Honour goes on to say that sec-

tion 474 would be invalid if 'on its proper construction, it attempted to oust the jurisdiction conferred on the High Court by section 75(v)'. The reason the Chief Justice makes this conclusion is found in the body of his judgment, specifically at paragraph 34, where he says, 'The Commonwealth's argument as to the effect of section 474, in its application to the proceedings contemplated by the plaintiff, is inconsistent with the above principles'—that is, of the longstanding fundamental rights and freedoms founded upon a bevy of learned authority. This learned authority to which His Honour refers is founded in academic authority, international treaty and precedent. It is also founded upon law. Again and again, the government has done everything in its power to crush human rights by denying the rule of law, natural justice and intrinsic rights of the person. This government attempted to do so in 2002. It again attempted to do so in 2004. And I believe the government is attempting to do so here today. The High Court's decision in S157 sticks like a guilty conscience on the heart of the government.

The High Court has proclaimed, by unanimous decision, that the government's pleadings in the highest court are invalid. If left to itself, as Chief Justice Gleeson notes, the government would wish to make section 474 'the central and controlling provision of the Act'. Regrettably, for the government, that is not the law, nor is it interpreted as the law by the High Court. Section 474 is just one of a plethora of provisions and laws within the broader migration law. In grudgingly accepting the umpire's decision, the government rushes this bill back to the House on St Patrick's Day, seven days after it was introduced. We see in this bill a new tactic by the government in attempting to expand the jurisdiction of the Federal Magistrates Court so as to poach the workload of the High Court. When will the government ever learn? You cannot extinguish the power conferred in the original jurisdiction of the High Court. There is a maxim in equity that says: the law always speaks. Section 75 of the Commonwealth Constitution also speaks. Hence, there will always be the right of an applicant to appeal to the High Court, no matter what administrative changes are made.

Arguably, even if section 75 were repealed, the intrinsic natural justice rights of the applicant would exist in both common law and international instrument. Yet, for all this time wasting and effort, the government has through successive parliaments attempted to ram through the House legislation such as the bill before us today. And yet this is not the most invidious aspect of the legislation. More sinister are the mandatory provisions that require the Federal Magistrates Court to consider cost orders against migration agents or solicitors whenever the court considers a matter has no reasonable prospects of success. I agree with the view of the member for Gellibrand, who rightly notes that the 'no reasonable prospect of success' test is not defined at law. I add that it is a 'reasonable person' test. This test is an objective test on a question of fact found in the mind of the judge. So I ask: what is 'reasonable'? The opposition's position is and remains that this test is too broad and it intimidates the legal counsel into abandoning cases that may be valid cases even if they have little prospect of success.

Again the big losers in this type of legislation are justice and democracy. For this reason, I fully support the recommendation by the opposition that this matter, within the context of the bill, be more closely examined through a Senate inquiry with a view to obtaining what I believe will be significant feedback from the various migration, refugee, legal and migration organisations throughout Australia.

Finally, I raise perhaps the most disturbing aspect of the conduct of this bill. At the beginning of my speech I noted the ramrod mentality of the government that has led to this bill being introduced on 10 March 2005, just seven days ago, and being debated now with practically no time to prepare. I raise the serious issue of the history of these reforms and the bases for these reforms. As I also mentioned earlier, the 2004 judicial review bill failed for many reasons. These reforms were the result of the migration litigation review conducted in 2003 by Ms Hilary Penfold QC, currently Secretary of the Department of Parliamentary Services. I note, as did the member for Gellibrand, that the government still refuses to make this report public. Mr Speaker, is the Attorney-General instructing the Secretary of the Department of Parliamentary Services to keep this report out of the reach of the public? What has the Attorney-General got to hide? What does the Penfold report state? The opposition is totally justified in forming the view and inference that there is a cover-up occurring here.

There is precious little information being given by the government about the quantitative and relevant reasons for the jurisdictional changes being made in this bill. It is literally moving legislation in a vacuum without the benefit of reasons. An opposition cannot hold government to account when information critical to a bill, such as the Penfold report is to this bill, is denied. Yet again I am compelled to say that this is just one of a long line of examples in which the government has abnegated all responsibility towards its constitutional conventional obligations. What reasons can the Attorney-General or the government give for withholding the Penfold report? Privacy? Commercial-in-confidence? Intellectual property, perhaps? The Attorney-General and the government have run out of excuses on this one, in my view, and I fully intend to press the Senate inquiry into obtaining a copy of the Penfold report and the reasons for denying us access to that report. To put it bluntly, it is my belief that the Penfold report is not helpful to the Attorney-General's case or the government. In fact, I strongly suspect that, in light of the proposed changes here today, it is very harmful. The fact that we are not permitted to have access to it is tantamount to saying that the report is harmful. I will look forward to reading it. *Bills Digest* No. 118 of 2003-04 dealt with the 2004 judicial review bill. The new *Bills Digest* on the 2005 bill was only made available yesterday.

Debate interrupted.

ADJOURNMENT

Mr DUTTON (Dickson—Minister for Workforce Participation) (4.30 p.m.)—I move:

That the House do now adjourn.

Parliamentary Week

Ms GILLARD (Lalor) (4.30 p.m.)—Once again it is time for 'wrap of the week'. Wrap of the week is going to start with a very serious point this week—that is, that we are dealing with a government that is now too arrogant to bother with parliament and with proper accountability in the parliament. At the end of last week there were three times when a government minister had said that he or she would come back and report to the House and failed to do so. This week the Prime Minister has done so on no less than six occasions, four times in relation to the Beaudesert Rail fiasco and twice today on Anzac Cove. The Deputy Prime Minister is following his boss's lead and has also failed to report back when he had indicated he would do so this week. It is only an arrogant and complacent government that would treat parliament as if it was an optional extra, but that is what this government is doing.

Now to the awards of the week. It has been a tough contest but these people have emerged as the winners. The Minister for Employment and Workplace Relations and the Prime Minister are joint winners of the 'when in doubt make it up' award. The minister at the table might know a little bit about that herself. The minister for workplace relations made up two statements. He made up a statement attributed to the Leader of the Opposition about policy and he made up a statement attributed to the Leader of the Opposition about casual work—

The SPEAKER—I remind the member not to get into matters that should be dealt with in a substantive motion.

Ms GILLARD—Certainly, Mr Speaker—and the Prime Minister is yet to produce any evidence which he asserted existed about Australia's improving export performance.

Mr Speaker, we are very supportive of you on this side of the chamber, but we feel that the member for Mackellar does deserve an award for the 'best supporting Speaker act'. That award is going to her because she has raised 11 points of order out of a total of 51 for all members in this place and 23 for the government. That is close to a quarter of all of the points of order raised and 48 per cent—almost half—of the number raised by government members. We have displayed this unique performance by the member for Mackellar in a graph of her productivity on points of order, but it shows that apart from getting one withdrawal she has a zero per cent strike rate. I note the member for Cook is very interested in the graph, and I am not surprised.

We have the Treasurer winning the 'own goal of the week' award for actually conceding in this place the Liberal leadership to the Minister for Health and Ageing, Tony Abbott. I know it is a big call but I suspect that the Treasurer, as I did, grew up watching Abbott and Costello movies starring Bud Abbott and Lou Costello. Of course he would remember their famous comedy routine: Who's on first, What's on second, I Don't Know's on third. He must remember that it was always Abbott and Costello, never Costello and Abbott. Perhaps because of that he freely conceded this week that he gets: 'All of my best ideas from the minister for health, Tony Abbott.' So there I think we have Peter Costello accepting that he's not on first, he's on second. The minister for health might well be on first, but I'll tell you who's on third: it is not I Don't Know on third, it is definitely the member for Wentworth after the week that was. The leadership in the Liberal Party is playing out before our eyes. We can see it as an Abbott and Costello routine.

Brendan Nelson has managed to win the 'new political party of the year' award. We have seen everything now. In student politics we used to have Students for a Better Lunch. Now we have Tories for a Cheaper Sausage Roll. That is what we have seen emerge out of this parliament this week—Tories for a Cheaper Sausage Roll. This is a minister playing student politics. He will be handing out how to vote cards on coasters next. I am waiting for the Prime Minister, that great St George fan in the Lodge, to be out there pushing for voluntary rugby unionism, because it is anything that has got the word 'union' in it that they appear to object to.

Last but by no means least we have the Warren Zevon award. Warren Zevon was, of course, a legendary singer/songwriter. Senator Lightfoot could be heard singing his lyrics today: 'I was travelling in Iraq, I took a little risk, send lawyers guns and money to get me out of this.' I suspect we have already seen the guns and the money and we will be seeing the lawyers in the intervening weeks between now and when parliament sits again. *(Time expired)*

Northern Territory Government

Mr TOLLNER (Solomon) (4.35 p.m.)—As members of this House know I am a unique member in the House of Representatives inasmuch as I am a member of the Country Liberal Party. I am very proud to be so. The reason I am proud to be a member of the Country Liberal Party is that I believe it is the greatest party in Australia. It is a party that governed from 1974 to 2001. My understanding is that that is the longest period that a political party has governed in this country.

In August 2001 time caught up with the Country Liberal Party and for the first time ever we saw a Labor government elected in the Northern Territory. For almost the last four years we have had to endure hard labour in the Northern Territory. Upon winning the election, the Labor Party immediately declared that they had been left with a $100 million black hole. Obviously that was complete claptrap. That announcement of the black hole utterly killed business confidence in the Northern Territory. It was a reason for Labor to immediately start increasing levies and charges in the Territory.

There was a $90 levy put onto car registration. There was $40 million spent on a swimming pool policy debacle that saw people walking around in backyards with rulers measuring fences to the millimetre. They have taken away numerous Territory freedoms and they have not created a single job in the Northern Territory, apart from adding to the Public Service. And we now have, I think for the first time in history, the highest unemployment rate in Australia.

Clare Martin announced an itinerants policy costing $5 million per year. That itinerants policy has seen more itinerants in Darwin than ever. The Labor Party in the Northern Territory has jailed more Aboriginals than ever was the case during the CLP governments. The two jails are crammed full, with over 800 inmates in the Northern Territory.

I think that Territorians have had enough of Clare Martin. I believe that Clare Martin's alternative is good. Opposition leader, Denis Burke, assumed the leadership of the Country Liberal Party in the Northern Territory Legislative Assembly a couple of weeks ago, and I believe that Denis Burke has what is needed to run the Northern Territory well. He is a man with an impeccable CV. He served for 25 years in the Australian defence forces and he is credited with being probably the best Minister for Health that the Northern Territory government has ever had. That credential itself has to be worth a lot considering the parlous state of hospitals in the Northern Territory since Labor took control. His Army and Defence background mean that he is probably the politician who best understands defence issues in the Northern Territory. Of course, defence is extremely important as far as the Northern Territory is concerned. We have a large constituency of Defence members and there are a whole lot of reasons why we need somebody at the helm of government who understands defence issues. I rise today to pay homage to my friend Denis Burke. I wish him all the best in the coming election, which has to occur by October this year. I think that, if Denis Burke can get his message out properly, Territorians will welcome the dumping of the Clare Martin government and the introduction of a new CLP government.

Hansard

Transport: Auslink

Mr JENKINS (Scullin) (4.40 p.m.)—Often I advise my colleagues that they should not be provoked by comments from those opposite, but tonight I have to admit that in reading the *Hansard* of Tuesday, 15 March I have been provoked and distracted by the contribution made by the honourable

member for Fisher in the adjournment debate. This contribution was in regard to Hansard's use of the *Macquarie Dictionary*. Unfortunately, as part of this contribution, the honourable member for Fisher, I thought, used intemperate language in regard to Hansard's decision to use the *Macquarie Dictionary* when he described those that had made the decision as being 'thought police' or 'word nazis'.

I have had a look at why the *Macquarie Dictionary* is possibly being used. If we go back to the fifth edition of the Australian government's *Style Manual* published in 1994, it says in the chapter 'Spelling and usage':

> Spellings recommended for use in Commonwealth publications are currently those given in the latest edition of *The Macquarie Dictionary* ...

It then goes on to say that if an agency wished to use the *Australian Concise Oxford Dictionary*, whilst that was supported, the Managing Editor of the Australian Government Publishing Service should be advised of that decision. The sixth edition of the *Style manual*, which was published in February 2002, now gives the option of the two dictionaries that can be used by Australian government agencies. It says:

> The manual recommends that authors and editors of Australian government publications use either *The Australian Oxford dictionary* or *The Macquarie dictionary*, which agree on most aspects of spelling.

I think that this is integral to the direction that Australian government agencies are expected to take as recommended by the *Style manual*.

Regrettably, if you look at lists of programs on different sites that are available on the web, you will find that there is an array of use. If you look at the subject heading 'Environment', you will find that on seven occasions 'program' is used and on one occasion 'programme' is used. If you look under 'Health', there is one where 'programme' is used and one with 'program'. It looks as though the government is in a little disarray over the appropriate use and spelling of the word 'program', which was one of the examples that the honourable member for Fisher exemplified.

He recommends that we should use the *Oxford Dictionary*. I have taken from the opposition lobby the *Shorter Oxford English Dictionary* but I have also looked at the *Oxford English Dictionary* over in the library. Under 'program' the first spelling used is 'program' with one 'm'. Usually in a dictionary the first spelling is the one that is recommended. But it goes on to say in the *Oxford Dictionary* that the first spelling was 'program' with one 'm' and it dates from 1633. In his defence of the use of 'programme', the honourable member for Fisher says that this is the proper English version. But the point is that that is the French version that came into usage throughout the English-speaking world. So to just consider that 'program' is an Americanisation does not acknowledge that English is a living language. Just as political affiliations can be a changing feast, as exemplified by the honourable member for Fisher in his movement from the National Party to the Liberal Party, we should look at English as a developing language. His use of expressions like 'thought police' and 'word nazis' are inappropriate, and if you were to go to the dictionary you would not get the essence of what he is trying to convey. So I hope that he takes those things on board and I hope that he can be more accommodating with the way in which we approach the English language.

In conclusion, I see that the Minister for Small Business and Tourism is at the table. Minister, I note the recent article in the *Financial Review* about transition funding under AusLink. One of the projects mentioned

is the Yan Yean Road improvements. The minister knows that I support those improvements, and I am a little concerned that in the lead-up to the election some doubt was cast on the project proceeding. I say honestly that I support the project, but I am concerned that, because proper procedure was not followed—there is some question about it—as was outlined by a Senate report. *(Time expired)*

Cook Electorate: F6 Motorway

Mr BAIRD (Cook) (4.45 p.m.)—I rise on a matter of great importance to the people of my electorate. According to a report in yesterday's *St George and Sutherland Shire Leader*, the New South Wales Minister for Roads, Michael Costa, announced that he has instructed his department to protect the integrity of land set aside to create the F6 transit corridor. Let me say from the outset that it is a relief to finally see this result. The former roads minister abandoned this valuable strip of land on 6 September 2002, planning to sell off parts of it and keep limited sections for parkland. The F6 motorway has been planned since the middle of last century and it completes the Sydney motorway system. It is an integral spoke in the transport grid of Sydney and in the freeway designed to service the people of the St George and Sutherland areas, as well as the many commuters who live in the Illawarra.

This being the case, one would wonder why the minister would plan to abandon such a valuable piece of infrastructure. The timing is interesting: September 2002 is not very long before March 2003, which was the time of the last New South Wales election, when the Labor Party were worried about losing the electorate of Miranda back to the Liberal Party. The local Labor member, Barry Collier, had obviously decided that it was in his short-term political interests to have this strip abandoned to try to secure the votes of the 500 or so people who live near the transit corridor. What Mr Collier and the minister failed to do at any point was to consult the community.

This valuable piece of land, owned by the people of New South Wales, was abandoned and destined to be sold and developed to save the career of Barry Collier. The New South Wales Labor government decided to ignore the worsening traffic snarls, the congestion and the motor accidents for grubby short-term political gain. In fact, the Labor member for Miranda used the F6 as an attack point, clearly not reading the mood of the electorate. Not everyone loves the idea of a freeway, but people hate traffic jams and through-traffic in their quiet streets using rat-runs to avoid bottlenecks and so on.

During the last federal election, my Labor opponent put out a nasty brochure across the western parts of my electorate, claiming that, among other things, 'Bull Dozer Bruce Baird' was going to ruin the habitat of green and gold bell frogs, slash property prices and so on. The funny thing about this brochure, which I understand from local ALP sources was influenced by Mr Collier, was that it actually pushed up my primary vote in the areas in which it was distributed. Mr Collier was so worried by the F6 issue that on 7 September last year he took out a paid advertisement in the paper, which said in part:

> The freeway....was abandoned by the Minister...This decision will not change.

It did change, Mr Collier. Mr Collier also bravely criticised the Mayor of Sutherland Shire, who at that point advocated a survey of residents over the use of what is our land. In the same advertisement he said:

> As Mayor [you want to] waste at least $5000 of ratepayers money on a survey ... to see if the F6 should be built.

And do you know what this report—the report that Barry fought to stop—said? It said

that fully 83 per cent of shire residents want the corridor retained for transport. No wonder the member for Miranda wanted the survey stopped. Mr Collier has only been member for Miranda since 1999—just one and a bit terms and he is already losing touch with his electorate.

On 25 June last year, I took my concerns to the federal Minister for Transport and Regional Services and Deputy Prime Minister and had a long and detailed discussion with him over this issue. Attending the meeting with me were representatives of the Kogarah, Sutherland and Shoalhaven councils as well as state and federal members of parliament from as near as Cronulla and as far away as Bega, all of whom were concerned over the loss of this important entry point to the Sydney CBD.

I am very pleased to advise the House that the Deputy Prime Minister took an interest in this matter himself and advised his department that the retention of this land would form a basis for the negotiation under the AusLink program. I understand from advice that I received today that the federal Department of Transport and Regional Services has put the case for the F6's preservation strongly to the New South Wales government. No doubt this has brought this issue to the fore and made it a focus of the New South Wales Minister for Roads. I am glad that the wisdom of the preservation of this corridor has finally been accepted by the new Minister for Roads and I congratulate him on this move. I commend the Deputy Prime Minister, Mr Anderson, for pushing with this issue to ensure a better considered and workable transport solution for southern Sydney.

Cyclone Ingrid

Mr SNOWDON (Lingiari) (4.49 p.m.)—Ten minutes ago I was sitting in my office and I saw the greatest comedian I have seen, the member for Solomon, get up on his scrapers in this parliament and talk about the Northern Territory political outlook.

An opposition member—He wasn't as good as our Harry!

Mr SNOWDON—He is not quite as good as Harry but he ought to go to the Melbourne Comedy Festival, because his contribution was laughable, I have to say, but that is not the purpose of my address. Today I want to talk about Cyclone Ingrid, which formed in the Coral Sea in early March, derived from a low in the Arafura Sea. We all saw it on our weather charts a week or so ago. Ingrid very quickly became a category 5 cyclone and proceeded west toward Cairns with winds of up to 300 kilometres per hour.

We need to understand that this was the most intense storm to hit that part of the Queensland coast since 1918, when a storm of that size hit Queensland, flattening Innisfail. On 9 March, Ingrid crossed the Queensland coast at Lockhart River as a category 4 cyclone and then continued west towards Gove in the Northern Territory. After crossing the coast, Ingrid was downgraded to category 1, but by the next day, the 10th, it had intensified back to category 4. It hit Gove on the 12th, causing damage to the town and surrounding Aboriginal communities. On the 13th it hit Goulburn and Croker islands, causing extensive damage on Croker Island and moving between category 4 and category 5 as it progressed west towards the Tiwi Islands and Darwin. On the 14th it hit the Tiwi Islands and there was extensive damage at Milikapiti. It then progressed west into Western Australia, where it crossed near Kalumburu. We must understand the intensity of these storms and be thankful that no lives have been lost. That raises the issue of the awareness that people have in these communities, principally Aboriginal communities off the coast, about these weather

conditions and the importance of taking appropriate action to safeguard themselves and their families.

It does not, however, prevent serious physical damage happening to these communities and affecting the community life for some time. For example, at Goulburn Island, power and water were okay. The water sample failed, which meant heavy chlorination. The airstrip was still in service. At Croker, two or three generators were made serviceable, the other was u/s. There was part power; 60 per cent of the houses were without power. Phones were off. The bore was put back on supply on the 14th. Contractors were on site and the local store was severely damaged, the school was destroyed and the principal's house was badly damaged.

At Snake Bay at Milikapiti, the airport was closed until the 15th. The electricity lines were down. These lines were isolated and repaired. Fifty per cent of the houses had supply. Water was cut and there was serious damage to buildings and other infrastructure. At Pirlangimpi at Garden Point, the airport was open on the 15th. There was extensive high voltage damage and damage to the power station. One house was destroyed; two houses were unroofed. At Nguiu, 27 houses needed repairs. At Wadeye, no damage was reported.

I am saying these things to make sure that people understand the consequences of these storms and the costs they bring to communities. Despite the fact that we have not had any injuries or deaths, people's lives have been adversely affected by this event. There will be a cost and that cost will need to be borne by either the Northern Territory government or the Commonwealth government.

I understand that the Minister for Local Government, Territories and Roads flew up to this area yesterday on a VIP aircraft. He took with him Senator Scullion from the Northern Territory. He invited Senator Crossin but he did not invite me. The minister was going up to survey the damage in my electorate and saw fit to invite the ALP senator for the Northern Territory, but she was unable to go. There was no invitation from Mr Lloyd for me to accompany him to see the damage that this cyclone had caused in my electorate. What does that tell you?

Mr Kerr—They are more worried about you than the cyclone.

Mr SNOWDON—It shows you they are more worried about me, perhaps. What it shows is how politically partisan they are when it comes to these national events. This is an absolute disgrace. If the minister had any inkling of fairness or equity about this issue or any understanding of my knowledge and closeness to these communities, the first thing he would have done would be to give me a ring and say, 'Would you like to come on this VIP aircraft so we can have a look at the damage that this cyclone has caused?' Do you think he did? Not on your nelly. I think the minister needs to be condemned. It shows just how politically partisan this outfit has become under the tutelage of John Howard.

Queensland: Ryan Electorate

Mr JOHNSON (Ryan) (4.54 p.m.)—The Queensland Labor government plan to construct a bypass through the western suburbs of Brisbane, through the Ryan electorate, which I have the great privilege of representing in this parliament, is ill planned, ill conceived, anti family, anti environment and anti local residents in every way.

The proposal has united the local Ryan community in a remarkable fashion, particularly the residents of Kenmore and the residents of the beautiful suburb of the Gap. In recent weeks the number of emails, letters and phone calls made to my office about this terribly ill-conceived proposal of the Beattie

Labor government to construct a bypass through the western suburbs has increased dramatically as the message of what the Queensland Labor government is up to permeates throughout the community.

In the discussions that I have had with constituents, both in my office and in the community as I have walked around the streets and suburbs of Ryan and met with people from all walks of life, the message is very clear. They are very much against the Queensland Labor government's proposal to construct a western bypass in their backyard.

I want to put on the record, yet again in this parliament, my very strong opposition to this proposal. I also want to take the opportunity of thanking the hundreds of Ryan constituents who have taken the time to contact me to make it very clear that they are very much against the bypass. When the people of the community stand up to be counted, their voice says a lot. In the last election, that was reflected by the Australian community voting very strongly to return the Howard government. It is policies that make the difference.

Mr Slipper interjecting—

Mr JOHNSON—I thank my colleague the member for Fisher for reminding me of the strong swing in my electorate. There was an increase of nearly eight per cent in my primary vote. One of the issues that I think reflected that vote was my position on roads, transportation and infrastructure in the Ryan electorate. The people of Ryan are making their position very clear on this road. I want to again strongly place on the record in parliament today my opposition to this ill thought out proposal.

Remarkably, state Labor members are all at sea over this. The member for Ferny Grove in the federal electorate of Dickson seems to be against it as well. Yet the member for Ashgrove, in my federal electorate of Ryan, seems to be very supportive of the Beattie plan. On the other hand, the state member for Indooroopilly, which is also in my electorate of Ryan, has been very quiet. In fact, he has been as quiet as a church mouse—a church mouse has roared more than the member for Indooroopilly has on this issue.

I encourage those members to stand up for the people of Ryan. The people of Ryan do not want a western bypass running through the suburbs of Kenmore and the Gap. The community is very clear about this. There have been a number of community meetings and petitions. Meetings have been conducted both by small groups and by local community associations such as the Gap Community Association. I commend them for this, because it is one way that a community can stand up and have a voice. It sends a signal about their position both to me as their local federal member and to the state government. I continue to encourage local community groups and residents in the Ryan electorate to convey their strong feelings to me because it allows me to speak in the parliament and represent them very strongly. I reassure them that I will continue to do this.

The Labor government, bar a couple of years, has been in office in Queensland since 1989. In that time it has done nothing to improve the roads in my electorate. Moggill Road is an absolute disgrace. No funds have been spent on Moggill Road, despite the Queensland government receiving a massive amount of money from the GST. Tens of thousands of cars a week travel on this very important road in my electorate, yet the Queensland government completely ignores the demands for this road to be serviced with extra funding. It exacerbates this problem by carving up the Ryan electorate further by proposing that there be a western bypass through the Gap electorate.

The ALP in Queensland is all confused. Some of its members say that they support the government, other members say that they are not supporting the government and other members are completely silent. I encourage Queensland state Labor members to get on side with the community— *(Time expired)*

House adjourned at 5.00 p.m. until Tuesday, 10 May 2005 at 2.00 p.m., in accordance with the resolution agreed to this day.

NOTICES

The following notices were given:

Ms Vamvakinou to move:

That this House:

(1) notes the Nuclear Non-proliferation Treaty (NPT) Review conference commencing on 1 May 2005 in New York and the vital importance of the NPT as an instrument of both nuclear disarmament and non-proliferation;

(2) expresses its deep concern over the:

(a) proliferation of weapons of mass destruction, and

(b) danger to humanity posed by the possible use of nuclear weapons;

(3) acknowledges the significant steps taken towards nuclear disarmament since the previous NPT Review conference including the signing of the Strategic Offensive Reductions Treaty between Russia and the United States of America in 2002 and calls for the full implementation of all relevant articles of the treaty including Articles I and II on non-proliferation and Article VI on the achievement of general and complete disarmament;

(4) affirms the vital importance of the unequivocal undertaking made at the 2002 NPT Review conference by the nuclear weapons states, to accomplish the elimination of nuclear weapons arsenals, and of the 13 steps agreed to at that meeting;

(5) urges the Government to:

(a) pursue a balanced and integrated approach on both disarmament and non-proliferation at the NPT Review Conference,

(b) call on the nuclear weapons states and nuclear capable states not to develop new types of nuclear weapons, in accordance with the commitment to diminish the role of nuclear weapons in security policies, and

(c) call for concrete agreed steps by nuclear weapons states and nuclear capable states to lower the operating status of nuclear weapons systems in their possession, as called for by Australia's L23 Path to a Nuclear Free World;

(6) welcomes the appeal, signed by 30 Nobel prize-winners, calling on the governments of the United States of America, Russia, China, France, the United Kingdom, India, Pakistan, Israel and North Korea, to support and implement steps to lower the operational status of their nuclear weapon systems in order to reduce the risk of nuclear catastrophe;

(7) notes and strongly affirms continued efforts by the Government to secure universal adherence to, and ratification of, the Comprehensive Nuclear Test Ban Treaty (CTBT) and urges the Government to press for the early entry into force of the CTBT; and

(8) requests that this resolution be conveyed to the foreign ministries and United Nations (UN) missions of all participants in the NPT Review conference, the UN Secretary-General, the Director-General of the International Atomic Energy Agency and the Chair of the 2005 NPT Review conference, as well as the governments of India, Pakistan and Israel.

Mr Hartsuyker to move:

That this House:

(1) notes the results of research which indicates that indoor air pollution can represent a significant threat to the health of Australians;

(2) notes that levels of indoor air pollution can be up to ten times greater than acceptable standards for outside air quality;

(3) notes that unflued gas heaters are responsible for high levels of nitrogen dioxide, carbon

monoxide, formaldehyde and carbon dioxide in the home or school; and

(4) recognises the need for Government to establish standards in relation to indoor air quality and products which can generate pollutants within an indoor environment.

Thursday, 17 March 2005

The DEPUTY SPEAKER (Hon. IR Causley) took the chair at 9.40 a.m.

STATEMENTS BY MEMBERS

Hinkler Electorate: Education

Mr NEVILLE (Hinkler) (9.40 a.m.)—I would like to take this opportunity to publicly praise some of the outstanding educators based in my electorate of Hinkler. At the top of the list is Avoca State School principal, Brian Ralph, who recently was awarded a highly commended certificate in the 2004 National Awards for Quality Schooling. He was one of only six school principals to receive the NAQS award, and he secured it on the basis of his outstanding work in making his former school, Thabeban State School, a positive learning environment for both teachers and students. As a school principal, Mr Ralph has made a tremendous contribution to the community by improving the quality of schooling for local students. I was delighted to see him receive the recognition he so richly deserves.

Hinkler's teachers and principals have recently been earning themselves quite a reputation as quality educators. In the 2003 National Awards for Quality Schooling, three schools in my electorate won prizes across several categories. Bundaberg's Walkervale State School, whose principal Michael Fay and deputy principal Mark Craswell lead a highly focused team, won highly commended awards in the literacy and numeracy and school leadership categories. St John's Lutheran Primary School, lead by Ralph Zapart, won an outstanding achievement award in the literacy and numeracy category. Gladstone's Rosella Park State School, which caters for disabled and challenged children, won an award in the safe school environment category, indicative of the caring nature of the principal and his staff.

Important awards like this allow us to celebrate the excellence of our schools. But this government knows it is important for all our schools to achieve to the best of their abilities, particularly in the basics of literacy and numeracy. To that end, the government has recently announced that more than 5,500 Queensland students will be able to receive one-on-one reading tuition under the pilot tutorial voucher initiative. Although at times we have our tiffs with the state government, this is one area in which we have worked together for the benefit of students. In conclusion, I would like to pay tribute to our local Education Queensland executive director, Denis James, for his exemplary leadership in education.

Melbourne Ports Electorate: Glen Eira City Council

Mr DANBY (Melbourne Ports) (9.43 a.m.)—I have two municipalities in my electorate of Melbourne Ports—one being the City of Port Phillip, which is remarkably well governed, and the other the City of Glen Eira, which covers the eastern end of my electorate, including the suburbs of Caulfield and Carnegie. This month, the ratepayers of Glen Eira have been subjected to the spectacle of their elected councillors pushing and shoving each other in the council chamber. At one point, the police had to be called. One councillor said he will boycott meetings. Another said that the council is not capable of governing. One councillor likened her colleagues to 'overgrown school kids in the sandbox'. I have had numerous complaints from Glen Eira residents about this episode—and about many others, including the nonprovision of services like child care that were previously provided or that should be provided by the Glen Eira City Council.

What has happened in the City of Glen Eira? The majority of the nine councillors are Liberals, and it seems that relations between various factions of the Liberal majority on the council have broken down. The Liberals in Glen Eira have the attitude that they are born to rule. They think that their own brawling is more important than providing good government for the ratepayers. I am disturbed by reports that the council will not release an independent audit by PricewaterhouseCoopers detailing alleged abuses of expense entitlements. This suggests the audit contains information about the councillors that they do not want the ratepayers to know.

There is another issue I want to raise in relation to the Glen Eira City Council and its non-provision of services. On 9 May this year, it is the 60th anniversary of the end of World War II in Europe. My electorate is home to the largest population of war veterans from the former Soviet Union. These elderly men and women of the Association of Soviet Jewish Veterans of World War II, made an enormous contribution to defeating Hitler and liberating Europe from fascism. A group of them want to erect a modest memorial in Caulfield Park to the millions who died whilst serving in the Soviet armed forces.

There are already several war memorials in Caulfield Park. These Jewish veterans from the former Soviet Union wanted to pay for the statues themselves but, amazingly, the Glen Eira City Council has told the veterans that their application will be refused, apparently on the grounds that it would involve 'too much maintenance'. For a council that supposedly represents thousands of these people, and which like many other councils should be sympathetic to this, this is a shocking, insulting and disgraceful decision. I call on the Glen Eira City Council to get over its internal faction fighting and get back to serving the people who have elected it.

I call on the Liberal councillors to stop brawling and bringing the Glen Eira City Council into disrepute. I will be asking the state government to give the Glen Eira City Council the option of anger management courses and to give them some mediation. If that fails it would seem that, unfortunately, the Victorian Minister for Local Government will have to intervene by sacking the Glen Eira City Council and holding an inquiry into its internal affairs and the conduct of its councillors, or, indeed, to hold fresh elections.

La Trobe Electorate: Detective Senior Constable Lance Travers

Mr WOOD (La Trobe) (9.45 a.m.)—I rise to pay tribute to a local resident in my electorate, Detective Senior Constable Lance Travers, who retired from the Victorian police force on 31 December 2004. Lance joined the Victorian police force as a cadet on 7 March 1966. He worked at various police stations, including Russell Street, Camberwell, Malvern and Elsternwick. Importantly, in 1978 he transferred to the Ferntree Gully criminal investigations branch and subsequently worked in the local area at Knox CIB and, finally, at the Boronia criminal investigation branch, from where he retired.

I had the privilege of working with Lance Travers. When I was a constable at the Boronia Police Station I was seconded to the Knox CIB. I remember my former detective senior sergeant explaining that he would get me to work with Lance Travers. He said, 'Lance is a very methodical, thorough and knowledgeable detective,' and he was right about all those attributes.

Lance really did put the victim first. In these days when policing is all about getting the job done quickly, Lance would step back and take the time to ensure that the victim was the most important person in the world. He would spend many an hour of his own time helping people

in the electorate of La Trobe but, at the same time, Lance was a fantastic investigator and has received numerous awards. On 20 December 1966 as a constable Lance was commended for firmness and determination when he intervened on an occasion when a girl was molested by two men and, although meeting strong resistance, he was able to apprehend both offenders.

In 1983 Lance was seconded to perform special duties with the bushfire investigation team responsible for representing the coroner after the 1983 Ash Wednesday bushfires. In recent times Lance performed an outstanding job as the lead investigator in Operation Carousel, which involved the Johnson Tiles raid in Bayswater in 2000 and resulted in Craig Johnston subsequently being convicted and sentenced to a term of imprisonment. Again in his own time, Lance was involved in the Ferntree Gully Blue Light Disco. Lance was the longest serving detective in the local area. He is a true gentleman and I wish him all the best in the future.

Parramatta Electorate: Sudanese Women's Welfare Organisation

Ms OWENS (Parramatta) (9.48 a.m.)—I rise today to bring to the attention of the House an extraordinary group of women in my electorate that have come together to work for their community. The Sudanese Women's Welfare Organisation is a brand-new organisation formed out of the needs of the new migrant community from the Sudan. I met them recently for the first time and was impressed by their commitment and focus. They are bright, intelligent women who are committed to improving the lives and wellbeing of the new Sudanese migrants, particularly women. With the help of the Holroyd Parramatta Migrant Services, the organisation has already organised a number of events to help connect Sudanese women. The first of these was a forum to discuss the problems faced by New South Wales Sudanese women. It was a successful event that provided a great deal of information to those of us working with the community for their advancement.

The group has also organised a series of picnics and lunches for the women and their families. I attended one of these picnics recently, in Parramatta Park, as their guest. The day was a chance for the women to come together and socialise, and it gave their children a chance to play and enjoy their newly found freedom. It was in fact a Mother's Day picnic, and it was quite wonderful to see so very many young children from a ravaged country playing in safety and to see their parents relax as the day progressed, knowing that their children were safe.

Our newer Sudanese arrivals have some particular difficulties in settling into our communities, coming as they do from one of the most traumatised regions of the world, often having spent years in the camps. Many arrive traumatised and with limited understanding of Sydney. On top of that, most of these women have lost their husbands and arrive here alone with their children. Families are large in the Sudan, and many arrive with six to 10 children to look after.

Isolation for these women is a real problem. Language difficulties, a lack of understanding of the workings of the city and sole responsibility for several children all combine to keep these women isolated from each other and from the community. Their children have also learnt a way of life suited to survival in the camps and have considerable difficulties settling into the local schools.

These women who have formed the Sudanese Women's Welfare Organisation are a real example of the commitment that so many of our new migrants have to making Australia their home, to finding solutions, to supporting each other and to making this country work for them. I cannot name them all, but I would just like to mention Victaria, their chairperson, and

Fatima Elzibar, their secretary, who have done a great job in setting up this organisation. They are a welcome addition to the community groups in Parramatta. They have already enriched the area, and they provide a new dynamic to the multicultural mix in Western Sydney.

Regional Services: Program Funding

Mr SLIPPER (Fisher) (9.51 a.m.)—I rise in the House today to support an application under the Regional Partnerships program for a sum of $500,000 for the Sunshine Coast Helicopter Rescue Service to construct a new helicopter hangar to house and service the three rescue helicopters which service a large area of south-east Queensland. The $500,000 represents 30 per cent of the total project cost, which is $1,692,000. The board of the service will fund the remaining 70 per cent through a bank loan of $1,192,000, which has already been secured through the Westpac bank. A partnership has been formed with the Queensland government, which has agreed to fund the recurrent operational costs of $1.32 million per year.

This is a vital service for the region. It is a service I greatly admire—a service which has been around for very many years and which is absolutely essential. The rescue service has outgrown its existing hangar facility at Maroochydore Airport. It urgently needs a completely new facility designed to comfortably accommodate the operation over the next half-century and provide for future growth. The RPP funding will be instrumental in the construction and completion of the hangar. An extra hangar is needed because of the increased demands on the service—it continues to service even greater areas of south-east Queensland—and because of space requirements.

This is a really important project. This service is well managed and supported by the community. Over its years of operation, many hundreds of lives have been saved and many people have been able to be taken to medical attention, when previously they would not have had that opportunity. The isolation of distance for country people can be compensated for by a quick helicopter response when search and rescue or medical evacuation are required. The new hangar will help to upgrade this rapid response service and is vital to improving timely support to the community. The service should be able to provide people who live in country areas and on isolated farms and properties with the best possible support and the new hangar will assist in providing this. The increase in the population in south-east Queensland is catered for in the provision for community needs for the future.

With security in relation to external and internal threats becoming more important in the national interest, services such as the helicopter rescue service can be the first to respond should something occur in our local region. Helicopters are vital in this scenario. The community would know that their local counter-disaster organisers have the best possible equipment available should the need arise and that the federal government is assisting a service to provide for their needs and ensuring quick response in times of trauma.

The Sunshine Coast Helicopter Rescue Service provides vital support to rural and regional people on the coast, in the country and in the more isolated areas of south-east Queensland. Increased efficiency by the service would lessen the stress of isolation. This is a worthwhile project. Most of the money has been raised from other sources. The Commonwealth has only been asked to contribute a small amount. It is a particularly worthwhile application, and I ask the Parliamentary Secretary to the Minister for Transport and Regional Services to seriously consider it. *(Time expired)*

Hunter Electorate: Dementia

Ms GRIERSON (Newcastle) (9.54 a.m.)—I would like to draw the attention of the House to a new report commissioned from Access Economics by Alzheimer's Australia. The report is called *Dementia estimates and projections: Australian states and territories*. It estimates that nearly 52,000 people will be newly diagnosed with dementia this year—1,000 people every week. The new national state and territory data indicates that in 2005 the total number of Australians with dementia will pass the 200,000 mark—one per cent of our total population. By 2050, however, this total will approach almost three per cent of the population. Those projections are 25 per cent higher than were anticipated in 2003. Obviously, it is going to require a major response. I congratulate the government on making dementia a national health priority. Now we want to see funding to match that national health priority. The other areas, of course, are support to local communities, which I want to speak more about, and research. I would urge the government to commit at least $50 million—that is what Alzheimer's Australia is asking for—every year towards research.

Today I particularly want to draw the House's attention to local activities in Newcastle and the lower Hunter to support fundraising for an Alzheimer's resource centre. It is estimated that there are more than 10,000 dementia sufferers in the Hunter, with many more cases undetected. Five years ago the local Rotary group, Rotary District 9670, and the Hunter Network of Alzheimer's Australia joined together to fundraise for a local Alzheimer's resource centre in the lower Hunter. They have now raised $260,000, an extremely wonderful effort. Approximately $78,000 was raised by the Hunter network alone. It has been a wonderful effort by ordinary members of our community and businesses. It has been a great achievement.

At the Rotary governors' conference last Saturday, Alzheimer's Australia announced that it would match that $260,000, which now gives that activity $520,000 to go straight ahead and start the process to deliver the resource centre. The centre will provide support services to people all over the area and will help to run programs like Living with Memory Loss. We hope it will become very much like the centre in Sydney, which is held in high regard and is seen as best practice.

As the government has a commitment to dementia, I would like to suggest that it could support this venture. I will certainly be asking for support at state government level as well. The local community has raised $260,000 and Alzheimer's Australia has matched it. The government should contribute to this wonderful project. I put on the record my support for those activities, my appreciation to Alzheimer's Australia on behalf of the people of Newcastle and the Hunter, and I urge the government to match the money raised so far.

The DEPUTY SPEAKER (Hon. IR Causley)—In accordance with standing order 193, the time for members' statements has concluded.

COMMITTEES

Health and Ageing Committee

Report

Debate resumed from 16 March, on motion by **Mr Somlyay**:

That the House take note of the document.

Mrs BRONWYN BISHOP (Mackellar) (9.58 a.m.)—I rise with pleasure to address this report, *Future ageing: report on a draft report of the 40th Parliament: inquiry into long-term*

strategies to address the ageing of the Australian population over the next 40 years. I note from previous speeches that this was the work of the previous committee, the House of Representatives Standing Committee on Ageing, and it has come via the existing committee, the House of Representatives Standing Committee on Health and Ageing, so that it can be commented upon. In the report's list of conclusions, I am particularly interested in conclusion No. 2, 'Ageing with dignity'. It reads:

The Committee concludes that in further developing the National Strategy for an Ageing Australia, the Australian Government should include a statement of the underpinning the Strategy. In the first instance, the values would promote a basis for debate. Subsequently as a goal/vision against which further development should be tested and measured.

The Committee concludes that in further implementing the National Strategy for an Ageing Australia, key messages and information must be developed in such ways as to engage people of all ages, of different backgrounds and relevant to the contexts in which people are living and working.

I am particularly proud of the *National strategy for an ageing Australia*, a document I produced whilst I was Minister for Aged Care. It was the culmination of a series of background papers which commenced in April 1999 with a background paper on what we were hoping to develop in the national strategy. We had five such papers. We had a working group of various ministers and the various papers were sent out to the community to many interest groups. There were many discussions held, input was received and the strategy was developed over a period from 1999 to 2001.

In the same period, because I knew that in the International Year of Older Persons we were going to be looking for mature age workers to be playing more of a role in our society as the years went on, I commissioned Access Economics to do some basic research for me in 1999, which resulted in a document entitled *Population ageing and the economy*. That is still a very good basis of research to see what the ageing of the population means to the economy. It is an issue that I think had been in the background before the International Year of Older Persons, and it was that year that focused attention on the need for us to value the contribution that people will make in an ongoing way. In the foreword I wrote to the National Strategy for an Ageing Australia, I pointed out:

Australia's population is ageing. That means that people are living longer and healthier lives and fewer babies are being born. The full impact of this change will become apparent over the next four decades. The initial effects will be felt as early as 2002 when the first of the baby boomers may consider retiring. The peak of the baby boom, being those born in 1947, will turn 55 years in 2002. By 2010 the number of people reaching 55 will be the same as the number of people turning 15. The baby boomer generation and those that follow are better educated, have better health and more financial capacity than has ever been experienced before. Labor and capital markets will need to respond to the effect of the population ageing. The supply of mature age workers is likely to continue to grow and better utilisation of the skills and experience of mature age workers will be important to sustained economic growth.

Increasing numbers of older Australians will drive consumer demand for a different range of goods and services. Businesses that recognise the changing nature of the market and act on it early will benefit enormously. There will be a major change in cultural attitudes as more active older Australians drive a move away from the myths and stereotypes of dependency of older people. I believe that the national strategy for an ageing Australia sets the agenda for many of these changes.

My thanks go to the colleagues in the Ministerial Reference Group for their constructive contributions to the development of this strategic framework. As well, I wish to recognise the expert advice we received from the Multidisciplinary Expert Advisory Group and the Business Mature Age Work Force

Advisory Group. Contributions from the business sector, industry bodies, academia, community organisations and individuals also helped to inject valuable community debate into the national strategy development process. We cannot afford to waste the valuable contribution that older Australians continue to make in our economic and social life. This government will continue to encourage and support the collaborative approach to ageing policy represented by the national strategy and to work with all stakeholders to achieve a better outcome for the whole nation.

I still think that what I said in the foreword expresses the way that I thought the debate would go. Along with the *Intergenerational report* that the Treasurer subsequently brought out, it has meant that there has been a real engagement with these topics and with these discussions. I commend the report for stating in its conclusion that it would be excellent for the government to include a statement underpinning the strategy and to work to promote many aspects of it. I thank the people who worked to produce the body of evidence that backs up their conclusions.

More able mature age workers are going to become dominant in economic activity. Back in 1979 I said that I looked forward to seeing lots of advertisements on the television and in magazines that no longer reflected only the younger side of the market but the mature age worker in a way that showed them as being active people who still enjoyed glamour and activity. It is starting to happen, because that is precisely where the disposable income is. As I said in the foreword to the national strategy, it is the people and the firms who wake up to the fact that it is the mature age workers or the older Australians that have that disposable dollar and pitch to it who will be successful.

The corollary to all of that is that we have to start looking at young people in their 20s and 30s—people who have burdens of their own. I am delighted that the House of Representatives Standing Committee on Family and Human Services that I now chair is conducting an inquiry into what the impediments are to young people having children; why we have a birthrate of 1.7 per female, which is not replacing ourselves; and what difficulties they are finding which cause them perhaps to have no children at all. It is predicted that one-quarter of young women will not have children at all and that others will limit the number—whereas they may have had two they instead have one. We want to examine those issues and look at all the things that impinge upon that decision-making process so that Australia's future will be looked after not only by older Australians who continue to contribute but also by younger Australians who do not feel they have to be a supermum or superdad in order to have a family and a fulfilling life.

Mr GEORGANAS (Hindmarsh) (10.06 a.m.)—The first point I wish to make is that although the *Future ageing* report contains no recommendations—which makes it easy for the government to escape accountability and having to respond to this body of work—it does contain conclusions. Those 17 conclusions indicate that this federal government needs to take urgent steps to address the needs of older Australians right now and to ensure that the situation does not worsen in coming decades as the demand for aged care services rapidly multiplies. As a member of the House of Representatives Standing Committee on Health and Ageing, I am disappointed that there will not be a formal government response to this 200-page report. In producing it the committee has considered 192 submissions and heard evidence from 88 organisations. There were public hearings across the country and I am most concerned to ensure that neither the committee nor those who gave evidence and made submissions wasted their time. It is important that this report be responded to—that it does not simply end up on the minister's bookshelf.

The electorate of Hindmarsh, which I represent, is the oldest electorate in the country. Twenty per cent of residents are aged 65 or over. That compares with the national figure of about 13 per cent. As such, the electorate is something of a microcosm of the future. The ABS predicts that 25 per cent of Australia's population will be aged 65 or over by 2042. So, 37 years from now, Australia will look very much like the suburbs of the federal seat of Hindmarsh. That means we will need greater community connectivity, more carers for older Australians and more support for those carers. We will need better dental and health services and more home visiting support services to help people stay in their own homes. For the elderly living in Hindmarsh the toughest thing, apart from social isolation, is the need for much more help at home. Many people I see receive help to shower once or twice a week. They cannot shower themselves and they tell me that the four days between showers go far too slowly. I do not believe that my parliamentary colleagues would find showering just twice a week satisfactory. I am very glad that they shower more regularly than that!

A good number of us can expect that our twilight years will not be so comfortable and yet we are doing little to alleviate the pressures of today's elderly Australians or to make the dramatic improvements that are required so that the situation does not continue to worsen. There are currently around 2.5 million Australians aged 65 or over. By 2042, there will be 6.2 million people in that age category. For those aged 85 or over the increase is even more rapid, going from around 300,000 in that age category now to 1.1 million in 2042. Furthermore, there are currently about five people of working age for every person aged 65 or over. By 2042, that will halve to 2.5 people in the paid work force for every person in aged retirement. This is a crisis that has to be responded to, but I do not agree with the Treasurer that working beyond retirement is a satisfactory solution. Another option flagged in the report is that of cutting the age pension to a basic needs level, but one wonders what there is to cut from an aged pension, especially given the increasing costs of medication and other things.

Although the *Future ageing* report takes a close look at what needs to change over the next few decades if we are to create a future in which a quarter of our population enjoys a reasonable standard of living, I would like to focus on what needs to be done now, because in the electorate of Hindmarsh the future has already arrived and we are not dealing with it well. To start with, the rates of depression among the elderly are alarming. Something like half of the residents of high-care nursing homes are depressed. Around 30 per cent of those living in low-care homes are depressed and about 20 per cent of older people living in the community are depressed. That is a terribly sad scenario and an indictment of our aged care system. It reflects very badly on us as a community. Our attitudes to the elderly cannot be separated from issues of health and wellbeing.

Older people speak of being invisible to the rest of the population. We fail to capture or recognise the contribution of older Australians. While younger generations are caught up in lifestyles that leave little room for things like volunteering, many older Australians give of themselves and their time willingly. I am a strong believer that this sort of contribution to our society is the glue that makes a community. Whether it is picking up the grandkids—or, indeed, the great-grandkids—from school, spending an hour in the classroom reading stories, delivering Meals on Wheels or helping to run the local senior citizens club, all of these things have to be done and they help give us a sense that we live in a caring community. Too often we fail to recognise the vital importance of such contributions. Maybe if we reminded our-

selves of what it would cost to employ people to do these things, we would have a greater appreciation of the level of support the community receives from older Australians.

Many of these people have gone through wars. They have worked all their lives, they have paid their taxes, they have paid their dues and they have contributed towards building this country. As a society, we cannot turn our backs on them and we cannot forget them. They deserve to be treated with respect and dignity, and as Australians we all owe them at least that much. They built the foundations of this great nation that we live in. Sadly, when people reach a stage where, because of their health, it is more difficult for them to make such a contribution, we do not demonstrate our thanks to them with high-quality health care.

The need for nursing home care is so great that there is a nursing home bed shortage in Hindmarsh of approximately 430 beds. That is 430 elderly people who desperately need full-time institutional care and cannot get it. Dental care is also a significant problem. The need for improved dental care was argued very strongly by both the Council on the Ageing and the National Rural Health Alliance. The alliance pointed out that poor dental health is closely linked with cardiovascular disease, stroke, diabetes and nutritional deficiencies, and yet the government cut funding to the Commonwealth Dental Health Program in 1996. Now people can expect to wait up to five years to see a dentist through the public system. Clearly that has to be addressed if we are serious about looking after older Australians.

Respite services for older Australians who are caring for their spouse are also inadequate. The effect on their health of not being able to get respite care creates a situation where both people need to go into a nursing home. Once people are in nursing home care, their visits to hospital are poorly managed. They are often sent off to a hospital when, with the right skills and resources in nursing homes, they could have been treated there. When they are released by the hospital, they are often released before they have properly recovered and without adequate discharge planning to ensure that they continue to recover.

The *Future ageing* report identifies the need for an increased focus on preventive health care and early intervention which could reduce the incidence of hospital admissions. Sadly, there is evidence to suggest that older people, especially those with dementia, may actually experience declining health as a result of time in hospital. Hospitals may increase a patient's dependency, and hospital-acquired infection is obviously a greater risk for those who stay longer.

Unfortunately the number of GPs continues to fall and, because the needs of older patients are often more complex, they often do not receive the time or attention that they really need. The skills shortage crisis is being felt very strongly in the aged care sector. There are not enough nurses, dentists, physiotherapists, podiatrists, pharmacists, pathologists or occupational therapists. Perhaps it is ironic that the aged care work force is itself ageing. Around 50 per cent of aged care professionals were aged 45 or over in 2001, and about 30 per cent of nurses currently in the work force will retire in the next 10 to 15 years. Many nurses, in particular, are working well beyond 60, but eventually they will have to retire and, despite attempts to increase nursing numbers, the aged care sector will not attract nurses while the wages remain between 15 and 26 per cent lower than the public service award rate in each state.

This government could act right now to address wage parity in the sector, and that would make a significant difference to the care of older Australians. I am aware that increased pay-

ments to aged care providers have been made available, but it has been left up to the services to determine whether or not that funding increase is passed on to staff. I predict that places which already have a good standard of care will pay staff better, while others will continue to perpetrate lower quality care by failing to adequately address staff training and remuneration. Unfortunately, nurses are leaving permanent employment for agency work because the conditions are better.

The Australian Nursing Federation, in its submission to the inquiry, called for the government to provide additional funding to the aged care portfolio in order to achieve wage parity between nurses working in the aged care sector and those working in the public sector. The Royal College of Nursing, Australia also prioritised nurses' pay in its submission to the inquiry. Unfortunately, it highlighted the recommendations from the Senate inquiry into nursing and the Department of Health and Ageing report on recruitment and retention of nurses in residential aged care. It is unfortunate because it is hardly news to this government that something needs to be done as a priority and yet report after report goes unheeded. It will be important to monitor this issue to see how much nurses' wages within the aged care sector improve over the next few years.

It is clear that aged care services face a dramatic crisis point if this is not addressed, given that around 90 per cent of primary health services for older Australians are provided by nurses. If they continue to drop out of the sector, care will be provided by poorly qualified, low-skilled workers or it will not be provided at all. If left unattended, the health of older Australians will decline rapidly until there is a crisis which requires hospitalisation. That, of course, will lead to increased pressure on already overburdened hospitals.

As well as a pay scale more commensurate with the work performed, the Australian Nursing Federation called for minimum education standards for all unlicensed nursing and personal care assistants in the aged care sector as a matter of urgency, as well as improved accreditation standards for the aged care sector.

It is clear from all this information that there is much more work that needs to be done to improve our existing aged care system. There is also a great deal more that needs to be done to improve the quality of life for elderly Australians, whether they live at home or in formal aged care. It is frightening to think about how we are all failing older Australians today, because the demand for services will double or triple by 2042. So far, we do not have a plan for how we are going to address that, and yet it is very clear that we cannot continue on our current path. I urge the minister to read the *Future ageing* report thoroughly and to respond to each of the conclusions it makes.

Mrs BRONWYN BISHOP (Mackellar) (10.17 a.m.)—I seek leave to table a copy of the *National strategy for an ageing Australia*, which I developed as Minister for Aged Care.

Leave granted.

Dr EMERSON (Rankin) (10.17 a.m.)—It is a pity that the *Future ageing* report did not get to the point of producing recommendations—it did produce a set of conclusions. Since it has not produced recommendations, the government will not be responding to the report. That itself is a great shame, because the issues raised in the report about the ageing of the population and the capacity of Australia to pay for decent health and aged care for an ageing popula-

tion is a very important one indeed. Arguably, it is the most critical challenge facing this country in the next 40 years.

The truth of the matter is that Australia's natural rate of increase in population will be such that by the mid-2030s our country will not have an increasing population—it will begin to stagnate—and it will be only through a vigorous immigration program that we will be able to prevent the population from declining in absolute terms. So we certainly face the prospect of a stagnating population, but, in addition, the population will be much older than it is today. By the mid-2040s, the share of Australia's population that is over 65 is projected to double from around 13 per cent in 2004 to 26 per cent.

Indeed the official projections are for an increase of four million in the number of Australians over the age of 65 by the mid-2040s, compared with one million extra between the ages of 15 and 55, another million extra between the ages of 55 and 65 and 200,000 fewer children in Australia. Never will it be truer that our children are our future, because we will have a much older population and a scarcity of young people in this country by the mid-2040s. Associated with these developments is the fact that the proportion of the working age population in the total population will fall—that is, the overall dependency ratio of older Australians and younger Australians on the working age population will worsen very substantially.

The *Intergenerational report* forecasts that in 40 years time only 55 per cent of Australians will be working—so that will be 55 per cent of Australians working to support 45 per cent of Australians who are either too young or too old to work or who, for some other reason, may be of working age but not participating in the work force. This is a lower ratio than Australia's historically low point of the early 1980s recession, but it is expected to be a permanent feature of the Australian economy for the foreseeable future.

Treasury has pointed to the ageing of the population as being the dominant cause of the expected slowdown in growth in gross domestic product per person over the next 40 years. It is worth reiterating those projections. It is projected in the *Intergenerational report* that from 2010 onwards Australia will experience its slowest rate of economic growth per person since the decade of the Great Depression. That is a very sobering thought, and governments need to be dealing with that challenge here and now and not put it off to the future, because it requires early action.

Australia's ageing population is the product of two forces: fewer babies and longer lives. Australian women are having fewer babies now than they were in previous decades. At present, Australian women are having around 1.75 children. That is down from 1.9 in the early 1990s, 2.8 in the early 1970s and a peak of 3.5 at the height of the baby boom in the early 1960s. So we have seen a halving of fertility from the peak of the baby boom through to the early part of the 21st century. Australia's fertility rate fell below the replacement rate way back in the mid-1970s and continued to slide probably until about 2003. There is some early evidence that the fertility rate might have risen slightly from 1.75 to 1.8 in 2004. It is possible that women in their 30s may be coming to the conclusion that they are starting to have a family too late. There are some suggestions from Professor Peter McDonald at the Australian National University that there might be a mini baby boom going on amongst women in their 30s as they realise that perhaps they need to have their children now. So there are suggestions that fertility might rise slightly from 1.75 to 1.8. That can be achieved by just five per cent of women of childbearing age deciding to have one more child. That would be a good thing.

However, fertility among women under the age of 30 continues to fall, so it is quite difficult to envisage the overall fertility rate in Australia rising much above 1.8 over the coming decades. The *Intergenerational report* is more pessimistic than that. Its projections are based on a fertility rate of 1.6 by 2042.

Australia is not alone in declining fertility. This is being experienced all around the Western world. So there will be a slowing of population growth all around the Western world. That itself has implications for skill shortages; for the dependency of older and younger people on the working age population; and ultimately for issues of great debate, such as international immigration—because there will be a shortage of young people around the globe.

That will certainly be the case in the Western world but also in countries like China. The one-child policy in China is creating a situation now where the Chinese are realising that their population growth rates are falling away. It is probably not the problem in China that it is going to be in Australia, but this is a common characteristic all around the world. Even if Australia could somehow increase those fertility rates tomorrow, that would not have any positive effect on the ageing of the population for almost two decades, when today's newborns begin entering the work force. Until then, the fiscal pressures, the pressures on budgets, would actually worsen as extra budget spending on those young people in the form of education, child care and related expenses would be unmatched by additional taxation revenue. Increases in the fertility rate would in fact increase the youth dependency ratio over that time. While it would be in Australia's long-term interest to raise fertility rates, in the next 40 years that would increase rather than reduce the proportion of the population that is dependent on the working age population. If we are serious about dealing with the very long-term consequences of an ageing population, we must consider policies to halt the decline in fertility whilst also increasing work force participation, especially the participation of women.

I have dealt with one aspect—that is, that women are having fewer babies. The other aspect contributing to the ageing of the population is that Australians are living longer, and that goes to the heart of the report. Australia's death rate has fallen from 8.5 per 1,000 in the early 1970s to 6.9 per 1,000 in the early 1990s and to 6.7 per 1,000 in the early 2000s. Over the last century, male life expectancy has increased from around 55 years to 77 years, and female life expectancy has increased from around 59 years to 82 years. So the women are living longer than the men, and that is a good thing. It would be terrific if the men could catch up, but as Australians we should be happy to see any improvement in longevity in this country. The *Intergenerational report* forecasts life expectancy to continue to rise over the next 40 years, to 82½ years for males and 87½ years for females. So Australians will be living longer, and that would add around five years to the expected life of Australians born in 40 years time. The reality is that the die was cast half a century ago for the ageing of the population over the next 40 years. While I do not agree with the Treasurer on too many issues, when he says that 'demography is destiny' he is right—the die is cast in terms of the ageing of the population.

In the coming four decades, ageing baby boomers born in the 1950s and 1960s will replace the small numbers of older Australians born in the 1930s and 1940s. But there is an alternative scenario which is also quite realistic—that is, that we have underestimated the increase in longevity, that there will be further marvellous technological and medical advances such that people will be living even longer than has been forecast. If that happens then all of the budgetary implications and projections and all of the impacts on Australia's economic growth and

prosperity will be even more severe. If there is any risk to this, it is the risk that Australians will be living longer—which in fact is a good thing, because we are all here to improve the quality and length of life of the Australian people—and that would put even more pressure on budgets and pose even greater creative challenges in sustaining prosperity over the next 40 years.

So how do we pay for an ageing population? There are two ways. One is to increase work force participation by working age Australians. Fundamental to that is increasing the participation of working age women while at the same time allowing them to balance work and family life. We want to maintain and, if we can, increase fertility a little, so we do want women to have babies but at the same time be able to balance work and family life so that they can participate in the work force. Here, the idea of coming back to work on a part-time basis some time after having a baby makes a lot of sense.

But there are huge impediments to that. One of the impediments is the high effective marginal tax rates that women in those circumstances face. Another impediment is the relative cost of child care in Australia. There has been some analysis of the potential returns from increased child-care investment in this country, and those returns are large indeed. To take the polar example, if Australia's public subsidies for child care were raised to the level of those in Denmark—which has the highest level—there would be a very large increase in work force participation on the part of Australian women, which would be good.

Why do I focus on Australian women? For two reasons. One is the challenge of balancing work and family life. The other is that Australian women are much better educated now than they were 30 years ago. We have a highly educated group of women who, if they are in the work force, will contribute greatly to Australia's productivity growth.

The second remedy for dealing with the economic challenges of an ageing population lies in another 'p': productivity growth. Here the story is becoming more familiar. We need to ensure that productivity growth in this country is sustained; yet the *Intergenerational report* forecasts that it will slump back to its mediocre 30-year long-term average by the end of this year. Treasury must have had a crystal ball. Australian productivity growth has turned negative. It has not just slumped back; it is now negative, according to figures released by the national accounts. The OECD, in its latest country report on Australia, has warned about that.

Rather than sitting on our hands saying, 'This is too hard,' we need to restore the productivity growth that was the legacy of the economic reform program of the Hawke and Keating governments. How do we restore productivity growth so that we can pay for quality health and aged care for an ageing population? By investing—by investing in intellect, ideas and infrastructure, the three i's. We need to invest in the intellect and the skills of our young people; we need to ensure that our young people from disadvantaged communities can participate in our education system all the way through school and off into technical education and university. We need to ensure that Australia is an innovative nation so that we support research and development in this country, and we need to ensure that Australia has the infrastructure needed to sustain increased productivity growth—infrastructure that not only reacts to population pressures but anticipates them so that we have modern infrastructure as the source of productivity growth in this country. That is the basis of a plan to deal with the challenge of the ageing of the population. I hope the government will start taking notice of this problem.

Mr ADAMS (Lyons) (10.32 a.m.)—Thank you for taking the chair at the moment, Mr Deputy Speaker McMullan. The report *Future ageing*, which is the result of an inquiry into long-term strategies to address the ageing of the Australian population over the next 40 years, is of particular interest to me, especially as the second half of the inquiry started to address problems in rural and regional areas.

The opportunity to speak on this report also comes at a useful time, because last week I attended what was termed a 'conversation' under the auspices of the Council for the Humanities, Arts and Social Sciences, CHASS. CHASS is a new umbrella body, established on 16 June 2004, representing a range of interests of researchers, educators and practitioners working across associated disciplines. We listened to Professor Hal Kendig and Professor Sue Richardson discussing three questions on the topic of ageing, done in the style of a conversation between two people. It was a novel way of imparting information and was really stimulating for the small group that participated.

The basis of the conversation was Professor Kendig's paper explaining how Australia is undergoing a historical transformation to an ageing society. As with other developed countries, population ageing has resulted largely from the extension of life and the control of fertility, both of which are significant social achievements. We really have to reconsider the process of ageing and how it affects us now rather than when policies were written some decades ago.

Let us face it: we are living longer. This has some surprising results. Thirty years ago, a working man would work for 40 years and then retire, and he would expect to live perhaps another 10 or 15 years at the most. Nowadays, if people retire at 60, they may have another 30 years of life. This has great implications for things like superannuation, the age of retirement, health and leisure needs and the role of families, and we may even have to change the definition of work.

With the introduction of new treatments and better health care, many of those older people are still living very productive lives at over 80 years old. Both my mother and my mother-in-law are cases in point. My mother still drives around the town in which she lives, looks after her younger male companion, cooks, knits and enjoys outings with her sisters. My mother-in-law, who is 87, lives on her own. She just passed her driving test again and promptly drove a friend of hers up the east coast, some three hours drive there and back. She plays mah-jong, teaches students with literacy problems and is still involved in Riding for the Disabled. She goes to the University of the Third Age, and she is currently writing a memoir as well.

Our generation wants to be able to be useful to and part of our communities. Resources need to be found to enable people to continue leading full and active lives, even after they have had some minor health or mobility problems. So there are many real challenges in this new Australia, as an ageing nation—but that does not mean it has to be negative. We need to reconsider our attitudes towards ageing in a much more positive light. Those who are fit may need to be active and involved so as to remain fit. They can obviously be involved in the economy in all sorts of ways. In the past, planning has only been involved in looking after physically elderly people, and otherwise they have not been part of our planning process. That is a pity, as many of them are capable of being part of the caring side of this equation and should be economically able to do so.

One of the barriers is that those on an old age pension are unable to share their home with another pensioner without losing part of their pension. This is a silly state of affairs. It lands many old people in lonely situations, when they could be sharing their houses and lives with others and being mutually helpful. As it is, only married or de facto couples are able to have any sort of companionship in life. These sorts of financial arrangements need to be reviewed, in order that those who are capable of living an independent and satisfying lifestyle can do so, with a little bit of assistance from a friend.

Carer payments, too, need to be reconsidered, as not all older people want someone living in their space but may need daily assistance of some sort or another. Surely it is better to keep the person out of a home and have an official carer on a very small allowance than to pay for the cost of full-time institutional care.

I believe this report is a good start in developing strategies, but dialogue should continue between those who are making a study of these issues and those who are attempting to plan for the future. An ideal way to do this is to set up avenues of dialogue or conversations between politicians and academics—to have the debates in a more informal style so that the discussion can go backwards and forwards, hearing people's experiences and having them backed up by research that is currently going on.

The most important of all the outcomes of this report is probably conclusion 11: the capacity of individuals and families to save for their retirements. This has been taken up in discussions on superannuation, but super is not going to be enough as it is currently constructed. As people live longer they may wish to work longer—or at least be seen to be part of the work force, in perhaps a less active role—and employers need to be encouraged to consider older workers as part of their potential work force. Thirty years of experience can be worth far more than three years of training in some areas. Conclusion 10 recognises this but, without a concerted effort to make it worth while for employers, it will not happen.

We are talking about taking in more skilled workers in our migration program, yet we have a source of highly skilled workers available—except, they are old. These days, anything over 45 in the workplace seems to be considered old. We talk a lot about the shortage of skilled workers, but we have really to only look in our communities for that older resource. Mind you, many older workers will not be encouraged back to work, where one is looking for people to staff nursing homes and hostels, unless they are offered decent wages and conditions. The allocation of funds for wages is way under that for nursing staff and aids in hospitals. That needs to be addressed if some of the past staff are to be encouraged back. There is a prime area there that can be dealt with by government policy.

While I think it is vital that we ensure that we keep people in their homes as long as possible, for those who have to find an alternative when they need some care, there needs to be good care and an ability for the various organisations involved in care for the elderly to employ suitable and trained staff. Money has to be found to ensure that people who have to go into homes get the best care and do not end up being lost and forgotten, which we hear about from time to time. So we need to keep our systems of accreditation and monitor the care levels of homes and institutions, whoever runs them. Computers have now arrived in some nursing homes and hostels, which adds to the modern activities and quality of the lives of those who are being cared for but who still need stimulus and access to the outside world.

I am glad also that the report recognises, in conclusion 13, the role that respite care plays in the community and that hospitals need to be resourced to ensure that they can give that care and also are able to move the patient from high care to low care—perhaps into another place—in order to free up urgent hospital beds. The way funding is structured, it seems that the 'step down' place is missing. I have heard of people being discharged without any backup care being in place, sometimes late at night—and, if they live in country areas, without any means of getting home. It makes it extremely difficult for them. We need that sort of thing to be sorted out so that there is funding available for the development of this sort of care.

The direction we do not want to follow is the one that the federal minister has come up with this week—that is, for community care services for elderly and disabled Australians to be put out to competitive tender, with some services likely to close and others to be disrupted. The shadow minister, Senator McLucas, brought this to our attention only yesterday. Those community care services are built on the back of knowledge about client needs and local geographic issues, which could be lost if services are taken over by larger national or international operators.

The relationship between community care providers and the many thousands of Australians relying on their services is very personal and is established over a long period. It is based on trust and an understanding of individual and local needs. This rushed tendering process could place at risk those essential personal relationships, and levels of care could fall. It is this sort of change that can cause chaos and result in the running down of services, as there is no continuity between the groups who lose and win tenders. So this is another area that needs to be looked at carefully when future directions are being considered. The Minister for Ageing should read this report and take particular note of conclusion 17 in relation to this last point I have made.

The committee was concerned at the evidence of the inadequacy of education and training to fit health and allied health professionals for working with an ageing population. The tendering of positions will certainly get in the way of ensuring that suitable people are available in each community and have the community's interests at heart.

In conclusion, this report covers a lot of areas, including many that are of great concern to those in care. It is a start for a broader look at the long-term question of ageing in Australia. I am glad to see the parliament doing this work, and I hope the government takes some notice of the findings.

Debate (on motion by **Miss Jackie Kelly**) adjourned.

MINISTERIAL STATEMENTS

Iraq: Australian Task Group Deployment

Debate resumed from 8 March, on motion by **Mr Abbott**:

That the House take note of the document.

Mr SERCOMBE (Maribyrnong) (10.46 a.m.)—To my mind, the most fundamental problem that arises from the recent ministerial statement on Iraq—and, in fact, the most fundamental problem that arises from the whole focus on Iraq, which is so central to the way in which the government deals with Australian foreign policy and security concerns—is that it is a misplacement of priorities. It draws significant resources from areas of much more pressing importance to Australia, whether in the direct security sense involving deployment of troops

or other Defence Force personnel or through the sheer level of attention that Iraq requires from the Australian foreign policy and security institutions. We do have substantially more important issues on our agenda, and Iraq and the focus it requires is a fundamental distraction from those important priorities.

That is indicated in a very good recent report produced by the Australian Strategic Policy Institute. The executive summary of that report talks about Australia's top three foreign policy challenges, and it is no surprise that Iraq is not in the top three. The top three challenges that this very highly respected think tank identifies are US-China relationships, the future of Indonesia and the problems of Papua New Guinea and, I would suggest, by extension the Pacific more broadly. The fundamental failure—the fundamental lost opportunity—that the government's preoccupation with Iraq represents in Australia is that it distracts us from much more important things.

Having said that, I think all people in Australian public life hope for the best in Iraq. For example, we hope that the place does not descend into a civil war involving the Shia majority and the Sunni minority. That would be catastrophic. In an international context, we hope that issues do not descend into conflict between Turkey and the Kurdish population of Iraq. There are also concerns about what Iran's role may be in the future of Iraq. But all these things are not front and centre, mainstream concerns for Australia. They distract attention, and they are fundamentally things that we cannot directly impact on through our involvement. We are very much bit players in Iraq—and by that I mean no disrespect to the very courageous Australian service men and women who are involved there. We remain bit players in Iraq, whereas closer to home, on issues that are more fundamentally important to Australia, we can have a direct and positive impact, and we should not be distracted from those issues.

If one looks at the Pacific, one sees a range of extraordinarily important challenges, and if Australia applies resources to them it can have a very significant impact and turn things around. When one looks through a list of issues affecting the Pacific, one notes the endemic corruption that affects a variety of Pacific island societies; one sees very deficient systems of governance in a range of areas and is aware that these inadequate governance arrangements generate the sorts of problems that we are sometimes needed to intervene in, somewhat belatedly, to contribute towards their resolution. The Solomon Islands is one example. There is a track record in some Pacific island societies of economic mismanagement and, in most of them, very low growth rates, which potentially produce very real problems in the future. There is a paralysis in some Pacific societies of the law and justice systems. There are chronic and terrible environmental problems in a number of Pacific island societies. Australia is in a position to help if it focuses squarely on, and puts its resources into dealing with, these problems. In our own right we can have a serious impact on such problems rather than being distracted by adventures supporting George W Bush in some other part of the world—areas that we are not going to have a major role in, because we are there simply as part of a support cast. If we focus on the areas where we can have a direct impact we can significantly enhance Australia's international position and security position. There is another issue which is looming as a major challenge indeed.

I do not think most Australians understand the extent of the health problems in Papua New Guinea. One of Papua New Guinea's most pressing challenges in the period ahead will be arresting and dealing with the rapid acceleration of infection rates of HIV-AIDS. Tragically,

Papua New Guinea could well reach the level of infection rates of sub-Saharan Africa. Australia is in a position to apply resources to address this potential looming catastrophe. We are simply not doing enough. Fortunately, under continual prodding, this government is in fact looking at addressing some of the issues in Papua New Guinea—for example, through the enhanced cooperation package. We in the opposition have been supportive and wanting to strongly encourage this government's engagement. But, as the ASPI—Australian Strategic Policy Institute—report on Papua New Guinea, produced at the end of last year, makes quite clear, a great deal more is needed to be done. For example, the ASPI report says:

> More importantly, by placing Australian officials into line positions in the Papua New Guinea police force and in government, the ECP reverses the trend of disengagement and marks the first decisive step back to deeper commitment in New Guinea. Moreover, it should have a positive, practical effect on policing and other areas of PNG governance—

and here is the rub—

> but we need to be realistic. Despite its scale and cost, and while a good step in the right direction, the ECP is too limited in scope to have a substantial impact on the breadth and depth of PNG's problems.

This respected institution is making it clear that substantially greater effort is required from Australia and, I would suggest, a number of its Pacific partners, in addressing the potential catastrophic decline of conditions in Papua New Guinea. But our focus is on the Middle East. As I have said, the Middle East is important in a global sense and it is important to Australia. But we can only have a minimal impact in our own right on the Middle East, and a number of countries, particularly European countries, are now looking at disengaging from Iraq. Our foreign policy and security establishment is focused on issues which are in some respects peripheral to Australia. We need them to focus on the issues and regions we can have a core impact on, which are those issues and regions that ASPI refers to and particularly those issues that impact on Papua New Guinea and the Pacific.

The war in Iraq is sometimes talked about as bringing democracy and combating terrorism. I would suggest there are some much more effective ways in which Australia can contribute to those objectives. There is a general consensus that poor governance and poverty are intertwined with threats to national and regional security. For example, at her confirmation hearing, the US Secretary of State, Condoleezza Rice, said, 'Disease and poverty have the potential to destabilise whole nations and regions.' At a launch of a UN report recently, the United Nations Secretary-General, Kofi Annan, said, 'We cannot treat issues such as terrorism or civil wars or extreme poverty in isolation.' Even our own foreign minister, in his recent statement on Australian aid, acknowledged some of these points.

Frankly, what I think we need is a far more resolute focus on some of these issues but somewhat closer to home in our own region. There are a number of serious deficiencies in Australia's aid program that have a capacity to relate to Australia's efforts on regional and global security. The most notable one is the inadequate scale of our involvement, despite the extreme generosity shown by individual Australians. For example, in the context of the recent tsunami in the Indian Ocean, even with the apparently huge undertaking that the Australian government gave of about $1 billion in aid and soft loans to Indonesia, the overall effect on Australian aid is a rise to 0.28 per cent of gross national income from 0.26 per cent prior to the government's recent announcement. That is down towards the bottom end of the OECD averages. The OECD average of GNI contributed to overseas development is about 0.4 or

0.41 per cent. We contribute somewhere between 0.26 and 0.28, and the international view is that the contributions of developed economies should be rising towards something like 0.7 per cent of GNI if millennium development goals, which our government nominally signs up to, are to be achieved. Instead, we are devoting resources in areas where we are not going to have a major impact and which, frankly, result in ignoring crucial issues such as contributing to development goals closer to home.

Some of these points have been made by my colleague the member for Griffith in the recent debate on the foreign minister's aid statement. I think it is worth referring here to a submission that has just recently been given to government by the Australian Council for International Development—ACFID, as it is known—for the 2005-06 budget. ACFID says:

> Whilst aid for governance activities has rapidly increased to ... one-third of all ODA, and is dominated by spending on law and order, less than 18% of the Australian sector allocatable program went to basic social services (basic health, education, water, and sanitation) in 2001 and 2002.

The OECD's Development Assistance Committee report makes similar points in relation to the balance and priorities within Australia's aid program. In my view, we need a bigger aid program, one that is more broadly targeted to important objectives in relation to improving governance. I have referred to that as an important objective for Australia's foreign and security policy as well as aid policy, but we should not be doing that at the expense of commitment to the provision of basic services such as health and sanitation and the like.

As I say, there are really significant issues arising from an overview of our aid. For example, our aid program does not give enough priority, in my view, to the countries like Papua New Guinea and the Solomon Islands in assisting in managing important sectors of their economies such as their forestry. It is arguable that forestry, in particular in Papua New Guinea—and certainly the historic record shows this to be true in the Solomons—has been one of the underlying causes of poor governance and deteriorating standards of security because of inappropriate conduct within that industry. It is important for our aid budget to focus on ensuring that the forestry sectors in those countries are on a sustainable basis but also on a basis that does not lead to deterioration in governance standards.

Another important point to make in relation to our aid commitments is that there should be some real commitment to Australia achieving the United Nations millennium development goals. The minister, in his recent statement on the overseas aid program, paid lip-service to one of those goals, but there are seven of them. As the ACFID report to the government says, fundamentally Australia's aid for the basic services identified in the United Nations millennium development goals is stagnating as a proportion of aid funding. The United Nations is conducting a summit in September this year to review progress on achieving the millennium development goals. I hope that the Prime Minister will have the decency to reflect the importance that the international community places on the millennium development goals as a framework for addressing some of the core problems that lead to instability and global conflict, by attending that summit in September and committing Australia to a real and serious attempt to address Australia's responsibilities in relation to international development and achieving sustainable development so that poverty in the world can be seriously tackled. Poverty, after all, is a fundamental source of international instability. It is a fundamental issue underpinning the capacity of terrorists to get an audience and to get their often obnoxious phi-

losophies accepted in underprivileged or underdeveloped societies. We have a real obligation, if we want a more stable international community, to address that.

That process, in my opinion, is not helped by Australia's preoccupation with Iraq. As I keep saying, we are essentially—and I say this without any disrespect to the courageous Australian men and women who serve there—a bit player in Iraq. There are places in our own region where we can have a major and most significant impact. Those are the areas to which Australia needs to give its priority and its focus.

Mr LINDSAY (Herbert) (11.02 a.m.)—I am interested in the comments of the member for Maribyrnong in relation to Australia being a 'bit player' in Iraq. Yes, that is true in the scale of things but, on the other hand, Australia has established itself as the littlest big country in the world—some might think of it as the biggest little country in the world—because the influence that we now exercise in so many international fora is out of proportion to the size of our population. The government can take great credit for building the influence that we now have right across the world.

Many Australians have been uncomfortable with what Australia has been involved in, particularly in Iraq. I have had correspondence from Australians who say, 'I feel like leaving the country because of Australia's position,' but I think that those people are coming to realise now that the decisions taken by the government in relation to Iraq were correct. It has in fact worked out, and it has worked out for the better—not only in our nation's interests but also in the interests of the people of Iraq. I well remember the pictures of absolute joy when Australian Iraqis found themselves able to vote for the first time in an Iraqi election—in fact, they were the first Iraqis in the world to vote for the first time in an Iraqi election. It was wonderful, and I was mighty proud that our country was part of achieving that in such a sensible way.

There are a number of Iraqi refugees in my electorate. They very much appreciate being able to live in Australia, but they also very much appreciate what Australia has done for the Iraqi people back in their homeland. I have been told first-hand of some of the awful things that happened in Iraq—things that those who make a lot of noise about Australia's involvement do not seem to ever realise or understand. I have seen members of the Defence Force—long-seasoned group captains—reduced to tears over what they have seen in Iraq, the atrocities that they have had to deal with. It was a very personal thing to see that happen, but it is important to understand and to recognise that Australia is helping to address those sorts of things.

I think we all knew the latest commitment of 450 troops from the 1st Brigade would be unpopular. I think we also know that, deep down, the Australian public support the government in what it is doing because it is doing it for the right reasons. As the Prime Minister has correctly pointed out, this is a humanitarian move. It is to protect Japanese engineers. It is also to help retrain members of the Iraqi army. It is based in a relatively safe part of the country. Australia will go and do its bit in helping to rebuild Iraq. What is known is that the Iraqi people themselves very much appreciate the contribution that Australia makes.

This decision was also unpopular for another reason—that is, Australia's 3rd Brigade in Townsville did not get to go. When the PM made his announcement I rang the brigade commander to check if anyone from Townsville was going. He made it quite clear to me that his people would have liked to have been able to take part in Iraq, and I understand that. Townsville is the home of the ready deployment force, the members of which spend their entire ser-

vice life training and preparing to go at a moment's notice. But, of course, every unit in the Australian Army cannot go. This time it was the turn of the 1st Brigade. I was very pleased to see that Lieutenant Colonel Roger Noble was appointed as the commanding officer. Roger was very well known in this place a few years ago as a liaison officer on the parliamentary Foreign Affairs, Defence and Trade Committee before he was transferred to 2 Cavalry Regiment in Darwin. He is a fine officer and he will do a great job, as our other officers do in Iraq, keeping our troops out of harm's way and producing the results that we need.

Wherever the Australian Defence Force goes—currently it is deployed all over the world; there are little deployments and fairly major deployments—it is so highly regarded. Lieutenant Colonel Peter Daniel, formerly from 3 CSSB in Townsville, now commands our detachment in the Sinai Desert. The Sinai Desert detachment is a peacekeeping force which is designed to keep cordial relations between Egypt and Israel. For many years now a detachment of Australian troops has been in the Sinai Desert between Egypt and Israel making sure that relations remain cordial. We have seen Australian troops go to the Solomons. Most recently, following the murder of Adam Dunning, a ready deployment force from Alpha Company of 1st Battalion went to the Solomons two days before Christmas last year. Just 18 hours elapsed from the time they received notice to the time they were on the ground in Honiara, which is a magnificent effort. The commander of 1st Battalion, Lieutenant Colonel Chris Field, who went with Alpha Company, was two weeks ago awarded the American Bronze Star for his service in Iraq on a previous deployment. He is also a very fine officer.

The troops look forward to overseas postings, just as they did when going to East Timor. It was Mick Slater, the current commander of the 3rd Brigade, who took the 2nd Battalion Royal Australian Regiment into East Timor in those dark days when all of that trouble came to a head. It is hard for families when the troops are deployed, but when I speak to the families their reaction is: 'We're happy to support our partner because that's our partner's job.' It certainly works very well indeed.

In relation to the role of the opposition in all of this, the Minister for Foreign Affairs has quite correctly pointed out that the Australian Labor Party has had many inconsistent positions on Iraq. One of the things that the Australian people most admire about our Prime Minister is that when he says something he means it. He is consistent in what he does. What he does may not be popular with the Australian people, but he follows through because it is the right thing to do. At the end of the day, the Australian people form the view that, yes, it was the right thing to do, and they like that kind of leadership. But we have not seen that attitude from the opposition. In fact, we have seen the national media, even as recently as a couple of weeks ago, editorialising that Kim Beazley's argument that involvement in Iraq weakens us in the region 'looks pitiful'. Greg Sheridan, the foreign editor of the *Australian* said:

> It is right in principle and it is effective globally, regionally and for Australia—

that we send additional troops to Iraq. He continued:

> It is right in principle because only the terrorists—groups who wish our utter destruction—could benefit from the coalition of the willing abandoning Iraq before it can provide for its own security, and while vital and necessary reconstruction work is still undone.

They were wise words from Greg Sheridan, and I hope they were widely read. I would also like to observe that Australia's relations with Indonesia have been very significantly enhanced again with the help of the Australian Defence Force and the good work that they did in Aceh.

I think it is a long time since relations have been so good with the ADF and the TNI, and it is a long time since relations have been so well understood between the Australian government and the government of Indonesia. We look forward to the presidential visit that is scheduled shortly. It will only further enhance our relations with Indonesia.

It should not be forgotten that we also have the ADF Reserves. The Reserve, through Townsville's 11 Brigade, currently have troops in the Solomons doing their bit for peace in that country. They also have troops posted to Operation Relex, which is an operation that we do not particularly talk about. But they are away from North Queensland at the moment, also working in Australia's interests, with Reserve soldiers doing a mighty job. I look forward to the ADF parliamentary program, which is coming up in July for me. I am going to join 51 FNQR on Cape York and do a patrol similar to the one that I think the member for Lingiari did a year or so ago. I am going to spend a week with those Reserve soldiers who are attached to 11 Brigade. I am looking forward to that, and my colleague the member for Leichhardt will also be participating. In conclusion, Australians are mighty proud of their Defence Force and will continue to regard it as the most professional and the most capable defence force of its size in the world today.

Mr SNOWDON (Lingiari) (11.15 a.m.)—Let me first indicate that, in the broad, I concur with the views of those who have expressed their support for the Australian Defence Force personnel the government have deployed to Iraq and who they propose to deploy to Iraq as a result of the announcement made on 22 February by the Prime Minister to send an additional Australian task group to Iraq. That of course does not mean that we do not have severe difficulties with the decision taken by the government. We absolutely do. This mirrors the position I have adopted previously about Iraq. In my view we should not have been engaged militarily in Iraq in the first instance. I think the subsequent decisions taken by the government have been wrong. Nevertheless, given the government have made those decisions, have deployed to troops to Iraq and have announced this new deployment, it behoves all of us to ensure that we give our absolute support and commitment to those troops—not only Army troops, of course, but also those people from the Air Force and the Navy deployed within the region.

It is possible to understand that we have policy differences with the government over Iraq, and I will come to those in more detail later. What I want to do at the moment is concentrate on this new deployment. This new deployment will comprise 450 personnel, the bulk of whom will be drawn from Darwin's 1st Brigade, from the 2nd Cavalry Regiment, and from 57RAR who will now provide infantry support to the cavalry regiment, who will take with them 40 ASLAVs to Iraq. They will be commanded by, as the member for Herbert just said, Lieutenant Colonel Roger Noble. Roger Noble is quite well known to at least some people in this parliament as he was a military adviser to the parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade and accompanied some of us a couple of years ago to the Middle East, Kuwait and Afghanistan to visit Australian Defence Force personnel in the region. So some of us in this place know him well. We know his competence, we know his professionalism, we know his friendship and we know his intelligence. What we do say about this man is that we all have absolute confidence in his ability to carry out the task which he has been given by the Chief of the Defence Force. That is important. It is good for us to know that we can give our absolute commitment to these people because we know the quality of the leadership they will receive. I have no doubt in my mind at all that Roger Noble will do abso-

lutely everything within his power to ensure that the task which they have been allotted will be carried out successfully and that he will bring his troops home safely. Their initial deployment will be for six months. As I understand, they will be heading to Iraq in the next few weeks.

It is important to understand the context in which we provide that support. It is true—and the observation needs to be made, as the member for Herbert has just done—that people trained in our armed forces have a desire to use the skills which they acquire during their training and to be in an active unit. To be on active service in the way in which this new task group will be is the aspiration of all of those who serve in the Australian Defence Force, including soldiers, naval personnel and air personnel. Their aspiration is to use the skills that they have acquired during their training. It is no surprise, then, that those who have been deployed, despite the trepidation of going to Iraq, are confident in their ability, their training and their equipment and are looking forward to it. They know that their families will be nervous and that there will be trepidation.

It is important, then, that they understand that, despite the political differences that we on this side of the parliament have with the government over their deployment, they have our absolute commitment and support in the task. Once deployed, they know that they can rely upon us to support them. We will ensure through our monitoring of the arrangements that their equipment is up to scratch so that they can have absolute confidence that the equipment they are provided with will, as far as possible, keep them from harm and allow them to do their task with confidence.

Despite the fact that they are not going to the capital and that by and large where they are going there have been comparatively fewer incidents of the type we have seen in the capital and other regions, we should understand that this will not be comfortable and that this little exercise will be no picnic. These people will be in a very uncomfortable environment. They will be there in the peak of summer in extraordinarily inhospitable country. It will be very, very hot. We were in Kuwait at about the same time—July, from memory—and it was hellishly hot. I live in Alice Springs in Central Australia and I think I know what hot weather is like. The heat there will be oppressive. It is important that we understand that this will not be beer and skittles. This is a difficult task that they have been confronted with; this is a difficult task that they have been given.

But they should know, as I am sure they do, that they have our support and that we wish them well. As these defence personnel come from the Darwin region and train at Robertson Barracks, I certainly know that they will have the support of the people of the Northern Territory, the Northern Territory government, and their families and friends. As someone who is generally opposed to war, did not support the initial deployment to Iraq and still does not, I say that it is remarkable the confidence you can have in your military personnel once you get to know people. This is a general statement, but I think it will bear very close scrutiny: to a person, the senior officers in charge of looking after our Defence Force are very capable and very professional people. They are able to make decisions and lead. We know that the training that they put in place is second to none. We also now know that the equipment that they are using is of the highest standard. What we need to ensure is that any upgrades to the equipment that need to be made are made in sufficient time to ensure that no-one is disadvantaged.

Having said all of that, I also say that it is important that we acknowledge that we may well be on the precipice of further deployments of Australian troops. We heard only yesterday that the Prime Minister of Italy, Silvio Berlusconi, has decided to pull out their 3,000 troops. They are in the region close to where the Australian troops will be deployed. What we are seeing, of course, is the gradual disintegration of the great coalition. Under those circumstances, it is no surprise that the Prime Minister has been unable to make a commitment to the Australian community that we will not have further forces deployed to Iraq. It is worth reminding ourselves what the Prime Minister said in the parliament yesterday in response to a question from the Leader of the Opposition. He said:

... I repeat what I said when I made the announcement about the additional 450. We do not have any current plans to increase that number but I cannot rule out some changes in the future and I do not intend to do so.

I think the Prime Minister has a responsibility to outline exactly to the Australian community what he intends to do. What are the plans for Australia's future commitments to Iraq? What further deployments of Australian Defence Force personnel will be made into the region? He has an obligation to tell the Australian community what is going to be happening.

I know what he must have at the back of his mind, and there is no doubt that increased pressure will come from other members of the troika—the United States and Great Britain. They will give John a ring and say, 'Listen, John. The Italians have left; others are leaving. Do you think it's appropriate for you to send some more troops to help us out?'

Mr Hunt—Mr Deputy Speaker, I seek leave to ask a question.

The DEPUTY SPEAKER (Hon. DGH Adams)—The honourable member is seeking to ask a question.

Mr SNOWDON—Not until I have finished. It is worth while noting that, in the past, the Prime Minister has made it very clear. On 10 April last year he said, fairly emphatically: 'We are not planning to send any more forces.' We know from what he has said recently that clearly, in the back of his mind, there is a plan to send future forces. The Australian community needs to know whether or not this is true. He has an obligation to tell the Australian community what his real intentions are.

He knows, of course, that this decision by him to provide the additional deployment has not been given a great deal of support by the Australian community. Indeed, we know that the Prime Minister, responsive as he is to polls, would be most concerned by the Morgan poll of 12 March. In that poll, 63 per cent of respondents said that they disagreed with Prime Minister John Howard's decision to deploy an extra 450 troops to southern Iraq. I do not doubt that that is the case. We need to have some honesty from the Prime Minister. We need him to detail to the Australian community what his government's future intentions are in terms of Australia's defence deployment.

I have a letter in front of me here. It is worth contemplating. I put out a newsletter on 19 March 2003, which I sent to the electorate of Lingiari, outlining my opposition to the decision by the Australian government to involve us militarily in that conflict. I made the point then, as I make the point now:

However, as the government is determined that they are committed and will stay in Iraq we must give them—

that is, our troops—

> our total support. Territorians respect and admire the men and women of the ADF and their families for the sacrifices they make for us all. They must obey the orders of the government of the day. This is a major institutional strength of our democracy.

And so it is. I know they have my support, but the Prime Minister does not. I know this is the case with a large number of the people in my electorate. They are most concerned about the dishonesty and the lack of integrity which have been exhibited by the Prime Minister over this and other issues. Importantly, to put our country in a position where we are in armed conflict is not something that should be taken lightly. Yet we have had a deployment of an additional 450 troops—and who knows how many more into the future?

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (11.30 a.m.)—In rising to support the motion of the Prime Minister in relation to the Iraq task group deployment, I want to address three core questions. The first is the global challenge facing the world in terms of security and the question of terror and autocracy—twin issues. The second is the question of progress on democratisation and addressing those core problems throughout the Middle East. The third is the specific question of Australia's role in Iraq, progress on the ground in Iraq and the deployment and role of Australian troops to date and going forward.

In looking at the question of the global challenge which we face at present, we find that there are two core problems with which the international security community must deal. The first is in relation to the question of terrorism. It is the creation of what is called a Wahabist philosophy and the militarisation of that philosophy, most obviously seen through September 11, Bali and the tragedy in Madrid. But it was also evident in Afghanistan, where al-Qaeda, under the Taliban, had for itself a state based approach to the future. It had a state base. We were able to see, from one of the least developed countries in the world, what could be done for a state base for al-Qaeda.

Against that background, we also see that al-Qaeda views the world in a century-long process. That century-long process is about trying to export and implant its ideology across the globe. Its primary target, its strategic goal over a 30-year period, was to do this by transplanting one of the existing key Islamic states, whether it was Pakistan, Saudi Arabia, Egypt or, within our own region, Indonesia. There are two tactics for doing that. The first is to breed fragmentation in any of those countries. The second is to break down the economic base of those countries by driving out Western engagement, which in turn would drive down the economies, which, according to this strategic approach, would break down domestic support for engagement with the outside community. That is the objective; that is the grand climate which we have to deal with.

We recognise that there is a group of people at the heart of this ideology who have perverted it and used it as a domestic, internal, internecine conflict within Islam and who have no bounds, no strictures and no constraints on that which they wish to perpetrate. The objective is the maximum degree of human suffering possible. That is the objective and that is the conflagration with which we have to deal. It is not something which we sought; it is not something which in any way we hoped to face; but it is something which we can in no way ignore. That is the challenge facing all good people of all good intent throughout the world.

The second great challenge that we have is in relation to autocracy. There is a fair argument here that, as a Western people, we have arguably been weak and complicit over the last half-century, particularly within the Middle East, in tolerating autocracy because it served some strategic purposes. That time is coming to pass, and I think that that is a good thing. It is a difficult process but it is a grand, historic process.

The world is being democratised. Firstly, there were the early democratisations that came about as a result of the breakdown of colonialism within Africa and Latin America. Secondly, there was the collapse of the Iron Curtain and the Eastern European autocracies. We are now evolving into a third stage of democratisation, which is the process that needs to occur to break down autocracies within the Middle East. We are at the beginning—not even the middle, let alone the end—of that process. That is the historical context.

Against that background, I want to address the question of progress. On the democratisation front, we are seeing early steps. Firstly, Afghanistan has made the most progress. There are still enormous challenges. Kabul, the capital of the country, has seen great steps forward; the Loya Jirga, which is the traditional parliament, has been brought into being; and the President, Hamid Karzai, has been selected. All of these things represent steps forward, but there is no doubt about it: it is imperfect. The alternative would have been to have left the Taliban in place.

Mr Bevis interjecting—

Mr HUNT—If the honourable member wishes that the Taliban were still in place, I respect that view.

Mr Bevis interjecting—

Mr HUNT—There are differences of opinion. Secondly, Iraq itself has just been through a democratic process. Although voting put each individual's life at risk, 58 per cent of the population turned out. It was higher than expected in a process that was more orderly than was expected. The result represented an extraordinarily diverse outcome. It may not have been the outcome that many in the West ideally wanted, but it was thoroughly representative of the will of the people. Is there much more to go on that front? Absolutely. We are in the formative processes of a new government.

The third element here is that the Palestinian people, following the death of Yasser Arafat, have also been engaged in a critical act of self-determination in the appointment of the President of the Palestinian Authority, Mahmoud Abbas. That result is again all about the process of personal engagement, of individuals having a stake in the future. Again, it is a step forward but there is much more to be done. It does provide the basis for a two-state solution between Israel and the Palestinian people. Having lived in that part of the world for a year of my life, I have maintained for over 20 years now that the only solution is a two-state solution that recognises the legitimate aspirations of the Palestinian people and the legitimate rights of the Israeli people.

Going forward, we are now seeing the early stages of a move towards some sort of independence in Lebanon. The mass Eastern European style protests that have occurred in Lebanon following the assassination of the former Prime Minister Rafik Hariri are an extraordinary development. To see that sort of public participation on the streets of a Middle Eastern city, with up to half a million people involved, is unique, certainly within my knowledge. That

is likely to lead to some sort of Syrian disengagement, but we do not know. There is big history to be played out there.

There have been messages from Egypt and Saudi Arabia about possible steps forward. I would regard those with considerable scepticism until such time as we see practical action. Whilst this may not be a Middle Eastern spring yet, what we are seeing is the emergence of a trend. We have a role to play in encouraging that and also in saying that autocracy, as a system of government, is no longer acceptable. To a large extent we have, as a Western bloc, been complicit in accepting that over the past 50 years.

What does that mean for progress in Iraq? In Iraq we see three things. Firstly, on the ground Australia has played a critical role, and the new deployment will play a critical role, in helping with security. We currently have 920 Australian defence personnel serving in a variety of roles, from classic security to assistance with training of security forces, which is the ultimate answer: creating an internal capacity to deal with security needs.

In addition, as the Prime Minister has announced, we will now be deploying as part of the Australian task group an additional 420 Australian Defence Force personnel to the Al Muthanna province. Their role is a clear one, and that is to provide military backup, along with 40 ASLAV support vehicles, to the Japanese humanitarian presence. This is all part of the international role and the international coalition. From an Australian perspective, it is a critical commitment. It is a dangerous job; it is a difficult job. It is one for which we have the absolute highest regard for those defence personnel involved, all of whom are voluntary members of the Australian Defence Force and who go with our thoughts, wishes, prayers and absolute respect.

We are playing that critical role, but the second thing that has been occurring in Iraq is considerable practical progress in the conditions on the ground. Australia's own contribution has included $126 million to rehabilitation and reconstruction. We have deployed 30 technical experts since March 2003. We have committed $45 million to reconstruction priorities, particularly in agriculture and food, and we have directly assisted in improving all of the elements of water, sanitation and food distribution. Against that background, Australia's role has been part of a broader international coalition which has seen five million children under the age of five vaccinated against diseases, all hospitals opened and fully staffed—whereas the figure was 35 per cent under the Saddam Hussein regime—110 health clinics opened, 2,500 medical staff trained, 2,500 schools rehabilitated and the teaching of over six million children; all of these things have occurred.

Let us not at any point deny the difficulties and the enormous Hobbesian choice which we faced in identifying whether to take action or not. I respect the views of those who believe that the costs of action are greater than the costs of inaction. I respectfully put to them that my personal view is that the cost of inaction, of allowing Saddam Hussein's regime—which was alleged to have been responsible for over a million deaths or disappearances during its course—to continue, was far greater than the very difficult choice and the very tragic cost of that which has occurred over the last two years. It was a difficult choice, and I respect the position of anybody who chooses alternatively, but neither side should deny the reality of these changes since 2003 or the reality of the task before us.

This brings me to the final point I want to make in terms of Iraq itself. That is the question of the alternative. What is the alternative to where we are now and to the process not only of

committing humanitarian resources, such as Japan and Australia are doing, but of committing the military resources to back them up—to allow Iraq to establish an indigenous security capacity, to allow the Iraqi people to carry through the will that they expressed during the democratic elections of just over a month ago and to maintain their basic infrastructure? The alternative, much as some people would want it, is to let Iraq fall into a system of chaos and internal collapse. We must assist in this process of bedding down the will of the people, which they have expressed very clearly, by making sure that those who would seek to wreak havoc, to carry on the legacy of Hussein or to implant Wahabist ideology and practice are not able to succeed. Unfortunately, there is no basis for negotiations there. These are two groups of people who are set on physical destruction and who have used the Iraqi people as their primary weapons, targets and victims. As a result, the only thing that can be done is to support the international coalition, because not to do so is to allow the collapse of all that has been gained, leading to a humanitarian catastrophe and a security nightmare.

For those reasons, we are engaged—if I can return to the beginning—in a grand, historical challenge. There are great security questions which we have to face, in terms of terror and autocracy. What we see is great progress on both fronts, but this is part of an ongoing challenge. For all of those reasons, and because of my coming to this House as a former human rights lawyer who was concerned about what occurred in autocracies, I support what the Australian government is doing, I support the motion and I support the Australian deployment to the Al Muthanna province and the role of the Australian Defence Force.

Mr BEVIS (Brisbane) (11.45 a.m.)—There is no more important decision a government makes than to commit its troops to a conflict situation. There is no more onerous responsibility than sending the men and women of our Defence Force into harms way as an arm of the government of the day. It should never be undertaken lightly or carelessly. It should never be undertaken by deceiving the Australian people either. Before the last election, the Prime Minister made clear on a number of occasions that deployments of this sort would not occur. Only a matter of a few short months after the poll was declared and the parliament resumed, we now find ourselves dramatically increasing the number of troops we have in country. In fact, most of the troops we have generally identified in the theatre of operations around Iraq are not in country. This is the first major deployment of Australian troops in country and is a monumental breach of trust and a breach of the undertaking which the Prime Minister and his Liberal colleagues made during the course of the last election.

I want to briefly make some comments about the circumstances in Iraq and why we are in this position in the first place. I do not propose to go over the details of a number of speeches I have made previously citing my concerns about this, but I do want to cite one source and one source only—the editorial of the *New York Times*. If there are any people on this earth who have a concern in the war on terror, they are the people of New York who suffered during the September 11 2001 tragedy. On June 17 last year, following the report of the commission investigating these matters in the United States, the editorial of the *New York Times* said this:

> It's hard to imagine how the commission investigating the 2001 terrorist attacks could have put it more clearly yesterday: there was never any evidence of a link between Iraq and Al Qaeda, between Saddam Hussein and Sept. 11.

It is worth pausing there: never any link, and yet that was the basis upon which this entire invasion escapade was launched. The editorial went on and said:

Now President Bush should apologize to the American people, who were led to believe something different. Of all the ways Mr. Bush persuaded Americans to back the invasion of Iraq last year, the most plainly dishonest was his effort to link his war of choice with the battle against terrorists worldwide. While it's possible that Mr. Bush and his top advisers really believed that there were chemical, biological and nuclear weapons in Iraq, they should have known all along that there was no link between Iraq and Al Qaeda. No serious intelligence analyst believed the connection existed; Richard Clarke, the former antiterrorism chief, wrote in his book that Mr. Bush had been told just that.

There are some startling assessments the *New York Times* made about the invasion of Iraq that has set us on this course, and I must say the phrase 'war of choice' sends a shudder down my spine. This was the war of choice of George Bush, and we now find ourselves intricately involved in it. Originally, the government said we would have no part in the occupation; we would play a part in the invasion. Of course they reneged on that. Then they said we would commit no further troops; they have reneged on that. Yesterday, in the parliament, the Prime Minister refused to give any commitments about additional troops in the future.

The Australian people have been badly deceived by this government in the way it has handled this sorry affair. In the early days it spoke about weapons of mass destruction, which it no longer discusses. It would now have us believe the original reason to go to war was regime change. Look through the record. I challenge Liberal members to find, in the debates leading up to our participation in the invasion, a commitment to regime change. In fact, the opposite was the case: government ministers hopped up and said, 'We're not concerned about regime change, we're just concerned about the weapons.' There is now a rapid rewriting of historical being undertaken by the conservatives in this country, but no amount of that rewriting will change history. This has been one of the most despicable ventures of foreign affairs in the course of Australia's international life since Federation.

Fast forward to today and the situation in Iraq. Barely a month ago, on 16 February, the Director of the US Defense Intelligence Agency, Vice Admiral Jacoby, gave evidence before the US Senate Select Committee on Intelligence about the war on terror and the situation in Iraq. Some startling assessments were provided, and I want to read a couple of the comments. Bear in mind that this is the official testimony of the US Defense Intelligence Agency, whom one would expect to be conservative but accurate. They said:

> Our policies—

that is, America's policies—

> in the Middle East fuel Islamic resentment ...
>
> Usama Bin Laden has relied on Muslim resentment towards US policies in his call for a defensive jihad to oppose an American assault on the Islamic faith and culture.

The point is that what the West has done since September 11, 2001 has in fact exacerbated the threat of terrorism in many respects. It has indeed made it easier for extremists to recruit fellow extremists. These are not my assessments; these are the assessments of the Defense Intelligence Agency of the United States in testimony just four weeks ago to the US Senate.

Elsewhere in the same testimony they made this observation about Iraq:

> The insurgency in Iraq has grown in size and complexity over the past year.

I will pause there. We keep getting told that things are getting better. We just heard speakers from the government side tell us that things are getting better. But the US Defense Intelligence Agency say that over the last year they have got worse. I again quote:

Attacks numbered approximately 25 per day one year ago. Today, they average in the 60s.

Someone tell me how that is an improvement in the situation. Again, that is not my testimony, not my view and not some journalist's view. It is the view of the Director of the US Defense Intelligence Agency on 16 February.

Perhaps one of the most telling points in the report, which does impinge directly on us as we deploy 450 brave Australians to that theatre of operations, is:

Confidence in Coalition Forces is low. Most Iraqis see them as occupiers and a major cause of the insurgency.

If that does not ring some alarm bells amongst people on the other side of the House, they are brain dead. There are going to be potential threats to the Australian troops who will be going to Iraq as a result of the government's decision. Let me say at the outset that I have nothing but the greatest respect for our Australian defence forces, particularly those people who find themselves in harm's way as a result of government policy. I strongly believe they should be supplied with all they need to do their jobs, and then some. We should make sure that we look after their health and the welfare of their partners and spouses left behind. We truly wish them a safe deployment and a speedy and safe return.

I want to make some comments about a couple of the things they will confront. A cavalry unit is going, taking about 40 ASLAVs. Only some 12 to 15 of those 40 ASLAVs have remote fire capability. Remote fire capability enables the vehicle commander to stay completely protected within the vehicle. We have already suffered injuries in Iraq because of the problems of the vehicle commander being exposed, sitting at the top of the turret with half their body out of the vehicle. Unfortunately, most of the vehicles we are sending do not have that protection, so the commanders of the vehicles will be required to travel with half their body exposed on most occasions.

I regard that as unacceptable. We decided to upgrade the ASLAVs that were previously there because there was a threat and we wanted to protect our troops. We are now throwing that protection to the wind and exposing a number of brave Australian troops to a danger they should not be exposed to. I only hope that they are not, in the end, exposed to a danger to their health or life as a result of this. I ask the government, very sincerely, to as a matter of urgency upgrade the ASLAVs, provide the remote fire capability and progressively ship those upgraded ASLAVs to the theatre of operations in Iraq so that all of the ASLAVs that we send on deployment have that protection.

Someone said to me the other day when I raised this, 'But it is not a problem because it is a low threat environment and they will basically be transporting people around.' You know what? If it is a low threat environment and they are transporting people around then they use Humvees and trucks. The reason they are using lightly armoured vehicles, which are the ASLAVs, is that they are in a potentially hostile environment. That is why they are going there. That is why some of them do have remote control fire. The only reason we are sending the rest is that this government has not put the proper procedures in place to guarantee the safety of those troops before departure and is knowingly exposing them to a risk that it should not.

In addition to those conventional problems that they will confront, there is another major consideration—that is, in the area of operations in Iraq there were a number of serious battles

during the war in which depleted uranium munitions were used. When those depleted uranium munitions are deployed they literally shower the surrounding area with radioactive material. There are a number of reports now identifying the threat that that poses. It has been a problem with troops in Bosnia, Afghanistan, and in Gulf War I—and it is a problem in Iraq today. I was concerned when I read the account of a US colonel who is a doctor and medical officer who was involved in looking at those problems in a letter that he wrote to the President back in 1997 dealing with the earlier Gulf War. He said:

> In the Persian Gulf War some veterans were exposed to radioactive contamination with Depleted Uranium. I personally served in the Operation Desert Shield as a Unit Commander of 531 Army Medical Detachment. After the war I was in charge of Nuclear Medicine Service at Department of Veterans Affairs Medical Center in Wilmington, Delaware. A group of uranium contaminated US Veterans were referred to my attention as an expert in nuclear contamination. I properly referred them for the diagnostic tests to different Institutions dealing with transuranium elements. All of the records have been lost in this Hospital and in referring Institutions. Only a small part of information was recorded in Presidential Advisory Committee report on Gulf War Illnesses. Recently I received an order by the Chief of Staff of this Institution to start the veterans examinations again since all of the records have been lost.
>
> Today I was informed in writing that my job was terminated as a reduction in force. I have been at this position for over eight years with an outstanding job performance and I am convinced with certainty that my elimination from the job is a direct result of my involvement in the management of Gulf War Veterans and discrimination for raising nuclear safety issues.
>
> The lost records, lost laboratory specimens and retaliations which are well documented point to no less than conspiracy to terminate my efforts of proper management of Gulf War Veterans.

You will find similar stories in other defence forces. There is also no doubt whatsoever that exposure to some of the high radiation levels left after the use of these munitions is health threatening. Our Australian troops are going into an environment which has not been decontaminated, which has not been cleaned and which still has a number of areas where this is a problem. Yet the government refused, as I understand it on the basis of answers given in the Senate in the last week, to provide baseline medical tests for all troops going over against which they could subsequently be measured. The government refuse to require everyone when they return to go through a return test. Instead the government put the onus on the troops. The government say, 'We will provide a test for those troops who ask for one when they come back.' That is not good enough.

This government are quick to send troops away when it suits them. Ministers and the Prime Minister are quick to get a photo opportunity waving the troops off or standing next to the people in khaki uniform. When it comes to looking after their interest, they are quite happy to send them over there with ill-prepared ASLAVs that do not provide protection for the entire battalion going over. They are quite happy to send them over there without ensuring that their exposure to depleted uranium radiation levels is not going to be life-threatening. They are quite happy to send them over there without bothering to guarantee them a test or require them to have a test so that everybody is treated the same. They are quite happy to do all of those things—none of which help our troops on this deployment. This government have repeatedly been quick to behave in an aggressive way in international affairs and to deploy our troops to places of conflict, but they have treated our troops with contempt and a lack of care and consideration that any reasonable person in Australia would have expected.

I ask the government to take heed of those concerns. I hope that, as a bare minimum, the government urgently upgrades the fire systems on the ASLAVs; ensures that we have more remote fire ASLAVs available for deployment in Iraq, and that, as they come on line during the 12 months, they are made available; and requires a baseline test of all troops when they are deployed and a subsequent test on their return. Finally, I repeat my very best wishes to those troops who are being deployed. I hope they avoid any serious difficulties and that they return soon in good health and in good spirits.

Debate (on motion by **Mr Ticehurst**) adjourned.

ADJOURNMENT

Mr TICEHURST (Dobell) (12.00 p.m.)—I move:

That the Main Committee do now adjourn.

Vietnam Veterans' Memorial Project

Ms KATE ELLIS (Adelaide) (12.01 p.m.)—I rise to speak on a matter of great importance to South Australia. Anzac Day is drawing closer, and our minds are turning to those who have fought for their country, especially those who have made the ultimate sacrifice. I wish to inform the House of a South Australian initiative: the Vietnam Veterans' Memorial Project. The project, due for completion later this year, has drawn together all groups that represent Vietnam veterans in South Australia: the Returned and Services League of Australia, SA Branch; the Vietnamese Ex-Servicemen's Association; the Vietnam Veterans Association of Australia; and the Vietnam Veterans Federation of Australia. I understand that this is the first time these groups have come together in this way, and they have done so to build a Vietnam veterans' memorial, to be situated in the Gilles Plains and Hampstead RSL Gardens. The plan was officially launched on ANZAC eve 2004 and, over the last 12 months, many people have undertaken a great deal of work to see the planning proceed with the speed and attention to detail that it has. I would like to take this opportunity to recognise the work done by all those involved with the project.

The prime focus of the memorial is to remember the 61 South Australians who lost their lives on active service during the Vietnam War. Their names will be affixed to the face of the memorial on a bronze plaque. The memorial will also remember all those South Australians who served during the war. It will be the first significant memorial exclusively honouring Vietnam veterans in South Australia. The memorial will consist of a life-size bronze sculpture of two soldiers, which will stand on an imposing granite plinth. As previously mentioned, a bronze plaque will be attached to the granite, bearing the names of the 61 South Australians who did not return from Vietnam. Surrounding the granite plinth and bronze statue will be pavers, laid to represent, from above, the Cross of Valour. These pavers are to be engraved with the names of donors and are being used to raise funds for the project. One thousand pavers at the base of the memorial have been reserved for personal dedication, and it is hoped that they will be purchased by veterans, their families and friends, and South Australians wishing to honour the service of those in Vietnam. I certainly encourage South Australians to support this cause.

I note with appreciation the support the South Australian government has given to the project. Premier Mike Rann recently wrote to the Vietnam Veterans' Memorial Committee informing them that his government will be contributing $21,000 to the building of the memo-

rial. It is recognition of the uniquely South Australian aspect of the memorial, and I know that the Vietnam Veterans' Memorial Committee greatly appreciate the funding. On the issue of government funding for the project, I recently wrote to the federal Minister for Veterans' Affairs, urging her to provide funding for the memorial. I hope that she will bear in mind the great importance of the memorial when considering the issue of funding. In particular, there is great meaning attached to the memorial for the Vietnam veterans community, and the memorial will be a great monument to their service.

Perhaps at this moment in time it is poignant that there should be a movement to build such a memorial. It is a time when Australians are serving overseas. It should give us pause for thought. I hope that a government which expects such generosity from the troops it has sent overseas will show the same generosity of spirit to those who have already served and have returned. The memorial will be dedicated later this year and the people's gaze will fall upon the bronze soldiers atop the granite plinth. It will be a reminder to all who view it, and it is important that we remember. It is important that we reflect on the experiences of those who served, those who did not return and those who still bear the scars of conflict.

In summary, I would like to place on record my appreciation as a South Australian for the RSL of South Australia, the Vietnam Ex-Servicemen's Association, the Vietnam Veterans Association of Australia and the Vietnam Veterans Federation of Australia.

Youth Suicide

Mr HUNT (Flinders—Parliamentary Secretary to the Minister for the Environment and Heritage) (12.05 p.m.)—I want to talk about the problem of youth suicide and the tragedy involved with it, particularly in relation to my electorate of Flinders but also in relation to the nation more generally. I want to outline in three stages the problem, one of the local solutions adopted and the national approach.

Over the 13 years from 1990 to 2003, figures show that 47 young people within the electorate of Flinders have taken their own lives. Of those 47 young people, in a pattern which has been fairly consistent over that 13-year period, 42 have been males and five have been females. We are clearly talking about a problem which affects both genders, but in particular we are seeing that suicide affects young males, by a ratio of more than eight to one. Of people between the ages of 15 and 24, 42 out of 47 who have taken their own lives over the last 13 years have been young males.

In that context, we have to ask ourselves why this occurs. What leads to this sort of tragedy? Suicide is a result of depression for the main part. That in itself can be clinical, but it can be triggered by a series of factors. Those factors can include alcohol and drugs. In addition to that, there can be underlying concerns, whether it is the breakdown of the family environment; a breakdown of a relationship, which is a more temporary question; or confusion and frustration about one's sexuality. Amongst the 15 to 24 age group, people who are gay have a six times greater likelihood of suicide than those who are not gay. That is a very powerful figure, and one which I was not aware of until I did the research for this speech.

In that situation, I want to recognise the work done by Good Shepherd Youth and Family Services on the Mornington Peninsula through the Kaleidoscope program. The Kaleidoscope program deals with the fact that there are young people who are either determining whether or not they are gay or have made up their minds about it—people going through the identity is-

sues and the social challenges and dealing with the facts that school can be a cruel place, that youth groups can be difficult, that parents may not understand and that other family members or friends may not understand.

The Kaleidoscope program, which is Commonwealth funded, allows young people to have a network and a place where they can be supported. It deals with the reality of their situation and it tries to provide non-judgmental understanding. It is an absolutely critical resource. As I say, we have seen that 47 young lives have been taken over the last 13 years. Each of those is a tragedy in itself and a tragedy for all of those associated with the person who has committed suicide. In that context, the work of Good Shepherd Youth and Family Services is tremendously important in providing the resources, the understanding and the ability for people locally on the Mornington Peninsula to find support. Good Shepherd Youth and Family Services have received $261,000. When the time comes, in the coming months, I will be giving them my full support for any renewal of the Kaleidoscope program, which is about giving young people support and preventing future tragedies.

I also want to say that at the national level the Commonwealth has been very involved in a $66 million National Suicide Prevention Strategy. That is about dealing with and recognising some of the causes of suicide—alcohol, drugs, depression—and also providing as supportive an environment as possible. When the time comes, I will also be working to ensure that that program is continued, maintained and, if necessary, expanded.

Lastly, I want to recognise the sadness and the tragedy that has occurred with youth suicide and to understand that families who remain have a heavy burden to bear—but, above all else, to look to the future as to what we can do through programs such as Kaleidoscope and nationally through programs such as the National Suicide Prevention Strategy.

Student Unions

Mr GRIFFIN (Bruce) (12.10 p.m.)—I would like to take the time of the House today to discuss some issues around student unionism and the recent announcement by the government that it is once again going to proceed with an attempt to abolish compulsory student unionism and in that way fundamentally undermine the fabric of our tertiary education institutions throughout the country.

The Minister for Education, Science and Training has made a number of points in the House with respect to this issue, and I would like to pick up on a couple of them. He talks about choice and the need for an approach much more around the issue of user pays. That is the thing about this government: it is user pays when it suits; it is choice when it suits. In the recent debate around super choice, it was choice provided you choose a fund that the government thinks is okay. When it comes to the issue of user pays, what about rates and taxation?

The fact of the matter is that there is a whole range of situations in society where people are required to pay for services that they do not use specifically themselves. It is about cross-subsidisation and providing a basic fabric for society. When you look at what student unions provide in terms of welfare services and a range of other support services within university campuses, particularly catering for disadvantaged groups, minorities and overseas students, there are services that are very important.

Another issue that is sometimes raised is the issue of freedom of association. Again, it is an absolute furphy for the government to argue that. The government knows that most universi-

ties today have a clause on conscientious objection to membership of student organisations which students can sign when enrolling. In addition, the government knows that several court cases have found that universal membership of student organisations does not conflict with freedom of association.

In the case of Clark v the University of Melbourne, the full court of the Supreme Court of Victoria held that the essence of the universities' powers is self-government, affecting only those who choose to become members by enrolment. In early 2003, the ACCC upheld the universal membership of student organisations in a case regarding James Cook University Student Association. The James Cook University Student Association was formally challenged under the third line forcing rule in relation to the Trade Practices Act. The ACCC ruled that universal membership of student organisations should continue as they were public organisations that performed public functions. The issues that the government has been putting forward on that point do not stand up to any proper scrutiny. Moreover, there has been a lot of concern about this in the community—and there was when this matter was introduced previously.

This is not just historically a situation where it is Labor or the vice-chancellors or non-political or apolitical organisations. It was also often members of the Liberal Party. Back in 1999, the then Liberal controlled House of Assembly in the South Australian parliament passed a motion which said:

... this house ... is committed to ensuring that South Australian university programs and students are not disadvantaged and is therefore opposed to voluntary student unionism.

In the chamber yesterday, there was some mention of the Treasurer and his views on this issue many years ago. The Treasurer shares a number of traits with the minister for education. At various times in their lives, they have both had illustrious involvements with our side of politics in some respects.

Mr Ticehurst—They saw the light.

Mr GRIFFIN—Saw the light? I know the light they saw—the light of personal opportunism and success in the circumstances that made them switch from what they thought in the first place. Back then, in an article in *Lot's Wife*, the student newspaper of Monash University, Comrade Costello, as he sort of was back in those days, spoke of the essential nature of universal membership for student organisations. He said:

... the facilities of student unions are only practical—

Mr Barresi—Mr Deputy Speaker, I rise on a point of order regarding referring to ministers by their correct title.

The DEPUTY SPEAKER (Mr Quick)—I remind the honourable member—

Mr GRIFFIN—Okay. The Treasurer, Comrade Costello, at that time said:

… the facilities of student unions are only practical on the basis of compulsory contributions …

The member for Deakin, who represents an area where there is a significant tertiary student population, ought to know this and ought to understand this, rather than putting up silly interjections and silly points of order with respect to an issue that is actually important to a range of people within his electorate. Then you go to the question of what has also happened in

other areas, such as sport. What this government is doing in this area will trash university sport. What you are talking about—

Mr Barresi—You've never been accused of that, have you, Alan?

Mr GRIFFIN—That is what Kevan Gosper is saying. That is what the Australian Olympic Committee is saying. Have a look at some of the people that that has assisted over the years. *(Time expired)*

Deakin Electorate: Blackburn Lake Sanctuary

Mr Erwin Kastenberger

Mr BARRESI (Deakin) (12.15 p.m.)—I welcome the brief opportunity today to speak on a couple of issues that have generated a widespread and emotive outpouring from the Blackburn community within my electorate of Deakin. The Blackburn Lake Sanctuary is a wonderful public area that encompasses public land and diverse gardens that are frequented by the public and native wildlife. The sanctuary typifies the unique relationship that many residents within the area have with the environment. As you drive through the local streets around the sanctuary, it is easy to develop an affinity with the area and with the importance of local flora and fauna. Only last week I participated in a very successful Clean Up Australia Day activity at the lake, along with a number of locals, followed by the opening of the Indigenous Garden.

Over the past months, local residents have been united in their concern about a proposed redevelopment on land owned by the Victorian Deaf Society which is adjacent to the sanctuary. The sanctuary land was acquired in the late 1970s and early 1980s through the cooperation of the federal, state and local governments, and 5.8 hectares of this land was acquired from the Deaf Society in 1975. Until late last year, the Deaf Society ran a deaf-specific aged care facility—I understand it is the only one in Australia of its kind—next to the sanctuary.

Planning matters in the Whitehorse municipality are a huge issue. This was demonstrated ever so bluntly last year by the Bracks Labor government's refusal to intervene in the proposal to build a 16-storey high-rise tower in Mitcham. In the case of the Blackburn Lake Sanctuary, the newly acquired owner of the Lake Park Aged Care Facility, the Regis Group, is proposing to build a multistorey aged care facility. In its initial proposal, it was planning a five-storey complex with around 267 beds. This was rejected by Whitehorse City Council, and rightly so. The community has been so concerned and outraged that Regis has had to submit a revised proposal for approximately 190 beds in two storeys, with a dementia-specific wing going up to a third floor. I understand this variation will be considered by the Whitehorse City Council on Monday, prior to a VCAT hearing in April. I urge the Whitehorse City Council to heed the call from the community and ensure that whatever development takes place in the Blackburn Lake region conforms to the community's expectation.

I met with the Regis senior management prior to the public announcement of the proposal sometime last year. I was struck by the extensiveness of the development right next to the pristine environment. I forewarned the group that such a proposal would create a great deal of community concern. I also encouraged it to engage the community in the planning process. The resulting community backlash demonstrates that the group has been far less than effective in this process. Regis assured me at the time that it has successfully developed in sensitive areas before. That may be the case, and I am sure that it has had success in the past, but it has

never struck the passion and the commitment to our environment as evidenced by the people of Blackburn.

Many in the Blackburn community would like to see this site acquired for the purpose of additional parkland. I know this is a great notion to have, but there are complications. The Whitehorse City Council has indicated that this would be cost prohibitive. From my perspective, I am generally supportive of the Regis facilities in the Deakin electorate—it runs an excellent facility in Ringwood—but being a good aged care provider does not mean that it should run roughshod over community concerns. I urge it to continue to keep the dialogue going and develop its new facilities in line with the community's expectations. Regis has been successful in the latest round of additional aged care places, and I appreciate its valuable work in this sector.

There is another matter I want to address today. The people of Blackburn and Melbourne in general have been outraged and shocked by what took place last week with the senseless killing outside the Blackburn North shopping centre. I would like to pass on my condolences to the family of Mr Erwin Kastenberger, who was a security guard with Chubb. The centre is a vital retail hub for the area and contains a community venue that is used by many local groups. Across the road is the well-regarded Blackburn High School, and many of the schoolkids were out of school at the time. It is a wonder that other innocent victims were not caught up in the incident. Blackburn is a tight-knit community, and the resilience to come together in the face of this tragedy will be there. Full praise goes to the social workers who have helped witnesses deal with the event. My sympathy and thoughts are with all those who were affected. *(Time expired)*

Anzac Cove

Mr ALBANESE (Grayndler) (12.20 p.m.)—As shadow minister for heritage, today I wish to raise the issue of Anzac Cove. The government requested last year the massive roadworks now occurring in an area that is not just a heritage site but a sacred site for all Australians. The result of that appears to have been disastrous. Mr Les Carlyon, Australia's best-known historian on Gallipoli, has stated that someone in the government seems determined to turn Gallipoli into a circus. He goes on to say that apart from damaging the world's best preserved World War I battlefield the work was likely to disturb the remains of soldiers. The ABC has reported that Ms Bernina Gezici, an Australian who operates tours in Turkey, said the following:

> But what they've actually physically done now, is actually cut into the cliff face itself. So where you have the natural cliff, where you could stand on Anzac Cove and look up, and see exactly what the Anzacs saw in 1915—that no longer is there.

The Australian people deserve answers as to how this occurred. In a briefing yesterday, the shadow minister for veterans' affairs was shown a letter from former Minister for Veterans' Affairs Dana Vale requesting the roadworks. There was no mention in that correspondence and request about the need to protect the heritage, the integrity and the sanctity of the site. It is beyond belief for most Australians that this could occur, and a number of questions need to be answered. Why was it more than a week after the first reports of human remains being uncovered during excavations at Anzac Cove before any Australian official attempted to contact historian and journalist Bill Sellars to verify the accuracy of his public comments? Why did

Ambassador Jean Dunn not request that Bill Sellars accompany her to Anzac Cove to show her where the human remains had been found?

Foreign Minister Alexander Downer has said that some additional repair work may be needed at Anzac Cove after excavations are completed. Why would repair work be needed if, as the Prime Minister has contended all along, officials are doing everything possible to preserve the heritage of the area and do as little damage to the site as possible? In late February and early March 2005, the head of the Office of Australian War Graves, retired Air Vice Marshal Gary Beck, was in Turkey and inspected the work at Anzac Cove. Air Vice Marshal Beck then wrote a report on the work for the Minister for Veterans' Affairs, Ms De-Anne Kelly. Is the government going to make this report public?

Why did the Prime Minister state that one of the fragments of human remains found at the site had disappeared and the other had been covered up when, in fact, according to Bill Sellars, the bone was still there? Did the Australian government approve the plans to widen the road above Anzac Cove and to excavate back into the hills to a depth of 20 metres? Was this work originally requested by the government on this scale? Does the Australian government have any knowledge of further plans to widen the road that runs between the Australian memorial at Lone Pine and the New Zealand memorial at Chunuk Bair? How does the Prime Minister reconcile his claims that a thorough archaeological study of the area to be excavated was conducted with statements in the *Daily Telegraph* on 12 March, by a Turkish expert who took part in one of the surveys, that the study was neither thorough nor scientific? Why did the Prime Minister say in December 2003 that the Anzac Cove site would be the first placed on the National Heritage List, when it still has not occurred—seven sites have been listed, but it has not.

The fact that this has been left vulnerable by a complacent government is a concern to all Australians. As historian Ross McMullin stated in yesterday's *Sydney Morning Herald*:

> Fancy authorising—not just authorising, but initiating—unnecessary changes to a unique place ostensibly to make it more comfortable for visitors.
>
> When those changes irretrievably damage what the visitors have come so far to visit that's not pragmatic. It's preposterous.

So said Mr McMullin. The government should table all information relating to this. Instead, it has sought to gag debate and has even said it is regrettable that Labor has raised this issue. *(Time expired)*

Moncrieff Electorate: Gold Coast Broadwater

Mr CIOBO (Moncrieff) (12.25 p.m.)—I rise today to speak about an issue which is very important to constituents in my electorate of Moncrieff and more broadly to the Gold Coast—that is, the beautiful and serene Gold Coast Broadwater. The Gold Coast Broadwater is a tourist attraction in its own right, as well as being an aquatic playground and a particularly beautiful part of the Gold Coast. It is an area that I know many locals and, indeed, people from Brisbane visit.

The Gold Coast Broadwater is an important part of the Gold Coast because it is such a focal point. When people travel from the north, it is one of the first things they see. It certainly has a significant amount of development to its south, with Main Beach, as well as the developments of Southport and Labrador to its west. On the eastern side is the Main Beach Spit, or

the Southport Spit as it is sometimes referred to, which is one of the last remaining areas of coastal vegetation.

I raise this today because it is high time Gold Coast City developed a forward-looking plan to enhance the Gold Coast Broadwater. I propose that it is high time our city looked at redeveloping the western side of the Gold Coast Broadwater. This is not redevelopment of a commercial form in terms of new apartment buildings or anything like that; it is about redeveloping the western side of the broadwater to magnify the beauty of the local area. I propose that the western side of the Gold Coast Broadwater be redeveloped into a beautiful parklands area—something akin to Brisbane's South Bank or, indeed, other natural parklands throughout Australian capital cities.

The Gold Coast sorely lacks a beautiful park like this—the closest we have is Rosser Park—and the development of a parkland on the western side of the Gold Coast Broadwater would provide a magnet for local residents to go and enjoy the beauty of the Gold Coast Broadwater. I also envisage a sprinkling of cafes and restaurants, which would enable people to enjoy a family outing—perhaps a picnic, a coffee or something like that—while they look over the Gold Coast Broadwater and, at the same time, would provide a small and limited income flow to the council, which I hope would offset any of the increased costs the council would face in needing to maintain this new parklands style development on the western side of the Broadwater.

In summary, such a development could be done in an environmentally sustainable way and in a way that is good for Gold Coast families. It would certainly take into account the fact that at the moment all that really exists on the Gold Coast Broadwater is a massive car park with some of the best views in this country. It is a great shame that in a city like the Gold Coast we have a situation where the only real use for the western side of the broadwater is for people to park their cars before they walk across the road into Southport. I stress that the development of the parklands would incorporate very limited commercial development, only to enhance the amenity of the area and to provide a revenue stream to council to ensure that the parklands remain beautiful and sustainable. Further, the current local pool could certainly remain and should be incorporated into the master plan.

In addition, there has been much public debate recently about the Beattie state Labor government's proposal to put a cruise ship terminal onto the Spit as a way of improving tourist facilities on the Gold Coast. I certainly support the introduction of a cruise ship terminal provided that, and I absolutely underscore this, it can be done in a way that does not degrade our local environment. I am firmly and totally opposed to such a cruise ship terminal being built on the Spit. The Spit is one of our last remnants of natural dune vegetation. To place a cruise ship terminal on the end of it would be a great shame, and I certainly remain totally opposed to that. I would contend that it is a far more feasible option—and again I stress provided it can be done in an environmentally beneficial or indeed an environmentally neutral way—for a cruise ship terminal to go into the Gold Coast Broadwater. It is my observation that the only reason the Beattie state Labor government is proposing putting a cruise ship terminal onto the Spit is that the two state Labor members in the area have flatly refused to support any development inside of the broadwater itself. This knee-jerk, short-sighted political reaction by the Beattie government is a pathetic attempt to try to prop up the state Labor members Peter Lawlor and Peta-Kaye Croft. It should be opposed. *(Time expired)*

Calwell Electorate: Broadband Access

Ms VAMVAKINOU (Calwell) (12.30 p.m.)—Today I rise to talk about the impending upgrade by Telstra of the Bulla telephone exchange in my electorate. This upgrade will mean that, finally, residents of the small Bulla community, which is only a stone's throw away from Tullamarine airport, will be able to surf the internet with a high speed ADSL connection. This upgrade was made possible through the Higher Bandwidth Incentive Scheme, a program that sought to give regional, rural and remote communities access to broadband technologies at prices comparable to those available in metropolitan areas.

Bulla is a small community in my electorate with approximately 400 residents. Many of these residents are young families living in a town where access to essential government services is not readily available. Their nearest Centrelink, for example, is 20 kilometres away in Sunbury and the nearest full service supermarket is 15 kilometres away in Gladstone Park. Like other residents in smaller towns across the country, the internet has become an invaluable tool that residents of Bulla have come to rely on almost daily. Whether using the internet to pay bills or to look for jobs—or whether students use the internet to do research for school projects—this is an essential service that the residents of Bulla need to access to. As we all know, the internet has delivered immeasurable benefits and services to the Australian community such as delivering comprehensive news, health information, transport information, weather reports, family and property information, and a plethora of other information and entertainment sites. For many students and businesspeople, the internet has become an essential tool for their work. Access to broadband ADSL—generally available within a few kilometres of Telstra exchanges—has for too long not been available to residents in the town of Bulla in my electorate. This is a concern often raised with me by these residents.

Whilst Bulla residents can access the internet via the more conventional technologies such as dial-up access, the costs of dial-up can be steep and the slower speeds can be quite prohibitive. Had the Higher Bandwidth Incentive Scheme not been available, Telstra would not have reduced the customer demand levels required in order to upgrade the exchange and the Bulla community would have continued to miss out on this far more efficient technology. This situation begs the question as to whether a fully privatised Telstra would have upgraded the Bulla exchange given that the town has such a small customer base. Whilst the Bulla community have been fortunate to have their exchange upgraded on this occasion, there are still hundreds of small towns across Australia that do not have access to broadband. One such small town is Kalkallo, which is also in my electorate. It does not have access to broadband.

The debate about the proposed sale of Telstra often raises the very serious concern that a fully privatised Telstra may not be as responsive to the needs of smaller communities with low customer bases. The government has on many occasions stated quite firmly that it will not proceed with its full sale of Telstra unless services, particularly services in rural and remote communities, are up to scratch. We know that many are up to scratch, but there are many others which are indeed not up to scratch. Certainly the two towns of Kalkallo and Bulla in my electorate are an example of towns that do not yet have access to broadband technology.

I want to make the point that, at present, the major shareholder of Telstra is the Australian people. We are the major shareholders and, as such, Telstra has both an incentive and an obligation to be responsive to the needs of all Australians. The full privatisation of Telstra will

remove this incentive and it will remove the obligation, potentially, on Telstra to provide adequate telecommunications to all Australians anywhere throughout the country.

My constituents often express their deep concern that, should the full privatisation of Telstra occur, those who would be most detrimentally affected are the people living in small towns and in regional and rural Australia. If and when the full privatisation occurs, I certainly hope that a privatised Telstra does not ignore those customers in small towns like Bulla and Kalkallo. I hope that services in such small towns are not sacrificed for the sake of profit. I share the concerns of my constituents regarding the full privatisation of Telstra, as it is vital to Australia that we all have access to adequate telecommunications technology and services. On this occasion I am very happy that the residents of Bulla will be able to enjoy broadband access. *(Time expired)*

Gilmore Electorate: Land Tax

Mrs GASH (Gilmore) (12.35 p.m.)—The *Sydney Morning Herald* recently put it plainly in an article that said: 'Under the laws announced in the New South Wales government's mini-budget, hundreds of thousands of landlords with properties on land worth less than $317,000 will pay land tax for the first time.' Hundreds of property owners in my electorate of Gilmore have objected to the valuations. They have 95 days to pay their liability. The number of land tax payers is expected to rise from about 140,000 to 500,000 in New South Wales. Only the principal residence is exempted, and there is no tax-free threshold under a new regime that came in last year.

It does not matter if the second and subsequent properties, such as holiday homes or vacant land, are not rented out. The impact of this latest tax imposition by the Carr government means that landlords will be putting up rents, and that will feed into the consumer price index. As sure as night follows day this input will be transferred to the consumer. Unscrupulous landlords will use this as an excuse for increasing rates well beyond the actual quantum. The *Sydney Morning Herald* article alluded to such cases in Sydney, and in some cases tenants have effectively been driven out. Despite falling property prices, the valuations have gone up. Along the South Coast and in my electorate of Gilmore, many people have holiday homes or undeveloped properties. The valuation placed on these homes impacts on the rates they pay, and now on the land tax. Given that my electorate is a tourism destination for holiday-makers, the double whammy of increased land valuations followed by a tax for the first time will make them reconsider the worth of having a holiday home along the beach. Some will just shrug it off, but those living a fine line will be forced to seriously consider selling off their property, and many are doing so or have done so.

If they do, that means they will be hit with an exit tax or a capital gains charge. Either way, they are going to be losing money. Individuals with waterfront properties will be feeling the pain because they will each be liable for a payment of $1,600 plus 0.4 per cent of the value over $400,000. Many of these people have nothing more than a basic cottage, but the land that it sits on has been inflated by the recent property boom in New South Wales. These are not liquid assets, and many owners have been described as asset rich but income poor as a result. The high valuation on their holiday home also means that any pensions they are getting may be jeopardised as it can take them over the allowable limits for a claim.

I think this latest innovative tax courtesy of the Carr government is stupid, and many of my constituents think so as well. But many are concerned because they are of limited means, and

if they sell where do they go? How do they assist their own families? I cannot believe the greed of the Carr government. Why do they want to penalise those that work to look after themselves? They boast that, until this year, their budget has been in the black. This is not because of good management; rather, it is because they have increased their rate of revenue collection and decreased outgoings. Mr Deputy Speaker Causley, I can tell you that more and more New South Wales residents are waking up to the realisation that they have been duped over the years by the Carr government.

How are we fighting back in Gilmore? Both the state member and I will be organising a rally to collect opinions from the landowners, the Mr and Mrs Average of coastal suburbia, and from the many businesses that will be affected by this unfortunate brainwave of the ex-Treasurer of New South Wales. We will make sure that our feelings are known in no uncertain terms, and I will take great delight in delivering that message on behalf of the constituents of Gilmore.

This is an unfair imposition, based on what now appears as an ambitious assumption. Mr Carr, the property boom has slowed, values are falling and costs are going up. Get real. Collections from the GST which go directly to the states have exceeded forecasts, and the state governments have benefited from this. Yet every day we hear reports of inadequate funding for hospitals, schools, roadworks, education and services. It is a litany of mismanagement offset only by massive tax collections. In other words, they have been paying for their incompetent management with our money.

Where do you stand on this, Mr Matt Brown, member of parliament for Kiama? Your silence on this matter that affects many of your Kiama residents has been deafening! I hope to see you at our rally.

Cyprus

Hindmarsh Electorate: School Visits

Mr GEORGANAS (Hindmarsh) (12.39 p.m.)—I rise to acknowledge the visit of the President of the House of Representatives of Cyprus, Mr Demetris Christofias, to Australia. As many members will know, Cyprus has a colourful history and over the centuries has been claimed by nation after nation. In 1960 Cyprus was finally granted independence by the UK. Sadly, that was not the end of the story.

Since 1974 Cypriots have fought for freedom from Turkey, which invaded the north. The Turkish Republic of Northern Cyprus is not recognised by any country in the world except Turkey. The Australian Labor Party has taken a strong stand against occupation, and I am proud to say as both a South Australian and a Greek Australian that the South Australian branch of the Labor Party in particular has led the way on this issue.

Labor supports total demilitarisation of the Republic of Cyprus. It has called upon all of the concerned parties to resolve the problem in a way which would guarantee all Cypriot people the three freedoms of movement, settlement and ownership. Such a resolution must also ensure the right of refugees to return safely to their homelands and to establish a unified, independent and non-aligned Cyprus. Sadly, the so-called Annan solution failed to do that, and I applaud the decision of Cyprus to reject the plan.

The Labor Party deplore the fact that Cyprus remains artificially and tragically divided, and we recognise the great humanitarian cost this continued division imposes on the communities

of the island. It is time for a peaceful solution for Cyprus, and it is a great privilege to be visited by a representative of the Cypriot government, which is fighting so hard for the rights of the people of Cyprus. Such a struggle makes my daily fight on behalf of constituents pale by comparison.

Living day after day amid a war is a horrific thing to contemplate. Just today I had the privilege of accompanying students from St Michael's College in my electorate of Hindmarsh to a wreath-laying ceremony at the Australian War Memorial. St Michael's is one of the many great schools in Adelaide's western suburbs that encourage reverence to those Australians who have given so much for this great country. The War Memorial not only recognises the incredible stories and experiences of Australians who have served in wars but also teaches our young people a little bit about what it would be like to go to war.

The Australian War Memorial provides us with an excellent insight into what it must have been like, especially in World War I and World War II. The lessons that our fallen soldiers have taught us must never be forgotten. There are 102,000 names inscribed on the walls of the Australian War Memorial—the names of those who died in battle. These 14-year-old students from St Michael's contemplated the 60,000 Australians who lost their lives in the First World War and the 40,000 who died in the Second World War.

It appeals to egalitarians such as me and my Labor colleagues that no mention is made of the rank of these soldiers, because no life has greater value than another. I believe it is important that younger Australians understand why we have the Australian War Memorial and why Anzac Day and Remembrance Day are important. It not a celebration of war; it is a recognition of the enormous sacrifices Australians have made in war. I explained to the students today about the symbol of the red poppy which comes from the First World War, when hundreds of thousands of soldiers died on the Western Front. I think it is a touching story that, when the fighting finally finished, poppies grew where there had been a muddy battleground and that it was said that the red poppies were the colour of the blood of those who had fallen there.

I also spoke with the students about the massive casualties of World War I. Eleven percent of France's entire population were killed or wounded, eight percent of Great Britain's population were killed or wounded and nine percent of Germany's prewar population were killed or wounded. The students from St Michael's College, which is an excellent school, took in all of the information and laid a wreath in recognition of the thousands of Australians killed in war. It was a touching ceremony. I have to admit that facing 50-odd 14-year-olds was a bit daunting, but this group of students was extremely well behaved and not frightening at all.

Before I finish up I would also like to comment on another school in the electorate of Hindmarsh that visited Canberra recently, Lockleys North Primary School, which has introduced an award-winning antibullying and harassment project. I am pleased to say that it won them $20,000 in the National Awards for Quality Schooling. I had the pleasure of attending the presentation ceremony with the principal, Sue McDonald, and the project leader, Josephine Serentis. I was fascinated to hear them talk about how important it is for student learning that students feel safe and comfortable at school.

I would like to congratulate Lockleys primary school. It is a national leader in developing a community of students that emphasise respect for one another. I think it is such a basic assumption that we have too often overlooked the importance of being very active in creating such an environment. The award demonstrates the high quality of the education at our local

schools and recognises that bullying and harassment are not acceptable and children will not learn effectively if they are worried about being bullied. Other schools around the country will be able to learn from the strategies that have been put in place at Lockleys North Primary School, and I commend the school for its contribution to improving education.

Herbert Electorate: Medical Practitioner Shortage

Mr LINDSAY (Herbert) (12.44 p.m.)—The government's MedicarePlus initiatives have, I believe, been widely accepted by the public and by the medical profession alike. I have had great feedback in my electorate, but I have found that those medical practices wishing to pick up the bulk-billing ball and run with it are having problems in providing the level of service that they want to. I have three forward thinking and dynamic medical practices in my electorate who have all approached me because they are having difficulty with the fact that Townsville is not classified as an area of work force shortage. These practices—the Hermit Park Medical Centre, the Aitkenvale Family Health Centre and The Doctors in Townsville city—are all operated by go-ahead practice managers but have had constant problems in getting timely approvals, if in fact they do get approval at all, for overseas trained doctors to fill the vacancies in their practices that Australian trained doctors are just not willing to fill.

The government has made tremendous headway in working towards ensuring that all Australians can access affordable, high quality primary care when and where they need it. But the time has come to look at the current system of classifying areas of work force shortage. The three practices in my electorate that I mentioned offer bulk-billing and extended opening hours, but they are having increasing problems maintaining this level of service due to the lack of doctors. Hermit Park Medical Centre is open from 7 am until 6 pm Monday to Friday and from 8 am until 1 pm on Saturdays. Aitkenvale medical centre is open from 8 am until 8 pm Monday to Thursday, 8 am until 7 pm on Friday and from 8 am until 5 pm during the weekend. The Doctors in Townsville city is open extended hours, and is ready and willing to offer a totally bulk-billed service 24 hours a day, seven days a week. The problem is, however, that they have restrictions on the hours that their overseas trained doctors can work.

I am advised that there have been occasions when their Australian doctors cannot make it to work for family reasons and the practice has had to open its doors with no doctor in attendance. In these cases, the overseas trained doctor is available, and sitting in his particular surgery, but unable to work because he can only work out of hours. He sits in his office and is just there on stand-by in case an emergency occurs. That is a terrible situation. I know that it is possible to declare specific areas or suburbs a temporary area of work force shortage in order that an immediate problem can be solved. But this is just patching up an impossible situation for practices which are trying to provide good service with extended hours and have high medical staff turnover. I do not think anyone would disagree with me when I say that overseas trained doctors generally fit in well in regional areas. In my experience they quickly become accepted as members of the community. The time has come to look at the restrictions imposed on the provision of overseas trained doctors to regional Australia so that we can have the same level of service, bulk-billing and otherwise, that is available to people living in the cities.

As the local member, I should not have to make special arrangements to keep a totally bulk-billing clinic open over the Christmas-New Year period. It should just be automatic that a clinic with doctors willing to work can in fact provide the services that patients need at the time that they need them. While in this instance I was not prepared to see that happen and I

moved heaven and earth, we should not be running a firefighting service and we should not be running a system where the federal member has to intervene and work very hard to make sure that clinics stay open. I am pleased that the minister for health has indicated that he is reviewing the RAMA classification system. That will go a long way to helping the city of Townsville, because currently RAMA 2 is the classification of the city of Townsville and that is just not appropriate for the current patient demand. So there is a light on the horizon, but I have made this statement to the parliament today to indicate to all those in the department, the minister's office and the parliament more generally my concern that we are in this situation. I certainly hope we can get an early and speedy resolution to this.

Capricornia Electorate: Television Services and Roads

Ms LIVERMORE (Capricornia) (12.49 p.m.)—I wish to support the Aussie Rules players and supporters in Central Queensland who were unable to watch a live broadcast of the Wizard Cup final on free-to-air television on Saturday night. The AFL executive has a responsibility to grow the game, and it has a real opportunity to do that in a non-traditional state like Queensland thanks to the Lions recent successes, but how can that happen if the main games are not shown live and free to air in places like Central Queensland?

I am aware that Imparja Television in the Northern Territory broadcast the game at 6.30 p.m. Eastern Standard Time on Saturday. In fact, I am aware of one fan who drove 200 kilometres to be able to watch the game live on Imparja. For those who do not know, Imparja Television is Australia's only truly independent television station and is broadcast from Alice Springs. My understanding is that Imparja Television provides a much better sporting service to outback residents than channels 7, 9, and 10 combined do to the rest of Australia.

This is the second occasion in a matter of weeks that I have made the point in this House that the people of Central Queensland are being underserved by the national commercial channels. I suspect this has something to do with the main commercial channels having a vested interest in pay television and, as such, wanting to keep major events off the free-to-air channels.

It seems that the main commercial networks are ignoring the substantial AFL viewing audience in Central Queensland, just as they were uninterested in the very large cricket viewing audience in Central Queensland. It was just weeks ago that I raised in the House the failure of the free-to-air commercial networks to bid for rights to broadcast the forthcoming Ashes tour from England.

I have today written to the Minister for Communications, Information Technology and the Arts asking that the area Imparja Television is allowed to cover be extended to cover all of Central Queensland, thereby enabling better coverage of major sporting events to all Central Queenslanders.

I have previously raised in this House the problems associated with the access to the Shoalwater Bay military training facility. Prior to the last federal election the Australian Labor Party committed $15 million to upgrade the roads leading into this training area to accommodate the extra demands being put on the region's infrastructure due to the joint training agreement with the United States military. I have written to the minister involved lobbying for this work to be done and explaining the needs of the military and local residents, but regrettably the government has not yet accepted its responsibility in this area.

The Mayor of Livingstone Shire, which covers the Shoalwater Bay training area, had what he described to me as a positive meeting with the Minister for Defence, Senator Hill, just last week. Following that meeting, I urged the Minister for Defence to look favourably on this proposal to upgrade the roads servicing this major defence facility at Shoalwater Bay.

Having spoken about the Shoalwater Bay road, it is important for me to also point out that it is not just the roads servicing this major defence training facility that have been ignored by this government. It has just become apparent that the Curragh mine at Blackwater intends to move 10,000 tonnes of coal a day 180 kilometres along the Capricorn Highway to the Stanwell power station just west of Rockhampton. This will mean a triple-B truck running along that section of the Capricorn Highway every 30 minutes carrying coal. The road simply will not stand up to this type of use. It was never designed to carry this volume or weight of traffic. These huge trucks will be a serious hazard to the people of central-western Queensland who use the Capricorn Highway to travel to and from Rockhampton for business, medical or family reasons.

In addition, the Capricorn Tourist Organisation has put a lot of time and effort into promoting the central highlands as a tourist destination for caravan travellers. We love to host the southern visitors who come to our region in their caravans every winter, but you have to wonder just how the drivers will cope with B-triples bearing down on them and trying to pass them on the highway. This is another example of the Howard government's failure to invest strategically and adequately in the infrastructure needs of regional Australia and Central Queensland in particular.

Australian Greens

Mr ANTHONY SMITH (Casey) (12.54 p.m.)—This afternoon I want to address a recent finding by the Australian Press Council regarding media commentary on the Australian Greens which appeared in the Melbourne *Herald Sun*. If you were to believe Senator Brown and the Greens, you would have to believe that statements that they wanted to decriminalise drugs, raise taxes, ban farming and make us all ride bikes were all an evil invention and conspiracy by the journalists who wrote those comments, in particular in the Melbourne *Herald Sun*. For some bizarre reason, the week before last the Australian Press Council suspended logic and agreed with that proposition by Senator Brown and the Greens.

In doing so, in my view they have made a monumental error and unwittingly assisted Senator Brown to cover up one of the biggest acts of political dishonesty in recent memory—namely, the Greens denial of their own published policy agenda. Nothing the *Herald Sun* published was invented. All of it came from the Greens own web site, where it had been posted for months and, in some cases, years.

Senator Brown's defence seems to alternate between two desperate propositions. The first is roughly along these lines: 'Our policies do not mean what they say they mean.' The second is: 'That policy no longer applies because we have taken it off our web site.' How convenient. No major political party or leader would get away with that. The Prime Minister would not; the Leader of the Opposition would not. But, because Bob Brown represents a minority party, he thinks different rules apply to him.

A cursory glance at what was on the Greens official web site exposes this sham, and this is what the Press Council have failed to look into. The Greens policy on 'society, drugs and addiction' originally said:

The regulation of currently illegal drugs should be moved outside the criminal framework.

And:

In a democratic society, in which diversity is accepted, each person has the opportunity to achieve personal fulfilment. It is understood that the means and aims of fulfilment may vary between people at different stages of their lives and may, for some people at particular times, involve the use of drugs.

Perhaps Senator Brown assumed that the party's policy would only be read by people on drugs. It certainly seems to have been written by them. But, once that policy began to be questioned, a mysterious thing happened. The first sentence quoted was altered to limit decriminalisation to personal use, and the other passage disappeared from the web site completely.

Senator Brown was also alarmed that voters might be misled into believing his party wants to compel us into vegetarianism. Here is what his party's policy on 'care for the earth' originally said, before it was taken from the web site:

... the ... Greens consider it environmentally and ethically essential to decrease all production of animal food and other animal products.

But, again, a mysterious thing happened. What was 'essential' policy became so non-essential that it disappeared altogether. Are you starting to see the Greens priorities? Decriminalising drugs while banning the family barbecue is, I think, kind of the wrong way round for most Australians.

The Press Council and Senator Brown railed against the claim that the Greens favoured a 49 per cent corporate tax rate. But, again, that is precisely what the Greens originally had on their web site and on their policy agenda. It was only when the heat came in the lead-up to the election campaign that they altered it and reduced that rate in their policy.

Senator Brown and the Greens may have escaped scrutiny in the past, but that does not give them an exemption or a discount from democratic scrutiny, either in the parliament or in the Australian electorate. No-one but the Greens wrote their policies and published them, and it was only when those policies began to be debated that Senator Brown and the Greens tried to hide them and deny them—not the brave conviction politicians that they would have us believe.

I believe the Press Council have seriously erred; I think they have made a major misjudgment. I think they should re-look at the matter and look at the Greens policies, which were longstanding before they started to tear them off their web site as the election approached. This is certainly part of a well-worn strategy by the Greens, but they should not escape the democratic scrutiny that major political parties have to endure, and I think the Press Council should look at this again as a matter of urgency.

Main committee adjourned at 12.59 p.m., until Wednesday, 11 May 2005 at 9.40 a.m., unless in accordance with standing order 273 an alternative date or time is fixed.

QUESTIONS IN WRITING

World Trade Organisation
(Question No. 414)

Mr McMullan asked the Minister for Trade, in writing, on 8 February 2005:

Was concern raised in 2003 at the World Trade Organisation concerning delays in processing Chile's request for access to the Australian market for Chilean table grapes; if so, (a) what issues were raised, (b) what was Australia's response, (c) how long has this issue been under discussion between Chile and Australia, and (d) is the matter now resolved.

Mr Vaile—The answer to the honourable member's question is as follows:

Chile raised Australia's import risk analysis (IRA) for Chilean grapes in the WTO Committee on Sanitary and Phytosanitary Measures in October 2004.

(a) Chile underlined its interest in the release of the IRA for Chilean table grapes and changes in procedures undertaken by Australia in relation to IRAs.

(b) Australia explained the new arrangements for Biosecurity Australia and the changes in procedures in relation to IRAs. Australia also indicated its commitment to work with Chile to finalise the IRA as quickly as possible.

(c) Since 1995.

(d) A revised draft IRA report for table grapes from Chile was released on 24 February 2005, with a 45-day period for stakeholder comments.

Parliamentary Contributory Superannuation Scheme
(Question No. 432)

Mr Martin Ferguson asked the Minister representing the Minister for Finance and Administration, in writing, on 8 February 2005:

(1) When did the Government commence reducing Parliamentary Contributory Superannuation Scheme (PCSS) benefits for former Senators and Members, or the spouse of a former Senator or Member, where the recipient receives remuneration by holding another Commonwealth office (eg an Ambassadorship or other Ministerial appointment).

(2) Is the reduction in a PCSS benefit always made when the recipient is appointed to a salaried (a) Commonwealth office, and (b) State or Territory office.

(3) What is the formula used for reducing the pension or annuity.

(4) Does a similar system for reducing benefits apply to other beneficiaries of Commonwealth superannuation schemes, such as those for former public servants, members of the Defence Forces or the judiciary; if so, what are the details of the system and how is it applied.

(5) Is a person eligible for a benefit under the PCSS who serves as a State or Federal judge eligible to receive two pensions on retirement; if so, what consideration has the Government given to eliminating this double dipping.

(6) Is it the case that a retiring Governor-General may not draw a benefit under, for example, the PCSS, or a defence pension or a Federal/State judicial pension, in addition to the superannuation entitlement available under the superannuation scheme applicable to former Governors-General.

(7) Does the Commonwealth reduce the benefit payable for a Commonwealth appointment where the appointee is in receipt of a State or Territory parliamentary, judicial, governor/administrator or public service pension or annuity; if not, why not.

Mr Costello—The Minister for Finance and Administration has supplied the following answer to the honourable member's question:

In preparing this answer, it was necessary to obtain input from the portfolios of the Attorney-General, the Minister for Defence and the Prime Minister.

(1) The PCSS is established under the Parliamentary Contributory Superannuation Act 1948 (the Act). The current PCSS pension reduction provisions applying to holders of offices of profit under the Crown were inserted in the Act in 1983. Similar provisions that reduced a beneficiary's superannuation pension were contained in the Act between 1948 and 1973.

(2) A reduction is made in all cases where the recipient of a PCSS pension or annuity becomes the holder of an office of profit under the Commonwealth or a State as defined by section 21B of the Act. The offices of profit covered by section 21B include a range of Commonwealth and State public office positions, for example the Governor-General, State Governors, Departmental Secretaries, ambassadors and other heads of missions overseas, judges, public offices for which the Remuneration Tribunal sets a salary and appointments by State Ministers. Section 21B does not apply to appointments to academic positions, Senior Executive Service positions or engagement as an employee within the Australian Public Service and private sector appointments.

(3) A PCSS pension or annuity is reduced by 50 cents in the dollar for each dollar that the office of profit remuneration exceeds 20 per cent of the basic salary payable from time to time to a Senator or Member (ie based on the current basic salary of $106,770, the reduction would be 50 cents for each dollar that the office of profit remuneration exceeds $21,354 per annum). The maximum reduction is 50 per cent of a PCSS member's pension entitlement before any commutation and 50 per cent of an annuity. Where a member has commuted the maximum 50 per cent of his or her pension to a lump sum benefit, remuneration received from holding an office of profit could reduce the level of pension or annuity to zero while the office is held.

(4) No similar arrangement applies to reduce benefits of beneficiaries of the Commonwealth's superannuation schemes for its civilian employees or the military superannuation schemes. The Judges' Pensions Act 1968 (the Judges' Pensions Act) provides that a pension payable under that Act for a person who becomes a judge within the meaning of that Act is reduced by the amount of any pension received in respect of prior Commonwealth, State or Territory judicial service. A judicial pension would cease to be payable if a retired judge was re-appointed as a judge.

(5) A person entitled to a pension under the PCSS and a pension under the Judges Pensions Act would receive both pensions. These arrangements are no different to arrangements in the private sector where employees are able to retain the superannuation benefits accrued in respect of various periods of employment. In this way, former parliamentarians who are appointed to the judiciary are treated no differently to former parliamentarians who work for a bank, law firm, trade union or as a university lecturer.

(6) The Governor-General Act 1974 provides that the basic rate of pension payable to a former Governor-General is to be reduced by the amount of any pension or retiring allowance payable to that person whether by virtue of a law or otherwise out of money provided in whole or part by Australia, a State or a Territory.

(7) The benefits payable under the Commonwealth's main civilian superannuation arrangements, the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme and the Commonwealth's superannuation guarantee minimum arrangements that are provided under the Superannuation (Productivity Benefit) Act 1988 are not reduced where the beneficiary is in receipt of a State or Territory parliamentary, judicial, governor/administrator or public service pension of annuity. The same rationale applies to not reducing these pensions as that which applies in respect of question (5) above. As set out in the answer to question 4 above, a retired State or Territory

judge who was appointed to a federal court and qualified for a pension under the Judges' Pensions Act would have that pension reduced by the amount of any State or Territory judicial pension.

Higher Education Courses

(Question No. 513)

Ms Bird asked the Minister for Education, Science and Training, in writing, on 8 February 2005:

(1) For each calendar year since 1996, how many people who reside in the postcode area (a) 2500, (b) 2508, (c) 2515, (d) 2516, (e) 2517, (f) 2518, (g) 2519, (h) 2525, and (i) 2526 were enrolled in (i) University, and (ii) Vocational, Education and Training.

(2) For each calendar year since 1996, how many people who reside in the postcode area (a) 2500, (b) 2508, (c) 2515, (d) 2516, (e) 2517, (f) 2518, (g) 2519, (h) 2525, and (i) 2526 were enrolled in a (i) bachelor degree, and (ii) postgraduate degree.

Dr Nelson—The answer to the honourable member's question is as follows:

(1) Please see Attachment A

(2) Please see Attachment B

Attachment A

(1) (i) (a), (b), (c), (d), (e), (f), (g), (h), (i) – University

Table: Student Numbers by Permanent Home Residence Postcode, 1996-2003, Selected Postcodes (a)

	Total students									
Year / Postcode	2500	2508	2515	2516	2517	2518	2519	2525	2526	Total
1996	1,541	182	392	127	261	408	598	501	466	4,476
1997	1,575	184	405	139	283	433	610	483	470	4,582
1998	1,523	181	427	136	301	461	602	487	490	4,608
1999	1,505	189	457	126	298	477	631	511	507	4,701
2000	1,561	196	458	147	315	478	617	493	520	4,785

Note: Data represents students undertaking units of study in higher education courses as at 31 March in each respective year.

	Total students									
Year / Postcode	2500	2508	2515	2516	2517	2518	2519	2525	2526	Total
2001	2,078	219	492	161	380	524	675	509	587	5,625
2002	2,162	251	521	183	400	538	724	472	629	5,880
2003	2,121	267	504	177	375	561	724	496	635	5,860

Note: Data represents students undertaking units of study in higher education courses during the period 1 September of the previous year to 31 August of the reporting year.

(a) The scope change in measuring full-year enrolments from 2001 enables more accurate figures to be calculated. However, it means that pre-2001 figures are not strictly comparable with 2001 and later years.

(1) (ii) (a), (b), (c), (d), (e), (f), (g), (h), (i) - Vocational Education and Training

My Department is not able to answer this question because student information at this geographical level is not published by the National Centre for Vocational Education Research, the official source of information on the national vocational education and training data collection.

Attachment B

(2) (i) (a), (b), (c), (d), (e), (f), (g), (h), (i) – University

Table: Bachelor Students by Permanent Home Residence Postcode, 1996-2003, Selected Postcodes (a)

	Bachelor students									
Year / Postcode	2500	2508	2515	2516	2517	2518	2519	2525	2526	Total
1996	1,079	129	238	90	179	298	449	362	340	3,164
1997	1,109	129	252	98	199	319	474	366	353	3,299
1998	1,114	132	277	92	213	355	460	371	378	3,392
1999	1,119	140	308	87	214	360	483	403	387	3,501
2000	1,149	139	307	97	217	350	468	389	405	3,521

Note: Data represents student undertaking units of study in higher education courses as at 31 March in each respective year.

	Bachelor students									
Year / Postcode	2500	2508	2515	2516	2517	2518	2519	2525	2526	Total
2001	1,529	156	323	97	263	371	508	382	442	4,071
2002	1,513	178	335	115	275	366	530	357	462	4,131
2003	1,508	185	332	112	253	387	543	368	460	4,148

Note: Data represents students undertaking units of study in higher education courses during the period 1 September of the previous year to 31 August of the reporting year.

(a) The scope change in measuring full-year enrolments from 2001 enables more accurate figures to be calculated. However, it means that pre-2001 figures are not strictly comparable with 2001 and later years.

(2) (ii) - (a), (b), (c), (d), (e), (f), (g), (h), (i) – University

Table: Postgraduate Students by Permanent Home Residence Postcode, 1996-2003, Selected Postcodes (a)

	Postgraduate students									
Year / Postcode	2500	2508	2515	2516	2517	2518	2519	2525	2526	Total
1996	433	49	142	31	68	91	135	120	116	1,185
1997	432	50	140	36	70	101	120	103	109	1,161
1998	388	43	147	38	75	95	124	104	98	1,112
1999	361	44	142	30	72	100	122	95	94	1,060
2000	369	45	134	42	74	84	127	86	86	1,047

Note: Data represents student undertaking units of study in higher education courses as at 31 March in each respective year.

	Postgraduate students									
Year / Postcode	2500	2508	2515	2516	2517	2518	2519	2525	2526	Total
2001	447	48	140	47	88	97	135	93	102	1,197
2002	510	54	154	52	97	121	147	80	122	1,337
2003	532	66	148	48	97	136	151	97	134	1,409

Note: Data represents students undertaking units of study in higher education courses during the period 1 September of the previous year to 31 August of the reporting year.

(a) The scope change in measuring full-year enrolments from 2001 enables more accurate figures to be calculated. However, it means that pre-2001 figures are not strictly comparable with 2001 and later years.

Coastal Acid Sulfate Soils

(Question No. 597)

Ms George asked the Minister representing the Minister for the Environment and Heritage, in writing, on 16 February 2005:

(1) Can the Minister outline the extent of the problem of coastal acid sulfate soils in Australia.

(2) What action has the Government taken to address the problem.

(3) Is the Minister aware that the Victorian Department of Primary Industries has identified acid sulfate soils in key development areas on Victoria's coast, in particular, on the Bass Coast at Venus Bay and Anderson's Inlet.

(4) What action will the Federal Government take to ensure drainage or excavation work at popular coastal development sites, such as Venus Bay and Anderson's Inlet, does not cause significant negative environmental externalities for the indigenous ecosystem (such as disturbances in water quality) and to the built environment.

(5) Are any species of flora or fauna located at Venus Bay and Anderson's Inlet listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

(6) Is the Government aware of any species of flora and fauna located at Venus Bay and Anderson's Inlet that potentially could be subject to the conservation provisions of the EPBC Act.

(7) What action will the Federal Government take to ensure any species located at Venus Bay and Anderson's Inlet, already identified or potentially subject to the EPBC Act, are protected from the disruption of coastal acid sulfate soils.

Mr Truss—The Minister for the Environment and Heritage has provided the following answer to the honourable member's question:

(1) Coastal acid sulfate soils are potentially located Australia-wide, however the problems associated with soil disturbance and discharge of acidic leachates are limited to areas of agricultural and urban development.

(2) and (4) The Australian Government has pursued a range of measures to improve the community's awareness of coastal acid sulfate soils and to develop and demonstrate effective management strategies. This has been principally through (a) supporting the development of the National Strategy for the Management of Coastal Acid Sulfate Soils, (b) implementing under Australia's Oceans Policy the Coastal Acid Sulphate Soils Program, and (c) ensuring coastal acid sulphate soil management is addressed in Natural Heritage Trust regional natural resource management planning and investment strategies. Since 1997 the Australian Government has committed approximately $1 million to fund projects related to the management of acid sulfate soils in various locations around Australia. More than $293,000 has also been allocated to improving the quality of water flowing into Anderson's Inlet.

(3) Yes.

(5) and (6) Yes.

(7) In general, developments in areas subject to disturbance of acid sulfate soils would require approval under the EPBC Act if they were likely to cause a significant impact on a matter of national environment significance.