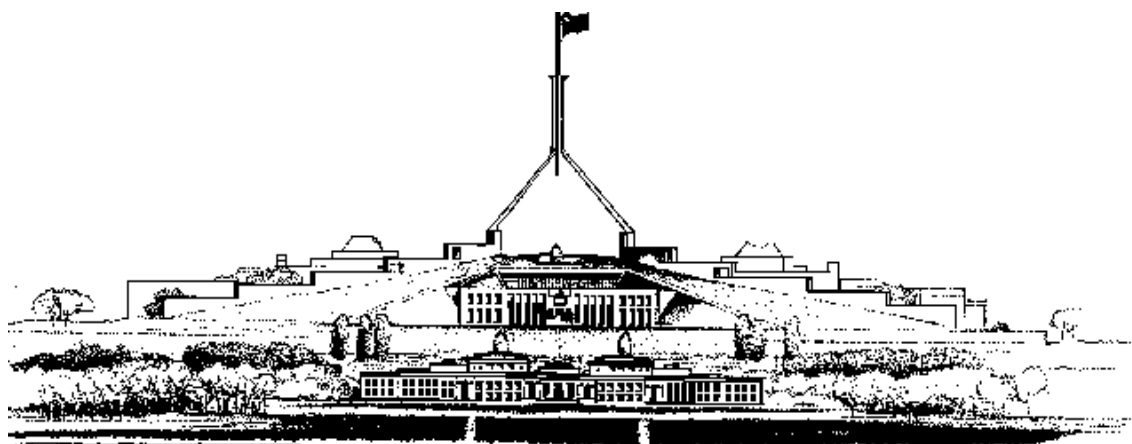




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**HOUSE OF  
REPRESENTATIVES**

**Official Hansard**

**No. 8, 2002**

**THURSDAY, 20 JUNE 2002**

FORTIETH PARLIAMENT  
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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### SITTING DAYS—2002

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February	12, 13, 14, 18, 19, 20, 21
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May	14, 15, 16, 27, 28, 29, 30
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August	19, 20, 21, 22, 26, 27, 28, 29
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October	14, 15, 16, 17, 21, 22, 23, 24
November	11, 12, 13, 14
December	2, 3, 4, 5, 9, 10, 11, 12

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<i>BRISBANE</i>	936 AM
<i>MELBOURNE</i>	1026 AM
<i>ADELAIDE</i>	972 AM
<i>PERTH</i>	585 AM
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*Thursday, 20 June 2002*

The **SPEAKER (Mr Neil Andrew)** took the chair at 9.30 a.m., and read prayers.

**TRANSPORT SAFETY  
INVESTIGATION BILL 2002**

**First Reading**

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

**Second Reading**

**Mr TUCKEY (O'Connor—Minister for Regional Services, Territories and Local Government)** (9.31 a.m.)—I move:

That this bill be now read a second time.

The provisions for transport safety investigation by the Australian Transport Safety Bureau contained in the *Transport Safety Investigation Bill 2002* are important to maintain and improve aviation, marine and rail safety outcomes for the Australian transport industry and for fare-paying passengers and freight customers.

The bill deals with the ATSB executive director's modal powers with respect to mandatory reporting of and the conduct of independent safety investigations into transport safety matters; the making of safety action statements, including safety recommendations; and the publication of safety investigation reports and other safety material. The bill reinforces the ATSB's role as a multimodal safety body similar to the Canadian Transportation Safety Board and the National Transportation Safety Board, the NTSB, in the United States.

The bill replaces and aligns the existing legislative authority for the ATSB aviation and marine safety investigations contained in section 2A of the Air Navigation Act 1920 and in the Navigation (Marine Casualty) Regulations under the Navigation Act 1912. It also provides for Australia's compliance with international aviation and shipping agreements, including annex 13 to the Chicago Convention and International Maritime Organisation, IMO, resolutions.

Interstate rail safety investigation is also included in recognition of rail's growing importance. In recent years there has been tremendous change in the rail industry in Aus-

tralia. This has included the change from predominantly state based, vertically integrated public ownership to increasingly commercialised and privatised entities trading across state borders. The Commonwealth has sold the Australian National Railways Commission and its share in the National Rail Corporation and is supporting the growing role of the Australian Rail Track Corporation in respect of national rail infrastructure.

The government wishes rail reform to progress and to see rail's efficiency improve and its carriage of freight and passengers increase. But amidst rapid change, it is important that there be no diminution of safety. One proven means of maintaining and improving safety is to independently investigate accidents and incidents and publicly report on any necessary safety action. The government has accepted the view of the House of Representatives Standing Committee on Communications, Transport and Micro-economic Reform that the Commonwealth, through the ATSB, should have an investigation role on the interstate rail system. This is consistent with the provisions of the 1996 Intergovernmental Agreement on Rail Safety, which encourages Commonwealth, state and territory governments to enact legislation for rail safety. However, at this time the government is not proposing to legislate to regulate interstate rail. Regulation will continue to be managed at the state level.

There continues to be a few truly independent state investigations of serious interstate rail occurrences and a number of state reports have not been made public. Most investigations continue to be conducted through state and territory regulators and/or the operators involved in the occurrence which, as noted in the New South Wales Glenbrook inquiry, raises issues of real or perceived conflict of interest. New South Wales reports examined by the Glenbrook commissioner also fell short of best practice in not getting to the root causes of why an accident occurred. An independent ATSB role in interstate rail investigation will foster better practice and safety across the industry. The ATSB may still undertake intrastate rail

investigations if requested to do so under state legislation.

The key principles of best practice safety investigations reinforced by the bill include operational independence free from external pressures and conflicts of interest along with professionalism, skill and objectivity. Without these, the transport industry may be less confident and willing to accept an act upon the recommendations of an investigation. The public may insist on a much more expensive judicial inquiry.

Central is ATSB's independence from parties or actions that may have been directly involved in the safety occurrence or that had some influence on the circumstances or consequences of that occurrence. For example, the ATSB must be free to investigate and comment on any significant role of the regulator in a particular occurrence and as such must not itself play a regulatory role in the industry. The executive director is also not subject to a direction by the minister or the secretary in relation to the exercise of powers under the bill. The minister can direct that an investigation be initiated.

More complex safety investigations, where a significant safety benefit is judged likely, will be conducted systemically. Looking beyond the proximal causes of an accident or incident to an understanding of underlying factors, such as organisational issues, has the potential to reveal aspects of broader safety issues that may need to be addressed. Professor James Reason's model of hazards and defences has been adopted by key international bodies such as the International Civil Aviation Organisation and the International Maritime Organisation as the recommended investigation methodology. According to Reason, most accidents and incidents involve human factors and in 90 per cent of such cases no malice is intended.

Often referred to as the 'no blame' approach, it does not equate with 'no responsibility'. It simply means that disciplinary action and criminal or liability assessment are not part of an ATSB safety investigation and should, if necessary, be progressed through separate parallel processes. Witnesses, particularly operational crew who may be in possession of vital safety information, must

be free to provide this information to the ATSB without fear of self-incrimination or retribution. The TSI bill provides protection for these individuals to enable safety investigators to better understand causal factors in order that future accidents may be prevented. Placing restrictions on the disclosure and use of such information obtained under the provisions of the bill is also consistent with Australia's international obligations.

For those few transport occurrences where malice may be involved, regulators, police and others may conduct a parallel investigation to ascertain blame or fault so that deliberate wrongdoing is not tolerated. This is an important part of a 'just culture'.

While maintaining a separate process, the government wishes the ATSB under the bill to continue its current practice of liaising with other agencies in order that, to the extent possible, the objectives of all agencies may be met. Cooperation and communication between federal agencies is the only way to work effectively. Lack of cooperation between agencies was a concern in the 1996 TWA 800 accident in the US in which a 747 crashed shortly after take-off from New York, with the loss of 230 lives. In the early stages of that investigation, it was not clear whether the crash was the result of an operational problem or of a criminal act. The NTSB experienced difficulties when the Federal Bureau of Investigation, conducting its own investigation, seized evidence without informing the NTSB. This action denied the NTSB, the technical experts in transport accident investigation, a timely opportunity to view and analyse evidence.

On 11 September 2001 the cause of the aircraft crashes was clearly terrorist activity. The NTSB immediately accepted a secondary role and provided expert assistance to the FBI in any way it was able. Following the American Airlines Airbus 300 accident in New York last November, in which 265 lives were lost, it was initially unclear whether criminal activity was involved. However, a public announcement was made early in the investigation stating that the NTSB would remain the lead agency until evidence of criminality was established. Based on this, the two agencies are currently seeking to

conclude a memorandum of understanding covering future situations and this is also the model that the ATSB will follow with Australian police agencies.

In relation to liaison with other agencies such as regulatory authorities or occupational health and safety agencies, ATSB would maintain a primary investigation role but seek to cooperate where possible, as covered in clause 10 of the bill. In a case of terrorism, the ATSB would not seek to investigate and the Australian Federal Police would therefore have clear priority. The bill acknowledges the legitimate activities of state coroners and other agencies in relation to investigation. The ATSB will seek to minimise unnecessary duplication of investigation activities through the revision and development of memoranda of understanding and related protocols with coroners and other agencies, for example, in relation to physical evidence.

While much of the bill provides for the protection of information gathered during the course of an investigation, other provisions provide for its controlled disclosure for safety purposes. There is provision for a 'directly involved party' process whereby a copy of a draft investigation report may be provided to persons or organisations with relevant knowledge. This process allows those persons to view the draft report and make submissions to ensure that it is factually correct. In some cases this is required under annex 13. Severe penalties have been introduced for the unapproved disclosure of draft reports. This is because such disclosure, as occurred with the ATSB's Whyalla Airlines report, could be seriously misleading, unfairly tarnish reputations and could impede the crucial future free flow of safety information to the ATSB.

The bill provides, under clause 21, that the executive director has discretionary power to investigate unless the minister directs that a particular investigation be initiated. In practice, a determination about whether to investigate and to what extent, will be influenced primarily by the potential safety value that may result from investigating a particular accident or incident in light of resources available for investigation. While final investigation reports must be published, if an

investigation is terminated before it is finalised the reasons for doing so must be published.

The bill contains specific provisions for the treatment of on-board recording, or OBR, information, covering cockpit voice recorders and like devices installed purely for safety purposes. OBR information may only be disclosed under limited circumstances. In recognition of the potentially vital evidence that it may contain, OBR information is generally admissible in criminal and coronial proceedings. However, consistent with existing aviation arrangements and international agreements, there can be no OBR use in proceedings against crew members.

The government believes that genuine respect and cooperation between the ATSB and state and territory coroners courts is extremely important given their overlapping roles and joint mission and should be enhanced through memoranda of understanding after the passage of the TSI Bill. Coroners provide the bureau with often crucial autopsy and pathology evidence. The bill provides coroners with greater certainty in relation to the disclosure by the ATSB of OBR information and physical evidence for the purposes of coronial inquiries. Final investigation reports may be admitted as evidence in coronial inquiries and, at the request of the coroner, ATSB investigators will be made available to provide expert opinion or factual information arising from their involvement in an investigation.

It is important that investigators have sufficient power to act quickly to access, preserve and collect evidence at accident sites and in transport vehicles that are referred to in the bill as 'special premises'. Delays could mean the loss of critical evidence because it has perished or has been removed, damaged or changed in some way. Those provisions are generally consistent with current legislation in the marine and aviation transport modes and reflect similar legislation in other countries. Sensitive information gathered in the course of a safety investigation conducted under the provisions of the bill is referred to as 'restricted information'. Restricted information cannot be disclosed for the purposes of a criminal investigation ex-

cept for an offence against the bill. These provisions reinforce the notion that safety investigation processes and those relating to criminal prosecutions should be separate.

Further guidance on immediate and routine reportable matters is to be provided in the regulations. Responsible persons for the purposes of mandatory reporting will normally include only those with an operational connection to the transport vehicle such as the crew, the owner or operator of the transport vehicle or persons performing vehicle control duties such as air traffic control. In marine and rail modes it may be more efficient and desirable in some instances to report through regulatory bodies.

ATSB recommendations arising from the identification of safety issues will usually be couched in broad terms that address the desired safety outcome but do not prescribe in detail the means to achieve it. This is generally better left to regulators and other organisations with the technical knowledge and consultative processes to make appropriate risk based and cost-effective safety changes within their modes.

The Commonwealth parliament and royal commissions are not bound by information restriction provisions within the bill, although it would be expected that inquiries would seek to maintain protection for sensitive ATSB safety information. Current arrangements under the Freedom of Information Act 1982 do not provide certainty for the protection of ATSB records relating to investigations which, if made available, may adversely affect current or future investigations. This situation is to be rectified by amending the Freedom of Information Act at the same time as the TSI Act comes into force to exempt OBR and restricted information for FOI purposes.

The introduction of the TSI Act will serve to maintain and improve the already excellent safety outcomes of the Australian aviation, marine and rail transport industries. The act will have a safety benefit for both industry and fare paying passengers by providing the means for the ATSB to conduct best practice safety investigations in all three modes and thereby help to prevent future accidents. Consequential amendments are

made in a short separate amendment bill. I present the explanatory memorandum to this bill and to the [Transport Safety Investigation \(Consequential Amendments\) Bill 2002](#).

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

### **TRANSPORT SAFETY INVESTIGATION (CONSEQUENTIAL AMENDMENTS) BILL 2002**

#### **First Reading**

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

#### **Second Reading**

**Mr TUCKEY** (O'Connor—Minister for Regional Services, Territories and Local Government) (9.50 a.m.)—I move:

That this bill be now read a second time.

This bill is consequential to the [Transport Safety Investigation Bill 2002](#), the main bill, and repeals the modal-specific provisions in parts of the Air Navigation Act 1920 and the Navigation Act 1912 that enable the Australian Transport Safety Bureau, the ATSB, to conduct aviation and marine safety investigations. This bill also provides for transitional arrangements to allow aviation investigations completed or in progress when the main bill commences and when part 2A of the Air Navigation Act 1920 is repealed to continue to be subject to part 2A of that act. Similar transitional arrangements are proposed to be made for marine investigations through regulations to repeal the Navigation (Marine Casualty) Regulations 1990.

This bill makes cooperation with the executive director of the ATSB part of the object of the Air Services Act 1995, the Civil Aviation Act 1988 and the Australian Maritime Safety Authority Act 1990. In the former two acts this replaces a similar reference to cooperate with the former Bureau of Air Safety Investigation.

There is also a consequential amendment to the Freedom of Information Act 1982. Safety information protected under subclauses 53(1), 53(2), 60(1), 60(2) and 60(3) of the main bill is to be exempt from the Freedom of Information Act 1982 in accordance with section 38 of that act. The protection of this safety information is necessary



in order to comply with Australia's international obligations such as under paragraph 5.12 of annex 13 of the Convention on International Civil Aviation. Confidentiality of information is vital to ensure free flow of information to the ATSB. It is particularly important where information has been compelled despite witness selfincrimination and in respect of on-board recording information such as cockpit voice recordings.

This bill is an important adjunct to the Transport Safety Investigation Bill. I have already presented the explanatory memorandum, which covers both bills.

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

**VETERANS' AFFAIRS LEGISLATION  
AMENDMENT (2002 BUDGET  
MEASURES) BILL 2002**

**First Reading**

Bill presented by **Mrs Vale**, and read a first time.

**Second Reading**

**Mrs VALE** (*Hughes—Minister for Veterans' Affairs and Minister Assisting the Minister for Defence*) (9.54 a.m.)—I move:

That this bill be now read a second time.

I am pleased today to introduce legislation to implement a coalition government commitment to our veteran community at the November 2001 federal election—to remove the unfair freeze on the ceiling rate of income support supplement and service pension payable to Australian war widows and war widowers that was imposed by a mean Labor government in 1986.

This bill will enable the twice a year indexation of the ceiling rate of income support supplement and service pension to reflect movements in the cost of living and wages. Other amendments will address minor anomalies in:

the payment of the income support supplement to new war widows and war widowers who previously received social security benefits; and

the family situation rules applicable to income support supplement recipients.

The key measure in this bill—the indexation of the income support supplement—was announced in the 2002-03 federal budget at a cost of \$84.7 million over four years.

In 1986, the ceiling rate of income support payable to war widows was frozen by the Labor government. Since then the ceiling rate has risen only once, in July 2000, when it was increased by four per cent as part of the Howard coalition government's package for pensioners under the introduction of the new tax system.

The veteran community—and in particular the War Widows Guild of Australia—has lobbied strongly for the frozen ceiling rate to be abolished. This legislation will carry through our commitment to end this mean, long-standing anomaly in the repatriation system against war widows and war widowers.

This important initiative will take effect from the next round of indexation adjustments on 20 September 2002 and will result in the income support supplement being increased twice a year by the same percentage as the service pension, reflecting movements in the consumer price index and the male total average weekly earnings.

Approximately 97 per cent of income support supplement recipients now receive the ceiling rate and some 81,000 war widows and widowers will benefit from this initiative. A small number of war widows, who are also veterans, receive income support as a frozen ceiling rate of service pension. Under this initiative their ceiling rate service pension will be subject to the same indexation arrangements.

There is another small group of war widows who have chosen to continue receiving income support through Centrelink. Their payments are not covered by this initiative. These war widows will be able to transfer to my department to receive the income support supplement and benefit from the indexation of the ceiling rate.

Other amendments in this bill are designed to end unintended anomalies in the treatment of income support supplement recipients.

The first relates to new claimants who start to receive the war widows or war widowers pension after previously receiving the age pension or other income support pensions or benefits through Centrelink. Under the existing legislation, these widows or widowers may be disadvantaged because a number of social security pensions and benefits are not payable to a person who is receiving a war widows or war widowers pension. Instead, they may be eligible for the income support supplement.

The income support supplement is payable only from the date of lodgment of a claim, while the war widows or war widowers pension may be payable for up to three months before the date of the claim.

As a result, a war widow or war widower who is eligible for the income support supplement cannot receive this payment for the period in which their pension has been backdated. At the same time, their previous income support payments through Centrelink are cancelled from the date that the war widows or war widowers pension becomes payable.

To resolve this situation, the bill will enable the payment of the income support supplement to be backdated for eligible recipients who previously were receiving a social security pension or benefit. This will ensure that these war widows or war widowers are not disadvantaged by their transition into the repatriation system.

Finally, the amendments will correct a legislative anomaly affecting the family situation assessment rules applicable to an income support supplement recipient whose partner is not receiving a pension or other income support benefits through Veterans' Affairs or Centrelink.

Since coming to office, this government has made it a priority to address unfair anomalies in the repatriation system. Passage of this legislation will be another step forward in meeting the needs of our veteran community and particularly those Australians whose partners have died as a result of their service to our nation. This legislation pays respect to our war widows and war

widowers and I commend the legislation to the House.

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

**MIGRATION LEGISLATION  
AMENDMENT (FURTHER BORDER  
PROTECTION MEASURES)  
LEGISLATION**

**Mr RUDDOCK** (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (10.00 a.m.)—I move:

That so much of the standing orders be suspended as would prevent the introduction and passage through all stages without delay by 5 p.m. today of a Bill for an Act to amend the Migration Act 1958, and for related purposes.

Question agreed to.

**MIGRATION LEGISLATION  
AMENDMENT (FURTHER BORDER  
PROTECTION MEASURES) BILL 2002**

**First Reading**

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

**Second Reading**

**Mr RUDDOCK** (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (10.01 a.m.)—I move:

That this bill be now read a second time.

At the outset of this debate I would like to acknowledge that today is World Refugee Day. The significance of this day should not be lost on this debate, a debate centred on strong border protection thereby enabling Australia to provide effective resettlement options for those refugees in the most vulnerable of situations.

Last year the parliament passed amendments to the Migration Act which in effect excised the ability of a person arriving without authority at certain offshore places, such as Christmas Island and Ashmore and Cartier Islands, to apply for a visa to enter and remain lawfully in Australia.

These amendments also included authority for regulations to be made to extend this visa application bar to other islands and external

territories by including those islands within the definition of excised offshore places.

On 7 June 2002 I recommended to the Governor-General the making of regulations to extend the area of excised offshore places to cover islands off the north-west of Western Australia, islands off the Northern Territory, islands off Far North Queensland, and the Coral Sea Islands Territory.

These regulations were made following receipt of advice from the government's People Smuggling Task Force, who were concerned that people smugglers were intending to attempt to send boatloads of unauthorised arrivals either to Australia or to other countries, such as New Zealand, via waters off Northern Australia.

Yesterday the opposition and minor parties combined in the Senate to disallow these regulations. This is an extraordinary outcome. An act that received the support of the opposition last year to fight the invidious trade of people-smuggling is in effect being overturned by the very same opposition.

It is like saying that we were serious about fighting people-smuggling last year but we are no longer serious. Be assured that people smugglers monitor very closely what we are doing in this parliament. They may very well interpret the actions of the opposition and minority parties as a green light to attempt to recommence their operations and move to target areas closer to the Australian mainland.

Such a signal would have disastrous consequences not only for our efforts to thwart the actions of people-smugglers but for those people who are being smuggled. Our information suggests that some of the boats are poorly equipped. Now that the smugglers have been given a green light to attempt to send these boats to an island closer to the Australian mainland, they may well attempt to do so.

This government will not allow this. That is why we are introducing this bill today.

This bill is just the latest of an integrated set of legislative and administrative measures that the government has undertaken over the past three years to combat this growing trade in people-smuggling.

Initiatives taken within Australia and with other countries in the region over the past three years include:

the introduction of border protection legislation in 1999, and increased resources to ensure improved Coastwatch, Customs and Navy capabilities to detect, pursue, intercept and board boats that carry unauthorised arrivals;

further enhancements to these legislative measures that were enacted in September 2001;

changes to the Migration Act to increase the maximum period of imprisonment for people trafficking to 20 years with a mandatory minimum sentence of five years imprisonment for those who are organising people-smuggling, and fines of up to \$220,000;

the increasing of the number of specialist compliance officers in key overseas posts, to work with police locally and immigration officials to identify foreign nationals trying to enter Australia illegally—and of course these efforts resulted in the disruption of many people-smuggling operations;

the placement of departmental officers in key overseas airports where they train airline check-in staff to identify bogus documentation and advise airlines on Australia's entry requirements, so preventing the illegal travel of thousands of people to this country;

the posting of specialist liaison officers to key overseas posts for bilateral and multilateral liaison on readmission and resettlement, technical and border management capacity, processing of the humanitarian caseload, and government identity, character and security checking;

ongoing short-term visits to key countries by departmental document examiners, to provide specialist training and technical support to overseas immigration services and to airline and travel staff;

the maintaining of multifunction task forces both in Australia and overseas to co-ordinate investigations, collect intelligence and maintain close liaison with law enforcement agencies investigating immigration fraud; and

the frequent updating of Australia's movement alert lists, a key tool governing the entry of non-citizens who are of security and character concern.

Australia is also an active participant in a number of international programs that work to combat people-smuggling. These include:

- the intergovernmental consultations on asylum, refugee and migration policies in Europe, North America and Australia;

- the Asia-Pacific consultations on refugees, displaced persons and migrants;

- the irregular migration and migrant trafficking in East-Asia and South East Asia; and

- the Pacific Rim immigration intelligence officers conference.

In February 2002, Australia company-hosted, with Indonesia, the regional ministerial conference on people-smuggling, trafficking in persons and related transnational crime, held in Indonesia.

All this activity, together with legislative measures passed by parliament over the past year, has had a dramatic effect on people smugglers targeting Australia. Their targeting of Australia as a favourable destination was very self-evident. There have been no substantial boat arrivals at the Australian mainland since August last year.

However, we can not be complacent, as our information indicates that there are still people smugglers active in our region who are exploring ways of continuing their trade, either to Australia or to other countries.

Without going into detail, we have credible information that people smugglers are still operating in Indonesia. There are several thousand people who are seeking movement by people smugglers. These smugglers are still actively seeking to put together boats to travel either to Australia or through the Torres Strait to destinations in the Pacific.

These activities have also been reported in the Indonesian media.

There have also been reports of a boat which is believed to be currently attempting a journey towards Australia, with the reported aim of sailing through the Torres Strait to New Zealand.

Without the amendments made by this bill, should that vessel or any other attempt to come either through the Torres Strait or to outlying islands of Australia, it would be possible for these unlawful arrivals to gain access to Australia's extensive visa application processes and the accompanying very liberal interpretation of the Refugees Convention.

Turning to the amendments made by the bill, the definition of 'excised offshore place' is expanded to include the same islands off the coasts of Western Australia, the Northern Territory, Queensland and the Coral Sea Islands territory that were covered by the earlier regulations.

There has been a considerable amount of scaremongering by the opposition about the government reducing either Australian territory or Australia's borders. This is plainly absurd and merely demonstrates opposition members' inability to understand the laws which they have passed.

In order to educate opposition members, I will make the following comments about the effect of these amendments.

*Mr Snowdon interjecting—*

**Mr RUDDOCK**—I should have spent some time with you in the Northern Territory. I could have elaborated on this matter.

The provisions of the Migration Act continue to apply to these islands. The legislative changes made by this bill do not affect Australian sovereignty over these islands. The islands remain integral parts of Australia.

What will be 'excised' is the ability of a person arriving without authority at one of the new excised offshore places to apply for a visa to enter and remain lawfully in Australia. In short, these people would have no right to make any application for the grant of a visa under the Migration Act.

This visa bar is set out in section 46A of the Migration Act. This bar continues to apply to those persons while they remain unlawfully in Australia. This section was inserted into the Migration Act by the amendments that were passed by this parliament in September 2001.

The bill will not restrict any Australian citizen or valid visa holder from moving about within Australia, including to or from these islands. Visa holders can also continue to make any visa application permitted by the act.

As the act continues to apply to these islands, there will be no impact whatsoever on the traditional movements of inhabitants of the Torres Strait protected zone. These people will continue to be able to move about as freely as before.

Expansion of the excised offshore places by this bill sends a very strong message to people smugglers that we remain alert and are prepared to move quickly to take measures to counter their operations.

The expansion also makes it significantly harder for people smugglers to get to an area where visa applications may be made, where they can dump their human cargo and escape without detection.

The risks to people smugglers of capture and prosecution are far greater with the implementation of these changes than would have been the case with the regulations that we had previously sought to operate.

The choice for the opposition is now clear. They can either support strong and effective border controls or they can contribute to the weakening of Australia's borders and the perils arising from this action.

I would like to stress that all the measures outlined in this bill and that have been initiated by this government over the past three years to combat people-smuggling are done so that we can most effectively resettle those persons seeking refuge who are most in need and most at risk.

Currently the United Nations High Commissioner for Refugees estimates there are some 19.7 million persons of concern around the world. With the current rate of return to Afghanistan, it is likely that this number will decrease by another two million in the present year, leading to an overall decrease of some 10 million since 1994. It is very interesting that the figures in 1994 were of the order of 27 million and at the end of this year they are likely to be of the order of 17 million—more than a one-third decrease in the

number of refugees. Australia aims, through its humanitarian program, to assist in resolving the situation of those people who have the most urgent need for resettlement outcomes. To resettle in Australia all of those who are found to be refugees internationally never has been and never would be a viable option. Our objective is to resettle some 12,000 persons each year who are in greatest need and to prioritise those who are in need of assistance—those who are at risk if they remain where they are and have no other means of escape other than resettlement to a third country.

While our desire to assist those persons is strong, Australia has a finite capacity to give practical effect to this objective. The pressure placed on our resources by those arriving in Australia without authority, and seeking to engage our obligations to provide protection, limits our capacity to assist those at greatest risk.

People smugglers seek to exploit the situation by manipulating those persons who can afford to and are prepared to pay comparatively large sums of money to enter Australia without authority.

People smuggling is big business. The International Organisation for Migration estimates the worldwide proceeds of people smuggling to be \$US10 billion a year.

On average, it costs the Australian government \$50,000 for every unauthorised arrival by boat from the time of arrival to the time of their departure from Australia, if they have no lawful basis to be here.

Some asylum seekers come here from countries where there is little risk of persecution, but which are simply less prosperous than Australia. They are encouraged by people smugglers to believe that they can use our refugee determination processes to obtain the right to work in Australia or to access health services and other support at Australian taxpayer expense while their claims are assessed.

One of the core values underpinning Australia's immigration policy is that we—the government of Australia representing the people of Australia—must have the capacity to manage the movement of people across

our borders in an orderly and efficient manner. Otherwise, the idea of a managed immigration policy rapidly becomes meaningless.

The government is well aware of its obligations not to refoüle—in other words, to offer protection to those who have a requirement for it. We never will refoüle and we never have.

We are equally aware, however, that our international obligations do not give people any right to demand residence in Australia.

In closing, I would like to reiterate that this bill is the next step in the government's considered and comprehensive strategy to maintain the integrity Australia's borders and its migration program.

The opposition has the choice either to contribute to Australia's national interests through supporting effective immigration controls, or to send a signal that on these matters Australia is a soft touch.

For those reasons, I commend the bill to the chamber for urgent passage and I present an explanatory memorandum.

**Mr CREAN (Hotham—Leader of the Opposition)** (10.18 a.m.)—I take the opportunity in this debate on the **Migration Legislation Amendment (Further Border Protection Measures) Bill 2002** to note at the beginning of the meeting that there are hardly any government backbenchers in the chamber. I understand they are in their party room debating the cabinet decision to re-endorse ratification of the International Criminal Court. They are divided; we are united. Let that be noted.

Labor is totally committed to strong border protection. This legislation will not achieve it. Simply put, you do not protect your borders by surrendering them. You do not protect our borders by handing over bits of our country to the people smugglers, because that is running up the white flag. That is surrendering our sovereignty. That is appeasing people smugglers and it is inviting them to head to the mainland. We now have a Prime Minister who is saying he will decide which bits of Australia to hand over to the people smugglers and how much he will hand over each time. It will not work. How

do we know? Because the government's own People Smuggling Task Force told us.

Labor says there is a better and more effective way to protect our borders. We want laws that stop people smugglers leaving countries, not laws that invite them to head here. We want laws that process asylum seekers in the country they first land in, not the last country they head to. We want people smugglers arrested before they leave for Australia. We want a US style coastguard patrolling our borders—a cop on the beat. The Australian people want security, but security has to come from real solutions; it will not come from political games. The government only want to play politics and the Australian people will see through them. Today I am going to spell out what the real solutions involve. I make this offer to the government: work with us to find a comprehensive solution that will stop the people smugglers.

The first part of the solution is to deal with the people smugglers in their country of source. We must get countries in our region to sign the relevant international conventions that aim to prevent the flow of asylum seekers. Most importantly, eight countries in the pipeline between the Middle East and Australia are not signatories to the 1967 protocol to the refugee convention. Seven of them happen to be Commonwealth countries; the eighth is Indonesia. These eight countries form a continuous chain between the major source countries in the Middle East and Australia. It is a pipeline that must be shut down. The Prime Minister and the Minister for Immigration and Multicultural and Indigenous Affairs have had numerous opportunities to press this with these countries. They had the opportunity with Indonesia at the Bali conference—something that the minister alluded to in his second reading speech. But what we have to do is keep building on whatever came out of the Bali conference in a continuous and constructive way.

It is also interesting that where the government did not take up the opportunity was at CHOGM earlier this year. I mentioned before that seven of the eight countries not signatory to the protocol are Commonwealth countries. If the government were serious

about addressing this problem, why wasn't the matter even listed at the CHOGM conference? You have to ask yourself: is this government serious about real solutions? I say no. I say they are about playing politics, and this is one example of where they have avoided the opportunity to address it.

The second part of the solution is to get Indonesia and other transit countries to make people-smuggling a crime and to arrest the people smugglers. Already several people smugglers have been arrested, both in Thailand and in Australia. These arrests are one of the main reasons that the flow of asylum seekers has stopped. The People Smuggling Task Force told us, Minister, that arresting people smugglers is the best deterrent.

**Mr Ruddock**—Well, it helps.

**Mr CREAN**—Oh, it helps, does it, Minister? It helps a hell of a lot if the people smugglers are arrested, because they are not there smuggling any more. I would have thought it was the best deterrent of the lot. So why don't you do a bit more of it, Minister? Why do you wait for them to get down here and on to islands, and pretend that by excising the islands you are really tackling the people smugglers? It is not serious; it is game playing and it is politics. If you are serious, you will be talking to Indonesia about ways in which they could get their laws changed to make it an offence to people-smuggle. If, in fact, our intelligence agencies know of the existence of boats in Indonesia, why aren't they talking to the authorities to make the arrests? Because this is the real solution, Minister—

**Mr Ruddock**—You can't pick and choose; it's not a menu.

**Mr CREAN**—'You can't just pick and choose,' the minister says. If you know that the people smugglers are there, you can pick them, you can choose to arrest them; you can pick and choose as much as you like, Minister. That is the effective deterrent and that is what you should be doing. When I met with the People Smuggling Task Force the other day, they confirmed—

**Mr Ruddock**—You think you can go to another country and change the laws to do what you want.

**The DEPUTY SPEAKER (Mr Jenkins)**—Order!

**Mr CREAN**—I know the minister is getting excited, Mr Deputy Speaker, and he is entitled to hear me in silence because I heard him in silence. His backbench heard him in silence because none of them turned up to hear him. The point I am making is that, when I put the question to the People Smuggling Task Force when I had the briefing with them with my colleagues on Friday, they indicated that the arresting of the people smugglers was by far the best deterrent. In terms of expending money on identification, surveillance and intelligence, that is where the resources should be directed, but you will not effect it unless you have agreements with the countries involved. That is where the outcome of the Bali conference needs to be prosecuted with greater vigour, Minister. You have a framework to do something more here but you have not been doing it.

The third part of the solution is to ensure that the asylum seekers themselves are processed in the country in which they first arrive, not in the country they last head to, because that is what causes difficulties for Australia. But the only way you will do that is by having discussions and agreements with the international organisations. Instead of your government denigrating these international organisations, it should be working with them to get a constructive solution.

The fourth part of my proposal to solve this problem is to create a coastguard to intercept the boats before they get here. Having taken steps to stop the flow, you then need the coastguard—the cop on the beat. It is affordable. Look at how much the Pacific solution has cost this country—the Pacific solution that actually invites people smugglers to make it to Australia. Why shouldn't we spend the money on deterrence, not on housing them once they arrive? I also make the point that the coastguard is not just important for people smugglers, it is also important to stop the drug runners; it is also important for quarantine purposes; it is also important to protect our fisheries. There is a multidiscipline dimension associated with the coastguard and that is why it should be implemented. If we genuinely want our bor-



ders secure and safe, we need a cop on the beat. If you accept the fact that we are really about protecting the borders, then it has to be part of the solution. It is also interesting that, if you want to deter, you should enact tougher penalties. New Zealand has just enacted new laws that provide harsh penalties for people smugglers, including million-dollar fines, 20 years in jail and confiscation of the boats. Our laws need to be equally as tough. That is what security, safety and protection are all about, too, Minister.

The fifth part of our solution is to improve the system of mandatory detention. We must keep mandatory detention to ensure that identity, security, health checks, and fast and fair processing can take place. But the process must be speeded up and detention centres must be returned to government control and open to public scrutiny. We must also restore the balance to the process by getting the children and their mothers out from behind the razor wire.

The sixth part of the solution is to deal with the people who have been found not to be genuine refugees. Australia should be offering repatriation allowances to selected groups of asylum seekers to get them to return home. Minister, this is a comprehensive plan of action. This is not the first time Australia has had to face refugee crises. We have done it in the past, but in the past we cooperated with the UNHCR—the United Nations High Commissioner for Refugees—to develop a comprehensive framework for handling large-scale outflows of asylum seekers from particular countries.

I remind the House that the model developed by the Labor Party in government in 1993 worked—because the then Labor government returned 1,000 people from southern China after getting a direct agreement with the Chinese government to return them home. We had to make sure that the world responded and that Australia did its fair share. These frameworks can be entered. It was a fair process, it was an effective process and the cost was only a fraction of what the Pacific solution is draining the Australian people of at the moment.

The government will not tell us the true cost of its Pacific solution, but we know it is

at least \$500 million—half a billion dollars. It is possibly a billion dollars already, but the cost is growing every day. Rene Harris, the president of one of the recipient countries, Nauru, has called it a ‘Pacific nightmare’ but, after a lunch with the Minister for Foreign Affairs, he seems to be satisfied for the time being—no doubt because he has been offered more money. What is the cost? The government will not tell us. It will expose a fear and a scare, but it will not tell you the facts. The government’s Pacific solution, of course, has helped drive the budget into deficit, but who does the government want to pay? It wants pensioners to pay through higher pharmaceutical charges, it wants families to pay through a 30 per cent increase in pharmaceutical charges and it wants to take benefits off the seriously disabled in our community.

The government’s policy assumes that the boats will arrive on our islands. Labor’s policy is to stop the boats coming. The government’s policy is an admission of defeat. It is the new version of the Brisbane Line. The government’s policy will surrender our land; we will not. Labor will not surrender Australia’s sovereignty. Labor will not surrender Australia’s islands. The government’s policy is the beginning of Australia retreating on itself.

**Mr Ruddock**—Like you did with Christmas Island; is that what you’re saying?

**Mr CREAN**—Oh, the minister talks about Christmas and Cocos islands. I will tell you why, Minister—

**Mr Ruddock**—Are you saying we surrendered our sovereignty?

**Mr CREAN**—We supported Christmas and Cocos islands being excised because they were nominated and because those islands are closer to Indonesia than they are to Australia. We accepted the argument on the operational basis that it made sense to do it, and these are remote external territories. What we are talking about in your case are islands that are a mere kilometre from the shore.

**Mr Ruddock**—But you’re saying that we’re surrendering our sovereignty—that’s what you’re saying.



**The DEPUTY SPEAKER**—Order! The minister will cease interjecting.

**Mrs Irwin**—He knows you are right, Simon; he doesn't like it.

**Mr CREAN**—The minister asks the questions, but he does not like the answers because the minister knows he has been caught up in his own hypocrisy. The point is, if it is valid to excise the islands, why not excise the mainland? And you know, Minister, when you were skewered on this the day after your announcement, you admitted that it could include excising Tasmania. That was a nice little piece of information to all of the residents of Tasmania. You may not think it matters because Tasmania is represented by Labor in every federal seat in the state. You may not think it matters, but it matters to Tasmanians.

**Mr Ruddock**—You haven't read the legislation.

**Mr CREAN**—Minister, you say 'Read the legislation'—I have read your words. I have read your lips, Minister; those pursed lips. I read them, and they said, 'If necessary, we'll excise Tasmania.'

**Mr Ruddock**—I never said that—

**Mr CREAN**—You say, 'Read the legislation'—

**Mr Ruddock**—You find where I said that.

**Mr CREAN**—Oh, he's getting angry now! The pursed lips are getting angry now, are they, Minister?

**Mr Ruddock**—If you are going to misrepresent it—

**The DEPUTY SPEAKER**—Order! The minister will cease interjecting and the Leader of the Opposition will direct his remarks through the chair.

**Mr CREAN**—The minister has misrepresented himself, but let me say this: if the minister's argument is that the legislation does not allow it at the moment, what is to say they will not bring new legislation in to do it in the future? That is what we are debating today. If in fact the argument is right, Minister, and, as the Prime Minister said, to excise the mainland is ludicrous, why isn't it also ludicrous to excise an island a kilometre off the mainland? That is a 20-minute swim

by an Australian gold medallist; I reckon I could do it in a 30-minute swim.

**Mr Lindsay**—Be serious!

**Mr CREAN**—I am being serious. The member for Herbert is the one that is not being serious. The member for Herbert is prepared to surrender islands off his electorate. The member for Herbert is prepared to give up parts of Australia and pretend it is for border protection. You have sold out. You are selling out Australia, and you are not protecting it. The government's idea of excision diminishes Australia. It purports to protect our borders, but it puts the real borders of Australia at risk. Excising islands from Australian sovereignty is just the start of it. It is appeasement of the worst sort—and we know what happens to the appeasers, Minister. We know that the people smugglers watch every move that we make. Ask yourself the question: how long do you think it will take for the people smugglers to realise that, if the islands are excised, the best way of getting to Australia is to head for the mainland?

**Mr Ruddock**—They know that already.

**Mr CREAN**—They know it already, the minister concedes. So how are you protecting our borders by surrendering our territory? That is the fundamental question that you will not address.

**Mr Ruddock**—The islands can be more easily reached than the mainland; that's the reason.

**Mr CREAN**—The government's approach merely plays the people smugglers' game. It does not stop the people smugglers; it encourages them. It gives them the ability to sell their tickets and to ply their grubby trade because they can say: 'We can get down to Australia. The government down there is saying, "Invitation to treat; we are excising islands a kilometre off the mainland"—so why not head for it? We can get you through.' That is what you are doing. The sensible solution is as I have outlined before: you have to stop the boats leaving countries like Indonesia and you can only do that if you have a framework in place. You are saying to the people smugglers through this legislation, 'The more you come, the

more we will give up.' This is what you are saying to the people smugglers: 'We have excised the islands today—what is next? A new piece of legislation, a new Brisbane Line? Rottnest Island, Tasmania, Phillip Island?' You name all of those islands around the mainland. This is what you are inviting next time round. This is the futility of your position.

We know that Minister Ruddock and Minister Downer have already been planning to do it because, when I raised the question of excising parts of the mainland, including Tasmania, they said yes. Minister, that is not pride in our country; it is defeatism in the name of politics. That is not standing up for Australia. You should be standing up for Australia, but you are surrendering Australia. I am for defending our borders and doing it through good policy. I say enough is enough, let us draw the line, let us stop appeasing the people smugglers, let us stop playing the political games and let us have a policy that stops the boats coming here in the first place.

We know that the government cannot be trusted on these issues. They lied about the children being thrown overboard. They lied about their full knowledge of the sunken vessel SIEVX. That is why I have insisted, on each occasion that they have come up with a new allegation, on a full briefing from the People Smuggling Task Force prior to our making up our minds about particular issues and circumstances. I have already made clear this week the questions that I posed when I was briefed upon it. The House will recall that I asked two specific questions of the People Smuggling Task Force. I asked them whether they could give an assurance that excising islands off the Australian coast would prevent or deter boat arrivals on the mainland. They could give no such assurance. I then asked how this specific measure of excising islands would prevent further boat departures from Indonesia and they said that it would not. I sought that assurance and they could not give it. So these are the real facts, Minister, from your People Smuggling Task Force—admitted by the membership of that task force. The minister for immigration agrees that I asked those questions and he

agrees that the assurances that I sought could not be given.

**Mr Ruddock**—Can you give a guarantee?

**Mr CREAN**—Minister, we have to make a judgment based on the information given. You may not like the answers, but why should you be making stupid decisions when no assurances can be given?

*Mr Ruddock interjecting—*

**The DEPUTY SPEAKER**—The minister will stop interjecting. The Leader of the Opposition will refer his remarks through the chair.

**Mr CREAN**—The minister knows full well what his advisers told me: the most effective option to stop people smugglers is to stop the boats departing. He therefore agrees that the legislation he is seeking will not achieve the goals he claims to be pursuing because, if those assurances cannot be given, the purpose of doing this exercise is not going to materialise. The government is concentrating on the wrong end of the spectrum. It should be concentrating on the source countries and stopping the boats leaving rather than inviting the boats out and then pretending you can stop them by this particular measure.

It is very simple: the government is not looking for a solution, it is just playing politics. If we had agreed to the government's regulation this week, it would not have stopped playing the politics. By now it would be bringing forward the legislation to cut out bits of Australia's mainland. Labor's holding firm has stopped the government starting on its plan to rub out bits of Australia's mainland, to take the white-out and start drawing around the borders of Australia. It is very interesting that the government has been all over the place on this issue this week. First it announces its regulations, but tells journalists that there are no boats. Then it says there was a boat on 18 May but it does nothing about it until 7 June. It says the boat could arrive any minute and then it tells us that it has no idea where this boat is. It may have sunk; we do not know.

**Mr Tanner**—It is like the *Mary Celeste*.

**Mr CREAN**—It is like the *Mary Celeste* out there, threatening this country. It threat-

ened this country on the 18th and no action was taken, but when it disappeared it became a huge threat to the nation! The government does not even know whether it was ever coming to Australia. The government took a week to organise an urgent briefing of the opposition. Just keep this in mind: this parliament sat on 3, 4, 5 and 6 June. The government tells us it knew this boat was a threat on 18 May, but at no time during that week in parliament was this issue ever raised. However, the day after parliament rises—it was going to be in recess the following next week—it sneaks regulations through Executive Council, operative from Thursday night, the day after parliament gets up. It has told us that it has no new evidence of where this boat is post 18 May, but it introduces regulations on 7 June, when it does not know where the boat is. It sounds like playing politics to me, Minister. I have been around a long time in this game, but that sounds like playing politics to me. It does not sound like the government is being honest with the Australian people. It does not tell them up front, when it knows there is a threat of a boat; it only tells them when it does not know where it is.

*Mr Ruddock interjecting—*

**Mr CREAN**—Oh, Minister! The minister is jumping to his defence. I love it!

**Mr Ruddock**—Why don't you tell them about the briefing behind the chair on Thursday?

**The DEPUTY SPEAKER**—The minister will resume his seat.

*Opposition members interjecting—*

**Mr Ruddock**—It is a misrepresentation.

**The DEPUTY SPEAKER**—Order! The House will come to order. The minister will cease interjecting.

**Mr CREAN**—The minister has had his chance and he has botched it; now he is getting angry about it. He is getting angry about it because the true facts are coming out, not his grubby little approach, where he knew that kids were not thrown overboard but allowed the lie to be told during the election. It is not like the exercise in which he knew a boat existed on 18 May but did not tell anyone until regulations appeared on 7 June.

Why didn't you, Minister? The Australian public is entitled to know. And if the boat does not exist, what is the threat? If there are boats headed here, why aren't you negotiating and talking to the Indonesians about arresting those boats before they leave? When the minister did his midnight flit to Government House to get the regulations through, I sought a briefing, because I do not trust this government. They took a week to organise that briefing! You would have thought that if they wanted our support for constructive measures that would not have been so. They took one week to give me briefing and I will say again that in the case of all of these instances I am going to insist upon briefings from this government because I do not trust them and the Australian people should not trust them either.

But the stupidity goes on. On 11 June the Minister for Immigration and Multicultural and Indigenous Affairs refused to rule out excising parts of the mainland, and on 12 June the Minister for Foreign Affairs also refused to rule out mainland excisions; then the Prime Minister said, 'Mainland excisions are ludicrous.' But for how long? How long till the next little wedge, the next little political game? And then the government comes into parliament saying it will table the regulation and force us to vote it down. It is very interesting that we were the ones that had to force the government to introduce its laws into the Senate; it would not do that of its own volition. It was so proud of its new law that it would not even table it! Then, when we used the numbers in the Senate to force them to do so, it becomes so important that they have to introduce new legislation here to achieve the same result.

This is game playing, Minister. This is politics at its worst and we are not going to fall for it. The Labor Party will stand firm: we will stand firm on this because we believe you do not protect your borders by surrendering them. We believe there is a constructive alternative. I will move a second reading amendment to this bill to ensure that that constructive amendment is properly debated and considered by the government. 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 rejects this bill for the following reasons:

- (1) the Howard Government is playing politics with border security and stands for border destruction not border security;
- (2) Australia cannot protect its borders by surrendering them;
- (3) it is not in the interests of our nation to signal to the world that some parts of our nation have a lesser status;
- (4) the excision of some three thousand islands is fundamentally irrational and will send a clear signal to people smugglers that they should aim for mainland Australia putting Australians at risk in terms of disease and quarantine matters;
- (5) excision is part of the ‘Pacific Solution’ which is costly and unsustainable;
- (6) instead of further excisions, which weaken border security, the Howard Government should be implementing a comprehensive long term solution including:
  - (a) dealing with the problem at source through a co-ordinated international effort to provide more appropriate levels of aid and assistance to source countries;
  - (b) providing for the care, protection and processing of asylum seekers in countries of first asylum through additional resourcing of UNHCR and of Australia’s on site immigration processing capacity;
  - (c) securing regional and global arrangements to contain people smuggling especially agreements with transit countries;
  - (d) co-operating with the UNHCR in developing a comprehensive framework for handling present and prospective large-scale outflows of asylum seekers from particular states;
  - (e) developing a 24 hour 7 day a week ‘cop on the beat’ through a purpose specific coast guard;
  - (f) creating fast effective processing arrangements in Australia for asylum seeker claims; and
  - (g) ensuring that asylum seekers whose claims have failed are quickly returned”.

I urge you, Minister, to join with Labor. We are serious about protecting our borders, but it will not happen through your measures. Your measures are game playing and politics

and they do not address the real issues. The real issues are the ones that I have outlined, and they are contained in the second reading amendment. Withdraw this legislation and join with Labor in developing that constructive solution and let us together protect our borders. Let us do it for Australia and let us be proud of Australia. Stand up for Australia; do not surrender Australia. Your legislation surrenders Australia and it is the wrong way. *(Time expired)*

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

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

**Mr LINDSAY (Herbert)** (10.48 a.m.)—I think there has been no clearer example of why Barry Jones is right in what he says this morning in the *Australian*. The Labor Party have lost their way and, after listening to Simon Crean’s speech, I can confidently predict that he will never be Prime Minister of this country if that is his approach to these important national issues.

I listened to what Simon Crean put forward this morning, I listened to his points, and I am surprised only in relation to the issue of the coastguard. For heaven’s sake, the government is already doing everything else that he put forward as his plan. I will go through those points one by one. We are working in source countries, as Simon Crean suggests we should be doing. We are getting Indonesia, for example, to arrest people smugglers, as Simon Crean wants to do in his plan. We are ensuring that offshore processing is occurring where it can be done. We are ensuring that processes within Australia are being speeded up where they can be. We are offering repatriation packages, as Simon Crean suggests. So what is new in Simon Crean’s suggestions? A coastguard—a \$2 billion impost on the Australian taxpayer when we already have the Australian Defence Force, the sources of intelligence that Australia is privileged to have access to and the Coastwatch system.

I have flown Coastwatch. I have participated in the arrest of a suspected illegal entry vessel. I have seen how well Australia protects its borders with the current systems.

But what do Labor suggest? Labor are suggesting that their policy would be to stop the boats coming in the first place. How are they going to do that, and what guarantees can they give that the boats will not come? How can they do that? What guarantees are there in the Crean proposal; what is he prepared to guarantee if he votes down this legislation? I say that to members of the Australian Labor Party. They are all on about guarantees, but what guarantees can they make that voting down this legislation puts Australia in a better position? The answer is that they cannot give a guarantee.

I am puzzled at the Labor Party's position. If we proceed with the legislation that we are proposing, what is the downside for Australia? I cannot quite understand what the problem is, because all Australians can move freely in these islands, as they can now in the areas proposed to be excised. There is no impact on the sovereignty of Australia, so I ask members of the Australian Labor Party: what is the downside in voting for this legislation? There is none. There is some obscure argument that the Leader of the Opposition puts forward about the fact that islands one kilometre from the coast might be excised. That is right. They might be one kilometre from the coast—from the coast of New Guinea! And also from the coast of the Australian mainland.

**Ms Gillard**—Hand that man a map!

**Mr LINDSAY**—Have you been to Saibai Island?

**Ms Gillard**—Have you looked at the map?

**Mr LINDSAY**—Yes, I have. I have been to Saibai Island and so has the minister.

**Mr Ruddock**—You can wade across at low tide.

**Mr LINDSAY**—Yes. I say to you: what is this spurious argument about islands that might be close to Australia? Are you suggesting that what the minister should be putting forward to this parliament is that, instead of the legislation saying, 'All islands north of 12 degrees south latitude in the case of the Torres Strait,' we should not have islands excised that are one kilometre from the Australian mainland and have some kind of pe-

culiar, complicated excision process? That is plainly stupid.

There is no downside to Australia. Australians can move freely. I want the Australian Labor Party to explain to the Australian people why they would vote against this sensible legislation when there is no downside. I saw in this morning's *Townsville Bulletin* the claim from Simon Crean that Magnetic Island might be part of the bid to thwart asylum seekers and that we will be excising Magnetic Island. Simon Crean has not even looked at the legislation. He ought to look at what it is we are proposing to excise.

In relation to Australia's coastguard and Australia's intelligence services, Australia's Defence Forces, they do a mighty job in protecting Australia's borders. We heard the suggestion yet again—which we heard prior to the last election—that somehow or other we should have a coastguard and that that would be more effective than the current process. That is ludicrous. I think the Australian people understand and know that the track record of the government has been one of stopping the flow of unauthorised arrivals to this country.

But what is the Australian Labor Party doing in voting down this legislation? It is sending a clear signal to the people smugglers, 'Get back in business.' That is what you are doing. 'Get back in business.' The Australian Labor Party is soft on unauthorised arrival; the Australian Labor Party is not serious about border protection. And why is it not serious about border protection? Why is that? Is that a factional problem within the Australian Labor Party? Is the Leader of the Opposition having difficulty with factions? Is he trying to appease some of the factions? Is he trying to in some way or other appear to be doing something when in fact he is voting down legislation that has no impact—none—on any Australian whatsoever? That is what he is doing. I think the Australian people will see him for what he is in relation to that.

I heard the opposition leader talk about briefings to the Australian Labor Party. The member for Lalor is well aware that she was briefed by officials on 7 June. The ALP claimed constantly that day and following

that they had not been briefed. She was briefed. If the Labor Party cannot talk among themselves and if the member for Lalor as the shadow minister cannot talk within her own party then I think there is some problem there as well with the Australian Labor Party.

The Labor Party cannot seem to comprehend the simplicity and the logic of what is proposed. Surely excising these offshore islands on the basis of intelligence coming from our intelligence sources that people smugglers may try a different route is a prudent thing to do and a sensible thing to do. It is in the national interest to do that. There is no downside to Australia or Australians. It sends a further signal that the Australian government and the people of Australia are serious about protecting our borders and that we will do everything that we can to protect our sovereignty and to protect those people who do deserve a place in our refugee program in this country.

I get a lot of email on this subject and I go straight back to those people who say in their emails that Australia is being unkind. I say to them: 'Understand this. These are people who are trying to come to Australia by jumping the queue. They come from safe places already. They are safe and they try to take away a place from a person who is not safe.' I ask them to explain that. And they do not want to know that. They do not want to know that that is what the heart of this debate is about. Australia is not going to tolerate these people coming to our country in an unauthorised manner, seeking to pay a people smuggler so that they can jump the queue, seeking to come into our country and take the place of a genuine refugee.

I am very disappointed indeed at the quality of the debate that the Labor Party has produced and relies on in this particular issue. I think that it is too important to be reduced to a debate about whether an island is one kilometre off the Australian mainland and whether we should have an Olympic swimmer swim from the island to the mainland. It is too important. The Labor Party has to explain to the Australian people what the downside is in this legislation. And there is none. There is no downside for the purposes of the Migration Act in excising these off-

shore islands. There is none. The Labor Party has to explain why it is opposing this particular piece of legislation.

There has been an agreement, as I understand it, in relation to speaking times on this bill. I appreciate the opportunity to take part in this debate. I support the minister and I support the government in asking the parliament to pass this legislation.

**Ms GILLARD (Lalor)** (10.59 a.m.)—I rise in the debate today on the [Migration Legislation Amendment \(Further Border Protection Measures\) Bill 2002](#) to say that I agree with one thing that the speaker before me said, and that is that this is an important debate. It is an important debate because there are no more important matters than border security matters. Labor understand that. We think they are so important that they need to be dealt with in a bipartisan way. We think border security is too important to become a political plaything. In proceeding in a spirit of bipartisanship, we think that the government needs to understand the following.

I understand that the minister is a little anxious about the question of briefings and when the opposition was briefed, so let me just clarify it. I was briefed on the Friday that this regulation came into effect. It came into effect at midnight and I was briefed after it came into effect. State premiers in the affected states were rung the day before. The minister fails to understand one simple point: there is a difference between being advised and being consulted. What we are saying is that, if you want to proceed with border security in a bipartisan way—and we think it should be proceeded with in that way—then you get into a genuine cycle of consultation, where we sit down and we work out what is in the best interests of the nation. But that is not what is happening here. Border security and immigration are not being treated in a bipartisan way, despite their importance to the future of this nation. The government just does not seem to understand that some things are too important to be toyed with and it has determined, through this bill, to toy again with these very important matters.

The only reason this bill is before the House today—and we all know it—is to give

the government the opportunity to squeeze political advantage out of it and to prepare the way for a double dissolution election on border security. What they want to have in the kitbag is the opportunity to rerun the 2001 election campaign which, as we all know, was conducted on these themes and was built on exploiting the intersection between race and fear. This is fertile ground politically—the government has proved that sum certain—but exploiting it and exploiting it continuously inevitably leads to self-destruction, a loss of national confidence and a nation that turns inward and is paralysed by fear.

Despite the rhetoric of the other side, there is no lofty motivation for this bill. There is no assertion of principle in relation to it. To coin a phrase often heard during question time, it is cheapjack opportunist politics by a government that has proved time and time again that it is willing to do anything and say anything for political advantage. The words ‘children overboard’ summarise that approach. I say too that it is cheapjack political opportunism to characterise Labor as soft on border security. Nothing could be further from the truth. When this nation truly faced a border security threat in World War II—when it truly faced the threat of invasion—it turned to Labor to lead it and Labor delivered. It repudiated the Prime Minister’s mentor, the creator of the party that currently holds the government’s benches. The government is a pretender in this area and this bill is part of the pretence.

I will go now to how ineffective this bill would be. The government is standing here somehow pretending that excision would stop people-smuggling. It is trying to create this image that excision is somehow a stop sign. How on earth does that follow? Determined people will still come. If a part of the nation is excised and if they think that they would be advantaged by going a bit further then why would they not simply drive for the mainland?

*Dr Emerson interjecting—*

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—Order!

**Mr Brough**—Why did you support us last time?

**The DEPUTY SPEAKER**—Order!

**Ms GILLARD**—I will explain it to the minister at the table, if he is capable of understanding it and if he just listens—though his ability to understand things is always something of a question mark—

*Mr Brough interjecting—*

**The DEPUTY SPEAKER**—Minister, I had called order before you interjected.

**Ms GILLARD**—If you excise all of these islands, what you are going to do is send a signal that people should go to the mainland. How does that help with border security—to send a signal: get to the mainland? We will have unauthorised arrivals on the mainland with all of the disease risks and the humanitarian issues that that implies as people pull up on very remote stretches of coast. How can it be logically contended that excising islands that you can see from the coastline—that you can swim to and that, for some of them, you can walk back and forth between at low tide—is going to do anything effective to prevent people-smuggling? It is a non-sense.

Let us just look at the other side of the coin. Let us assume that the minister gets this bill through and these islands are excised. Is that a stop sign? No, it is not. People come to excised places now. What happens when they go to those excised places is that they get taken to PNG and Nauru for processing. Excision is not a stop sign—it is a different processing regime in a different place.

**Mr Ruddock**—And it is a different outcome.

**Ms GILLARD**—I will come to the outcomes in a second, Minister. It is a different processing regime in a different place—that is all it is. People get processed—they are sorted into refugees and non-refugees—and guess what happens over the longer term, Minister? We take the refugees. Guess what else happens over the longer term? We have got all of the return problems with the non-refugees that we have got for the ones we process on mainland Australia. Even in your fantasy world of getting this wide excision, explain to me what is gained. We will take

the refugees and we will have all of the return issues with the non-refugees.

**Mr Ruddock**—It is a different outcome.

**Ms GILLARD**—I know what the minister is going to say—I have heard him say it before. He is going to say that processing offshore avoids the bells and whistles Australian processing system or, in his terminology, ‘convention plus’. I am sure I have quoted you correctly because you are nodding at me. I say to you, Minister, that if you have got concerns about the Australian processing arrangement then why do you not fix that?

**Mr Ruddock**—Because of the Constitution.

**Ms GILLARD**—You say to me that it is because of the Constitution, but you and I both know that there are ways of remitting the jurisdiction of the High Court to other decision making levels. If you want to sit around a table and talk about that, we will talk about it. Why do you not fix the Australian processing regime?

**Mr Ruddock**—That will not help.

**Ms GILLARD**—The government has just run up a flag and said, ‘That’s too hard.’ We will have the so-called Pacific solution—we will spend hundreds of millions of dollars—and we will excise parts of the mainland, drawing Australia back to lesser and lesser borders, and all of that will happen so you can get the processing regime you have in PNG and Nauru.

**Dr Emerson**—Excise the minister!

**The DEPUTY SPEAKER**—Order! I will use standing order 304A in a minute if you start telling the chair what to do.

**Ms GILLARD**—What Labor are saying to you—and I want you to clearly understand this in a spirit of bipartisanship, because I think it is important—is that if you have credible suggestions to assist with faster processing in Australia or better return arrangements then we will negotiate them with you.

**Mr Ruddock**—Procedural fairness!

**The DEPUTY SPEAKER**—Minister, you will have the right of reply.

**Ms GILLARD**—The minister is challenging me to put better arrangements on the table. I am more than happy to do that.

**Mr Ruddock**—Procedural fairness!

**Ms GILLARD**—You will hear our contribution on procedural fairness later this afternoon, Minister, but let me just make this absolutely clear to you in case you are confused: Labor support fast processing arrangements. If the government has a credible plan to make Australia’s arrangements faster then we will support it. If you do not have one then we will come up with one and you can support it. Alternatively, we can do what we really should be doing, which is sitting around a table and working out the comprehensive long-term plan. You know you are not going to be able to operate the so-called Pacific solution forever, no matter how many excisions you get. When you actually settle down and front up to the real problem, we are standing ready to help you. I make that offer now.

In terms of the comprehensive long-term solution, I agree with this part of the minister’s speech today: the activities that have been undertaken overseas by the Federal Police, by Immigration Compliance, have made a difference. They have made a difference to people-smuggling and the opportunity for people smugglers to ply their evil trade. In the spirit of bipartisanship, if you want anything or need anything to strengthen those arrangements then Labor stands ready to support you on it. In terms of providing aid to source countries from which people flee, if you want anything or need anything in that regard, Labor stands ready to support you on it. If you need any support in getting arrangements with transit countries, Labor stands ready to support you on it. That is where the comprehensive long-term solution lies.

**Mr Ruddock**—That’s administrative. I can do that.

**Ms GILLARD**—The minister is saying he can do it. Well, go and get it done! But, if you want some help, Minister, then we are always here to help on credible strategies—and they are credible strategies. Keeping people in source countries, fixing the issues



which cause them to flee, engaging in processing and care and protection in countries of first asylum, and engaging in agreements with transit countries—we will help you with all of those things, because you know and I know that that is the long-term solution. You know and I know that what has stopped boats coming so far is the effective work of the AFP and Compliance, and we support that. As I say, if there is anything additional that can be done, we stand ready to support it. What we do not support and will not support is an irrational proposition that is being moved for political purposes, that is being processed through this House now for no other reason than to allow this government to have a double dissolution trigger.

I end on this: this gambit by the government will last five minutes too, because, whilst the government like to characterise themselves as having always been tough on border protection, the reality is that this is the fifth strategy they have had. They had the pre-*Tampa* strategy—213 boats come; not much happens. Then they did the flip and we had the post-*Tampa* strategy—the so-called Pacific solution. Then they did the flop and, in April, we had the long-term detention strategy for Australia. Then, by May, they were in a double somersault forward to the May budget strategy, which was different from the April strategy of some 34 days before. Now they have done the backflip and the double roll and we have the new excision strategy. When you settle down and think that you have a long-term plan, then we will stand ready to back it—and you understand what we are prepared to back. If you need to fix Australian processing to make it faster then Labor stand ready to do that too. What we will not do is to play cheapjack political opportunism with you.

**Mr CADMAN (Mitchell)** (11.11 a.m.)—I am absolutely opposed to the amendments and propositions put by the Labor Party. It is no wonder that they are in a state of shock reading the headlines in the *Australian* today saying that they are going nowhere, have no ideas and do not have the capacity to formulate policies that are cohesive and coherent in order to deal with difficult problems like border protection. The first line of the rec-

ommendations in the amendment that they have moved indicates that we should give greater aid to those countries from which asylum seekers are coming. Let us look at the countries they are coming from. The No. 1 greatest source of people seeking asylum is—would you believe it?—Iraq. Is the Australian Labor Party seriously proposing that we offer aid programs to Saddam Hussein? Is that what you are proposing? That is in your amendment. The first line of your amendment proposes support for Saddam Hussein; the next one for Afghanistan. Australia has done a great deal in Afghanistan and will continue to do a great deal in Afghanistan and in Pakistan.

*Ms Gillard interjecting—*

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—Member for Lalor, I have attempted to give you the right to speak.

**Mr CADMAN**—There is no doubt that these proposed amendments are just crazy. They are unworkable. They have been hatched up, I believe, in a state of mind which indicates desperation to try to find a solution or an alternative argument for these issues.

*Ms Gillard interjecting—*

*Mr Brough interjecting—*

**The DEPUTY SPEAKER**—Minister, we do not need a debate across the table.

**Mr CADMAN**—Time and again, the Australian Labor Party have been offered the opportunity of providing and assisting in a reasonable alternative to the arrangements for migration in Australia today. Time and again they have been given the opportunity, and time and again they have proposed that here they will offer support and assistance. Time and again they have said, 'Just ask us and we will assist,' but in the Senate they vote against the very legislation for which they are offering support in the House of Representatives.

The speeches of the people claiming to represent the views of the Australian Labor Party here in the House seek to placate the government in its objectives but in the Senate you do something opposite. What you are doing is a two-faced stunt that Barry Jones rightly identifies as something that the peo-

ple of Australia cannot understand. They do not know what you are on about as a party. They do not understand what your principles are. You state one thing here about cooperation and bipartisanship—which usually indicates a state of weakness and confusion, I have to say. It means, ‘We have no ideas. We want a bipartisan attitude because we know that we are weak on this issue.’ But in the Senate you consistently vote against these proposals that the minister has put up.

Fast processing could have happened years ago if the Australian Labor Party had agreed to amendments that the minister wanted to bring to the Migration Act. They were simple amendments, amendments that any reasonable Australian would agree to and every Australian did agree to at the last federal election—and they will continue to do that while ever the Australian Labor Party cannot get through its collective thick head what needs to be done to protect our borders: the proposal that will work out whatever is in the best interests of the nation.

Let me read through the list of what has already been achieved by this government. Time and again this government have moved to block the big business that is propagated by the people who smuggle refugees and asylum seekers. We introduced border protection legislation in 1999, and we have improved the Customs and naval capacities to detect, pursue, intercept and board boats carrying unauthorised arrivals. We have enhanced some of the legislative measures. Under the threat of an election, the Australian Labor Party agreed to those changes in September 2001. They are now walking away from that commitment. They are walking away from the principle that people like Steve Martin, the member for Cunningham, said that he agreed with:

Firstly, I do not think anyone in this parliament believes that illegals should be offered any sanctuary ...

That is what he said in his speech, when you agreed with exactly the same legislation as we want to pass today. You agreed with it, and now you want to change your mind. You want to have every bet both ways. That is the thing that the Australian people cannot understand: that you do not understand the con-

sistency of the government’s point of view of wanting to give people a sanctuary, if they live on an island or in a remote area of Australia, to give them the same capacity and freedoms of every other Australian. But the visitors—the blow-ins, those that arrive on their shores from overseas and claim the rights of an Australian or the rights of a refugee—we cannot deal with in that way, and we will not deal with them in that way. Those are principles the opposition does not understand and those are principles that the government stand strongly by.

We have changed the Migration Act at the same time to increase the maximum period of imprisonment for people-trafficking and set a mandatory sentence of 20 years for people smugglers. We have increased the number of specialist compliance officers in overseas posts. We have increased the placement of departmental officers in key overseas airports, where they can train airline check-in staff to identify bogus documentation. We have posted specialist liaison officers to key overseas posts for bilateral and multilateral border liaison on readmission and resettlement. There are ongoing short-term visits to key countries by specialist departmental document examiners to help prevent the trade in the smuggling of people. We have maintained multifunctional task forces in Australia and overseas to coordinate investigations, frequently updating Australia’s movement alert list. Time and time again this minister and the Australian government have moved to prevent the vicious trade of people-smuggling.

It does not matter how much we have done to prevent it, and the government have been brilliantly successful, people smugglers will be consistently looking for alternatives. They will be looking for other islands and other avenues. The Australian Labor Party have said: ‘We’ll wash our hands of that. We’ll give them the opportunities they want. We’ll send a signal to them.’ You might as well pick up the phone and call somebody in Indonesia, in Hong Kong or in Thailand and say: ‘We’re not going to oppose this. Pick another island; we’ll let you have it. We’ll let you come, and we’ll let you land there and, once on shore, you have got access to legal

aid, the Australian courts and every avenue that you would want.' Then you come into the parliament and complain, 'Minister, why don't you process them more quickly?' The fact is the minister could process these more quickly if you would let him. Let this legislation through the parliament. You have had plenty of opportunities, and you should let this legislation through this parliament and through the Senate.

**Ms Gillard**—Which legislation?

**Mr CADMAN**—You can chuckle and grin, but the fact of the matter is Barry Jones has got it right: you are off the planet in the way in which you are trying to deal with some of these issues. You do not understand the nature of the Australian people. The Australian people do not like people coming here uninvited. They are generous and thoughtful towards people who are in trouble. The Australian Labor Party came into the House today and their first proposal to resolve these problems is to give aid to those countries from where asylum seekers are coming. We have only got to look through the list for processing to see that Iraq and Afghanistan are the two major sources. You are seriously thinking of giving aid to Iraq?

The Australian Labor Party are saying that we should be providing for the care, protection and processing of asylum seekers in countries of first asylum through additional resourcing of the UNHCR. We are pushing people offshore so that the UNHCR can process them. Evidently, the result of the process is not satisfactory to the Australian Labor Party. They would prefer to see asylum seekers come onshore and take advantage of far more lax Australian courts and Australian legal processes. Their actions indicate that they do not want to see people processed by the United Nations High Commissioner for Refugees.

The Australian Labor Party is seeking secure regional and global arrangements. I have indicated time and again that this government have got those arrangements. The minister has travelled, the departmental officers and task force are present, and that is why there has been a stop to boats arriving. This government have taken good, consistent action time and again, thoughtfully planned

and thoughtfully executed. We have got the results. The boats are not coming. The alternatives, though, from the alerts the government have received, are there for them to seek other ports of call, other islands, and to subvert the arrangements we have got in place.

This is a government that is seeking to change the rules that apply as to what islands people can land on. They can land on one island under this proposal: they can land on the mainland—and be caught and processed. We are putting up a barrier. A foot on Australian soil grants them refugee status and the right to stay in Australia. That is what they are thinking. That is what they are being sold.

**Ms Gillard**—That's not true.

**Mr CADMAN**—You shake your head. I am amazed that you are so uninformed on these issues. You seemed to deny that you were getting briefings earlier and then it was discovered that you are getting briefings. Certainly, you did not tell your leader about getting briefings. I am amazed at the way in which they operate—not talking to each other. But I am even more amazed that the Australian Labor Party as a prime goal want to give aid to Iraq.

**Ms MACKLIN (Jagajaga)** (11.22 a.m.)—As the Leader of the Opposition has made it very plain today, the Australian Labor Party is serious about fighting people smugglers and about protecting Australia's borders. We have made it very plain in this debate already that we offer our full support to measures that will thwart the efforts of people who trade in human cargo. But what we do not support is the [Migration Legislation Amendment \(Further Border Protection Measures\) Bill 2002](#), because it is not about fighting people smugglers; it is about playing politics. The security of our country is much too important to be used as a political diversion—which is what this minister is about—or a political distraction. We have seen time and again that this government is more interested in playing politics on this issue than in running the country. The government has provided the opposition with no evidence that this legislation is necessary or will be effective.

The alleged boat that sparked the need for this legislation was first identified on 22 May. The parliament then sat for another two weeks between this date and when the measures were announced. A government that was serious about putting in place a policy response that all Australians could support would have discussed these matters with the opposition, but these measures just came out of thin air once the parliament had got up—just in time for the headlines in the weekend newspapers. This is clearly about politics, not about good policy. It is certainly not about strengthening Australia's efforts against people smugglers. It is just an effort to take people's attention away from the cuts to the benefits of 200,000 people with disabilities and the hikes to the Pharmaceutical Benefits Scheme that the government is trying to get through the Senate—hikes of 30 per cent. This is what this is all about: taking the people's attention away from things that, of course, were not mentioned in the election campaign. Nobody from the government mentioned that there was going to be a 30 per cent increase in the cost of pharmaceuticals.

**Mr Lloyd**—Mr Deputy Speaker, I rise on a point of order. I fail to see that this has any relevance to the bill.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—There is no point of order.

**Ms MACKLIN**—Nobody during the election campaign told people with disabilities that they would have their benefits cut by up to \$52 a week. Voting to cut every island, from Townsville right around to Broome, from the Australian migration zone is not good policy, and that is why Labor will not support it. The government's policy is the beginning of Australia retreating in on itself. That is what this is all about; we are going to see ourselves retreat inwards.

The government is saying to the people smugglers, 'The more you come, the more we will give up.' It is not about protecting our borders. It is about giving up on our borders. Australia is not sending a signal that we are tough on border protection. We are saying, 'We are just prepared to continually redraw the borders, every time bringing them closer and closer in.' Of course, what we

know is that, if this bill is successful, Australia's northern mainland shoreline is going to be our border. How on earth is this meant to discourage people smugglers from trading in human cargo? It is not. What it is going to do is encourage those people smugglers onto the mainland. It is not in our national interest to have people landing on our mainland without proper quarantine and health checks.

This bill draws our borders as our mainland shoreline. When that does not work, what are we going to have from this minister next time? When will we be debating another bill that draws the borders 10 or 20 kilometres inland, so that the people smugglers have to get their human cargo past Darwin, past Townsville or past Brisbane? When are we going to see the next map of Australia redrawn by this minister? How can this be about protecting our borders? The way I would describe it is that it is just this minister rubbing them out. It certainly is not about protecting the people and communities that live on these islands. In an article in the *Cairns Post* on 15 June it was reported:

The move to cordon the Torres Strait Islands has worried the Torres shire mayor ... who believes extra surveillance resources would be more effective.

That is the sort of thing that the Leader of the Opposition is putting forward. Let us put our money into much more effective surveillance mechanisms. Let us get a coastguard operating. As the shire mayor of the Torres Strait Islands says:

It confirms the government mentality of using the Torres Strait as a buffer zone ...

It confirms (the mentality of) whatever comes into Australia, don't worry about it, we'll hold up in the Torres Strait. We are in a strategically important area and we do need the resources to fight against exotic pests and diseases and illegal movements of people.

I know an email went to members of the Liberal Party, as well as to people on our side, in both the House and the Senate. This woman says that, while teaching in a very small place in Arnhem Land in 1999:

... we would stand at the barge landing watching the barge leave Millingimbi and lumber across to the mainland. So close you could swim if it wasn't for crocs. If boats can reach Millingimbi

they can reach the mainland, so perhaps you'd better excise Arnhem Land as well as Millingimbi and while you're at it perhaps excise Darwin also!!!!

Credibility dear members.

The Howard government, of course, as we know, is not a government that will build on our national strengths. Rather, it is all about playing to people's fears by redrawing the map of Australia for immigration purposes to bring our borders closer in. It is a further example of government policy that is all about diminishing Australia and diminishing Australians.

Rather than propping up the so-called Pacific solution by further cutting off bits of Australia and through other stopgap measures, what the Leader of the Opposition and the shadow minister have offered today is our willingness to sit down with the government to work on a comprehensive, long-term plan in this area to deal with the problem of refugee and asylum seeker issues, not knee-jerk policies that will not deal with the problem as it is presented. This is the task that the Australian Labor Party has embarked on. The shadow minister has made very plain in here today that if you do not want to do it then we will. We have made it plain that you can in fact have policies that are both strong on border protection and compassionate. The Leader of the Opposition has already outlined a number of policy changes, but today in this chamber he has also put forward a number of solutions. We say to the government: 'Sit down with us and let us work through these policy solutions.'

The first solution is to deal with the people smugglers at their country of source. Let us get serious about the people smugglers in the countries that they are working in. The second is to sit down with the people in Indonesia and other transit countries in an effort to make people-smuggling a crime and to arrest people smugglers. Where is that in this legislation? Is there any evidence that we want to do anything in Indonesia to make sure that the people smugglers are caught, convicted and put in jail? There is nothing in this legislation that leads us to that solution. The third solution that we have put forward is to create a coastguard to make sure that

boats are intercepted before they get here. We know it is affordable. It is certainly a lot more affordable than the Pacific solution, which we know has already cost in the order of \$500 million and goodness knows how much more.

The fourth solution is about improving the system of mandatory detention. We have made it plain that we want to speed up the processing arrangements. We know that important identity, security and health checks have to be made. The fifth solution is to deal with the very difficult issue of managing those people who have been found not to be refugees. We have put forward five points that could be part of a comprehensive solution. But none of these issues are in the bill put forward today. This bill is just about drawing Australia inward. At the moment, it is just about knocking off all these islands, right round from Townsville to Broome. What will be next, once the people smugglers start landing on the mainland? Which bit is next?

**Mr Snowden**—They have already.

**Ms MACKLIN**—As the member for Lingiari has just said, they are already. The white flag has been put up by this government in this bill. That is what we are debating here today—not the sort of solutions that the Leader of the Opposition has put forward, which are all about dealing with the problems: making sure that we catch the people smugglers; putting them in jail; getting a coastguard that will actually stop the people smugglers from bringing these people into Australia and from encouraging these desperate people—which is what the asylum seekers are—onto these boats. They of course then face dire circumstances including horrific drownings, as we saw earlier. Let us get serious with the solutions that Labor has put forward. Then we might see a major attempt at dealing with border security—not the sort of dirty politics that are what this bill is about.

**Mr LLOYD (Robertson)** (11.34 a.m.)—The only people who have put up the white flag to the people smugglers are the Labor Party. The Labor Party have sold out Australia and all Australians by not supporting the [Migration Legislation Amendment \(Further](#)



**Border Protection Measures) Bill 2002.** From the way the member for Jagajaga was talking, you would have thought that they were supporting the bill. But they are not supporting the bill. It is an absolute disgrace. When you look at the history of this issue and the evil trade of people-smuggling, right along during the lead-up to the election the Labor Party were saying that they were standing side by side with the coalition government and that there was not even a cigarette paper between each of the parties. They were saying that they were right there with us, and they were going to support our stronger measures to protect our borders.

When it comes to the crunch, when they have a test, when they have a chance to support this legislation—which would continue to send a strong message to the people smugglers of the world that Australia's borders are closed and we are not open for business with them—the Labor Party cannot stand the pressure. They have failed the test. The Australian community knows that the Labor Party have failed the test. The member for Jagajaga was trying to defend the indefensible. Look at the actions we took, with the support of the Labor Party, to excise Christmas Island, the Cocos Islands and Ashmore Reef from the migration zone. They supported us on that and that has been a great success. Not one boat has arrived carrying asylum seekers since November last year. Now the government wants to ensure that the message continues to be sent to the people smugglers of the world that we will not accept their evil trade.

The arguments that have been put up by the Labor Party show a complete lack of understanding of the geographical position of Australia and in particular the Torres Strait. I had the privilege and honour of being on the ATSI committee when we held an inquiry from which we brought down a report called *Torres Strait Islanders: a new deal*. I had an opportunity to travel to many of the Torres Strait Islands and meet with many Torres Strait Islanders. What impressed me so much about those people was that they were proud Australians. Whilst they were talking about how they could have a little bit more autonomy and more say in how they ran their re-

gions and their islands, the first thing that they would always say was, 'We are Australians. We are proud of being Australians.' By not supporting this bill, the Labor Party are not supporting the Torres Strait Islanders. They are leaving them up there undefended from the people smugglers and they are making them a target for the people smugglers. By not supporting this bill they are saying, 'Okay, come through the Torres Strait and come into Australia.' That is an absolute disgrace.

The member for Jagajaga said that the mayor of the Torres Strait islands was concerned. I have a press release from the Torres Strait Regional Authority which says:

The Torres Strait Regional Authority (TSRA) today welcomed the news that the Commonwealth Government intends to extend the definition of "excised offshore places" in the Migration Act 1958 to include the islands of the Torres Strait.

Mr Terry Waia, TSRA Chairman said "the change to the Act will not affect current traditional activities but will give greater protection against illegal immigrants infiltrating the Australian border into Torres Strait waters.

The press release continues in support of the government's proposal. But that will not happen now because the Labor Party have failed to support this bill. Labor talk about politics. There is no politics in this. This is the right thing to do, and they know it. They know they should support this bill. There would not be any politics in it if the Labor Party had the determination, the strength and the leadership in this place to support what is right. I am very angry that the Labor Party have decided not to support this migration legislation amendment bill.

The history of the last election was that the government sent a very strong message to the Australian community that we would protect our borders and that we, not the evil people smugglers of the world, would decide who came here and how they arrived in this country. The Labor Party will have to answer to the Australian people why it is that they decided not to support this bill. I remind honourable members opposite that my electorate of Robertson was a safe Labor seat for 26 years before I was elected in 1996. There

were many areas in my electorate that were still considered to be strongly Labor but failed to support the Labor Party at the last election. The reason they failed to support the Labor Party at the last election was that they did not know what the Labor Party stood for.

Labor continues to send that message to the Australian community. They do not know what to do with this bill—they are at sixes and sevens, they are divided and are openly arguing about this migration legislation amendment bill. That is the message they are sending to the Australian people. The Labor Party have dealt themselves out of the debate by not supporting this bill and by being negative about everything this government has put forward to create stronger borders and to make this a greater country. The Labor Party are not even participating in the debate. The Australian community knows that. It supports the Howard government on this issue as well as on many other issues.

The Howard government has a long history of protecting our borders. It excised Christmas Island, Ashmore Island and Cartier Island and Cocos (Keeling) Islands, which has been a great success. That decision was taken with the support of the Labor Party. No wonder the Australian community does not know what the Labor Party stand for; I do not think they know themselves. The government believes that the proposed additional excision sends a very strong message to the people smugglers that they cannot arrive in Australia through the Torres Strait islands.

The member for Jagajaga and other speakers from the opposition highlighted that the government are moving the borders. We are not moving the borders. Labor says that the government is sending a message to the people smugglers that they have to arrive on the mainland of Australia. It really shows that Labor does not know the geography of the country. What we are saying is that, if people smugglers attempt to arrive in Australia, they will have to undertake a very long, very dangerous journey through the Torres Strait islands to arrive on the mainland of Australia.

**Ms Gillard**—One kilometre more!

**Mr LLOYD**—Those islands extend all the way through from Cape York to Papua New Guinea. It would be very easy for them to island-hop through and arrive on one of the Torres Strait islands. This legislation makes it almost impossible for them to ply their very evil trade.

As I said earlier, the Torres Strait islander people are very wonderful people. It has been a great privilege to meet with them and to get to know them. They are such proud Australians, and they run the immigration and quarantine facilities. They are our outpost. They are our outpost on some of the most isolated islands. If you look from the shores of the island of Saibai you can see the shores of Papua New Guinea. The member talked about it being one kilometre. You can literally row a canoe—and they do—between Papua New Guinea and Saibai. That is how close it is to Papua New Guinea. The Torres Strait islander people are being left without legislative support for the work they are doing for the Australian community and the Australian government.

The Labor Party ought to hang their heads in shame for not supporting this legislation. I can assure honourable members that the Australian community are supportive of what the Howard government is doing to protect our borders. The Australian community are supportive of these initiatives. A time will come when the Australian Labor Party will again have to answer to the Australian people. I know what the people will say: that they do not know what the Labor Party stand for. They have no policies, no plans, no strength, no determination and no leadership. When Labor have to answer to the Australian people, I know the Australian people will see the track record of the Howard government and where this country has gone over the past six years. I am very proud to be part of that government. When the Labor Party again have to answer to the Australian people, they will be rejected again.

**Mr McCLELLAND (Barton)** (11.43 a.m.)—What we saw earlier today was the Minister for Immigration and Multicultural and Indigenous Affairs coming in here, standing behind his Amnesty International badge with pursed lips piously saying in the conclusion of his speech that the **Migration**

**Legislation Amendment (Further Border Protection Measures) Bill 2002** was the next step in a considered and comprehensive strategy. What we are seeing is simply a strategy to surrender to and not fight against people smugglers. How do you protect our borders by erasing our borders? That is the fundamental illogical position of the government. They have not explained how that can possibly be the case.

What message are you sending to people on these islands and, indeed, to the rest of the world? You are sending the message that they have a form of second-class sovereignty, that they do not have the same sovereignty as Australian citizens who are living on the mainland. We are sending the message that we are not prepared to defend their borders. It is only the Australian Labor Party that is saying that their borders are our borders. If we are defending Australia against people-smuggling, we are defending all of Australia and not simply the mainland of Australia that this government has retreated to. This bill can be called the 'Ruddock line'—not the Brisbane Line that was devised in World War II to face the assault by the Japanese where it was determined to retreat to a line between Brisbane and Adelaide and then to engage the enemy. This government has retreated to mainland Australia as the Ruddock defence line. We are saying that you do not retreat. Australians do not retreat from illegal criminals—and people-smuggling is illegal. We are saying that you engage them at source and prevent them from coming to our territory.

In his speech, the Minister for Immigration and Multicultural and Indigenous Affairs spoke of people smugglers coming here plying their trade and, I think he said, 'dumping their human cargo and then escaping'. Of course, as well as dumping their human cargo they will dump ballast, livestock—quite frequently poultry is kept alive on these vessels, which they will let loose—and waste that is carried with them. Then there are all the consequences associated with those things being dumped. We are saying that we do not want this on the mainland but it is okay if you hit one of our islands and that is the consequence. Of course

that is inappropriate. Aside from the illegal, organised criminal activity of people-smuggling, it involves the worst potential breaches of quarantine regulations and the potentially devastating consequences. That is the reason why we need a cop on the beat 24 hours a day; that is why we need a coast-guard to prevent these boats coming anywhere near to Australian shores, not simply mainland Australian shores. Effectively, we are saying that this government is only prepared to protect our mainland and they do not care about our islands. That is not good enough for the Australian Labor Party. The government's responsibility is to protect the shores of all of Australia, not simply mainland Australia.

The reality is that these measures are entirely counterproductive. Quite clearly, if a vessel is approaching Australia and it has a choice of going left or right—right to the mainland and obtain the migration provisions that the minister says has bells and whistles or left to an island—it will head for the mainland. I think the minister acknowledged in an interjection during the Leader of the Opposition's speech that the vessels certainly intend to head for the mainland of Australia. We should bear in mind that the Kimberley coast is far closer to the site of these refugee camps than the islands that have been excised, and in some cases we are talking about islands that are extremely close to mainland Australia—I think reference has been made to Milingimbi Island in the Torres Strait, which is only a kilometre from the Australian mainland. Clearly, in those circumstances we are looking at counterproductive steps because it is simply going to result in these vessels hitting mainland Australia.

As I have indicated, the minister referred to this in his speech as being part of a 'considered and comprehensive strategy'. Let us look at this government's strategy. Firstly, we saw the **Border Protection Bill 2001**. It was introduced at about 6.40 p.m. on one evening in parliament shortly before the election. I think we had 40 minutes notice of the bill and it was presented without even any explanatory memorandum. It was a bill written for the consumption of talkback radio hosts but certainly was not written as a construc-



tive piece of legislation. Let us look at how considered that was. During the Senate estimates process involving the Attorney-General's portfolio, Senator McKiernan asked the relevant officer of the department how quickly that first bill had been developed. The answer from the officer was, 'Quite quickly.' Senator McKiernan asked, 'Was it written in a matter of hours or days?' The answer from the department was, 'I think hours is closer to the truth.' How considered is that?

Then when we analysed that bill it had as much impact on Australian citizens as it had on people who were seeking asylum, because the legislation actually referred to any floating vessel. Officers of the Commonwealth, and they could have been lowly officers, were given the power to put a person—it did not have to be a foreigner; it could have been an Australian citizen—back on these vessels and take them out to sea. It could have applied to people getting off pleasure craft in the Whitsundays, taking them out of their hotels, putting them back on their pleasure craft and driving them out over the maritime border. That was the first attempt in what the minister has said has been a considered and comprehensive strategy. Of course they abandoned that—it was completely ludicrous. After appropriate consultation with the opposition, they came up with a second version that actually applied to the customs legislation and the migration legislation, which was sensible and reasonable and not these political gestures as we are seeing here today.

We also saw the massive cost of the military operation at that time of transferring people from the *Tampa* at sea to take them to the Pacific islands, including Nauru. We then saw the proposal to excise Christmas Island and the Cocos Islands, which the opposition agreed to given that those islands are located so close to the Indonesian territory. But the reality is that the excision of those territories could have avoided all the drama and expense of these people being taken to the Pacific islands, including Nauru.

This issue has come full circle, with the minister in recent weeks putting before this parliament legislation to provide for the return of those people from Nauru and, indeed,

the proposal to construct a detention centre on Christmas Island. We estimate, conservatively, that about \$1 billion has been spent on the exercise of taking people to Nauru, only to see legislation being introduced in the House to facilitate these people coming back—that is, \$1 billion for a full circle, to come back to Christmas Island. How considered and comprehensive is that solution? It is a farce; it is a black joke that the Australian people are missing out on hospitals, missing out on policemen and missing out on teachers because of this government's political agenda. This bill will not protect Australian shores; it will drive people onto the Australian mainland. A comprehensive and considered solution, my foot!

Quite frankly, we are seeing the first day of the government's election campaign. We are not looking at considered, comprehensive solutions. If we were, we would be looking at hitting the people smugglers at source, ensuring that they were arrested, as indeed the People Smuggling Task Force has said is the only real solution. We would be putting funds into surveillance to get people smugglers and drug smugglers and to detect quarantine breaches, and we would be looking at comprehensive measures to develop Australia's own coastguard. Those measures and other measures announced by the Leader of the Opposition are the solution. This is not a solution; it is a political gimmick. Australians see beyond a minister standing up piously, holding his mouth like a cat's rectum and saying he has solutions. This is no solution. What we are seeing is, purely and simply, political opportunism.

**Mr HAASE (Kalgoorlie)** (11.54 a.m.)—Here we go again. We have had to tolerate so much rhetoric from the opposition as to why now they should not agree with us in making serious attempts to further protect Australian borders against those seeking asylum in this country. What has changed so greatly from the previous occasion when we put legislation in place that would, by regulation, allow the excision of islands? What has moved? I think we can say that what has moved is that the leadership of the Labor Party certainly has changed; the strength of character of the Labor Party has changed considerably; and

now we are looking at a party in total disarray.

I suggest that, having flip-flopped once more, flip-flopping is possibly hereditary in the Labor Party because we have a new leader but the same actions. Perhaps the headlines in the *Australian* today might suggest that we will see a further flip-flop. The way the line is being run in the *Australian* is that there is still a great need for real leadership and real change in the Labor Party which may give some steel to the backbone of the Labor Party so that they will start to speak in recognition of the necessity for stronger border protection, so that they will start to act in a manner that supports the government in creating further protection and so that they may start to sound as though they are really in favour of keeping our borders secure.

Everything they have done and said to date, since a very brief period of support for our actions by their previous leader, the member for Brand, has been wish-washy, to say the least. The Australian people do not want wishy-washy leaders; they certainly do not need a wishy-washy opposition. They want an opposition that will support the government in achieving the legislative outcomes that will deter people smugglers—outcomes that will send to the people who would pay for the services of people smugglers a very strong message, a message that says, 'You are not going to be welcomed here; you are not going to be able to ply your trade here; and, if you do get here, there will be great limitations on the areas where you can apply for a visa.'

We have heard from the member for Lalor that a Labor led government would see the process sped up, that those seeking asylum would spend a shorter period of time in our detention centres. Where is the action to back that rhetoric? Where was this sort of attitude in the Labor Party when we had speakers filibustering about why we should have such legislation thwarted? The member for Barton has suggested that a Labor led regime would be far more humane. They make suggestions that Philip Ruddock, the minister in these affairs, hides behind his Amnesty badge. What hollow statements! The Minister for

Immigration and Multicultural and Indigenous Affairs is concerned for the people of Australia. He is concerned that we have strong borders. He knows that Australians do not want to be invaded by a very large group of people—an endless stream of people—that would be apparently welcomed by the Labor Party. He does not want to create legislation that would encourage people smugglers to come to our shores and ply their heinous trade in human cargo. He does not want to create a situation—with the offshore islands being so close to Indonesia and New Guinea—where it would be so much easier to simply drop off cargo, take the money and run. He is concerned that we do everything in our power to prevent those things from happening.

We hear from the Labor Party constantly about the long period of time that asylum seekers spend being processed, but I wonder if the people of Australia appreciate just why such a long time is spent in those detention centres. It is in the main because they are using every facet of Australian law because they have landed in an area where they are subject to Australian law, and they have the opportunity to make appeals against decisions by Australian law. If those people do not come to areas where they can seek a temporary visa, they will not be in a position to extend their stay in supposedly such horrendous conditions. Maybe then we will not have the Labor Party whingeing and whining about the inhuman circumstances in which these people live.

Those circumstances and conditions are equal to, if not better than, those of many who inhabit my electorate. Many in my electorate living in very harsh conditions do not have the luxury of on-hand medical and educational facilities. They certainly do not have artificial heating in winter and cooling in summer and they certainly do not get provided with three meals a day, yet we listen to this whingeing and whining party on behalf of those in detention centres who have simply jumped the queue. They are greedy opportunists being represented by whingeing opportunists. It is criminal that now that same party would try to deter us from passing legislation that will excise from Australia

further parts offshore so as to send a clear message to people smugglers that they cannot ply their trade, they cannot deliver their cargo and, therefore, they cannot earn their ill-gotten gain.

The Labor Party argument gives no consideration whatsoever to the 22 million genuine refugees who spend their days under blue plastic in the most horrendous conditions, on minimal amounts of food, with questionable medical facilities and very limited education facilities for their children. They live in the most deplorable conditions and they wait there to be processed by UNHCR. If they are processed by UNHCR and are found not to be genuine refugees, they have one right of appeal. If that appeal is turned down then they have lost the opportunity to seek refugee status in other countries. Why is that treatment of those 22 million people not taken into consideration by the Labor Party? Why does the Labor Party condone the queuejumpers, the selfish opportunists who would, because of their status in the community, use their funds to secure people smugglers to nation-hop to find the destination of their choice? Why, why, why should the Australian public consider that this opposition is a credible opposition with any heart in arguing on behalf of the Australian people? It is a question that I believe will not be answered by any statements on this matter in this place.

Our strong stand has been highly successful. We know that, with the actions we took in the latter part of last year, we have stopped the arrival of people smuggler boats on our shores. We have not had an arrival since last August. What we have done is working. We have heard all sorts of protestations that what we have done has had nothing to do with it and that it is simply because of the monsoon season. Wake up, opposition! The monsoon season is over, and we have still not had the arrival of another load of smuggled people.

As presented here so far, the facts do not justify the actions of the Labor Party. If the Labor Party were really concerned to create legislative change that would deter people smugglers, they would support this legislation to the hilt, show some backbone, fall in with the policy that they agreed to before last

election and clearly indicate to the people smugglers and potential people smugglers of this world that they do not welcome them here, they do not condone their heinous trade and they will have no truck with it. I call on the Labor Party to find some backbone and indicate that they truly are against people-smuggling.

**Mr RUDD (Griffith)** (12.05 p.m.)—The first responsibility of the nation-state is national security. It has been thus since the founding of the Commonwealth in 1901. It was the case in World War I, when Australia turned to Labor under Fisher, and it was the case in World War II, when Australia turned to Labor under Curtin, just as it has been the case in other conflicts since then, including Australia's war against Iraq as part of the Gulf War in 1991, again, conducted under Labor.

National security is an integral part of the Labor tradition. National security is an integral part of Labor values, and this has been so for a century. It was Labor that Australia turned to in 1941. It was Labor that, when it came to the challenges of 1941, turned to America. It was Labor that did so because our national security demanded it—not the security of anybody else, not the security of the British Empire, but because Australia's national security demanded it. It was Labor that secured Australia's control for the first time over the joint defence facilities, because Australian national security demanded that we do so. It was Labor that redeployed our Defence Force to the north—our troops, our ships, our aircraft, our airfields, our intelligence assets—on which so much of the current military effort in the Arafura Sea depends. Why did we do these things? Because Australian national security demanded it.

It was Labor that developed good relations with our northern neighbours because of the simple logic that, if you have good relations with your neighbours, you have good security; if you have bad relations with your neighbours, you have bad security. In all these things, we did not deal with the impression of national security; we dealt with the substance of national security. National security is not constructed by a piece of pa-

per. National security is constructed by ships, by aircraft, by guns, by bullets, and by a determination and a preparedness to use them when diplomacy has failed.

National security is about the security of the nation; national security is not about segmenting our nation. National security is not about a first-class sovereignty for our mainland and a second-class sovereignty for our islands, given that no concrete operational reasons have been advanced to us by the government to date as would find it necessary for national security to proceed with the course of action which the government now recommends. National security in our current debate on unlawful people movements has many dimensions to it, not a single dimension. It is in our national security that we deal with the problem of people movements at source in de-mining Afghanistan and in rebuilding Afghanistan. But while this government's rhetoric on Afghanistan is the loudest, its contribution to Afghanistan is the least, as demonstrated at the February conference of donor states in Tokyo when our contribution, relative to the size of our economy, was among the lowest of all the developed world.

It is in our national security that we deal with the problem of people movements in transit countries. There has been a regional conference on this in Bali—that was a Labor proposal prior to the last election. There has, however, since the Bali conference been no real progress in the development of a comprehensive region-wide legal regime against people-smuggling. What we have had to date are words, not action. What our nation demands is action, not just words.

It is in our national security to have a comprehensive military surveillance capability across the air-sea gap. Such a comprehensive military surveillance capability can only be achieved by three sets of interlocking assets: first, a fully operational OTHR—over-the-horizon radar—from Alice Springs, from Longreach in Queensland and from Western Australia; second, a fully upgraded PC3 Orion capacity to pinpoint movement, not just detect it; and, third, a fully operational AEW/C capacity—airborne early warning and control—to define movement precisely.

Collectively, these assets make for a credible, not a rhetorical, capacity to threats to our security in the air-sea gap to our north—to sort the wheat from the chaff and from the clutter of the air-sea movements in the corridor to our north. What do we have in reality now as far as these assets are concerned? First, when it comes to over-the-horizon radar, we have a system which is still not yet fully operational. It was a system, a concept, launched by Labor, botched by the Liberals, and possibly fully operational by June 2003—and the authority for that remark can be found at page 113 of the most recent budget brief prepared by the Australian Strategic Policy Institute.

The second leg of a comprehensive and effective surveillance capacity to our north is an upgraded PC3 Orion capability. Jindalee OTHR can identify, perhaps, 10 square kilometres of activity in the Arafura Sea at any given time with fuzzy, albeit useful, definition depending on the state of the ionosphere, depending on storms and depending on whether it is dawn or dusk. But in order to achieve real resolution, what is needed and required is the much promised upgrade of our PC3 Orion capability. Still it seems, so many years later, once again, it is in the Howard government pipeline.

The third leg of a comprehensive surveillance capacity across the air-sea gap is an effective airborne early warning and control system. Jindalee over-the-horizon radar of itself is not enough; an upgraded PC3 Orion capacity, again, is not enough. What is needed to complete the trifecta to complete all elements of this comprehensive surveillance capability is a fully delivered AEW/C capability. And here lies the rub. What this government has ordered is four such aircraft, yet four such aircraft required to undertake two fundamentally distinct functions: one in support of our aerial combat systems and the other, it seems—depending on the attitude of the government and the command structure at the time—to assist our northern surveillance capabilities. If the government were serious about an AEW/C capability able to be deployed in pursuit of both of these functions simultaneously, six to seven such aircraft are necessary. If you have four in your armoury

alone, what follows is that you can do one of those functions, not both.

The future dilemma faced, therefore, by Australia's defence planners is which of these functions is it to be. Are we to take seriously its primary function for which it was purchased, which is to enhance our capacity to support aerial combat systems in the corridor to our north, or is it by alternative to be supporting our surveillance capability? Because in the absence of these three elements of the system, we have a surveillance capability which is simply not comprehensive. We have an exercise in rhetoric, not reality.

Of course national security is also not just about surveillance; it is about the capacity to interdict vessels once they have been identified, whether these vessels be interdicted by Customs, Coastwatch or the Navy.

Here again lies the rub. Currently, we have five to six patrol craft based in the north, primarily out of Darwin, responsible—based on standard steaming time of two days to a given field of operation in the Arafura Sea—for the entire Arafura Sea operation. But as a consequence of the government's decision, we now have required of the Australian Navy, and the other Coastwatch and Customs vessels in support of it, a view which says we now have a threat in terms of illegal people movements not just through the Arafura Sea but now across the Timor Sea, the Gulf of Carpentaria and the Coral Sea. As a matter of basic strategic and naval logic, if that is the case—if that is the operational argument being advanced by this government—it follows as a consequence that the naval resources committed to this are inadequate. It would mean increasing the number of patrol craft which we have by at least three tonnes. If this government is serious in its strategic logic on that point, where is the statement from the Treasurer and the defence minister that this acquisition will now proceed in order to give strategic substance to the rhetoric which has been put before us?

National security lies in all these elements. It lies in reality, not rhetoric, and it calls on us to deal with the problem of unlawful people movements at source. It calls on us to deliver actions, not words in our negotiations

with transit countries in terms of arrangements for combating people-smuggling. It requires a comprehensive rather than paper-thin capacity to deliver effective and continuing surveillance across our entire north. If we are serious about the logic being advanced by this government it means delivering the naval assets to do it. If it is none of these things then what we have before us is a piece of paper, and the national security of Australia is not constructed on the basis of a piece of paper put through this parliament. It depends on concrete measures taken in each of these substantive domains so that this nation is truly secure, not simply projected to be secure through the political rhetoric of this government.

**Mrs DE-ANNE KELLY (Dawson)** (12.17 p.m.)—I rise to speak on the [Migration Legislation Amendment \(Further Border Protection Measures\) Bill 2002](#). This bill seeks to expand the definition of 'excised offshore place' to include the Coral Sea islands territory and certain islands that form part of Western Australia, Queensland and the Northern Territory, just slightly north of my electorate.

Before I get to the substance of the bill I would like to talk about those who come to our shores. They are specifically divided into two groups: those who come legally, through the proper channels, and those who come illegally, through improper channels. Of those who come illegally there are two very clear classes. The first class is composed of genuine refugees, for whom Australia has great compassion—in fact, we take up to 26,000 in our quota of refugees every year. Australia is compassionate towards genuine refugees. However, the other group are those who are not refugees, who are determined under the rules—and under more stringent rules than those of the UNHCR—to be illegal immigrants brought here by people smugglers. On average, they pay \$26,000 for the very hazardous trip to Australia. In fact, the international people-smuggling racket, which is sophisticated and well-organised and a criminal conspiracy, is worth in excess of \$7 billion annually. It is going to be aided and abetted by the unhelpful approach of the Australian Labor Party.

**Mr Hardgrave**—All around Australia.

**Mrs DE-ANNE KELLY**—All around Australia. If we are a compassionate country and we want to make sure there are places for genuine refugees—and we do—then we want to make sure that those places are not taken by illegal immigrants, by those who have sought to queue jump, those who have the money to pay for a passage and those who are coming here illegally, trying to take advantage of the generosity of the Australian people.

The best way to make sure there are places for genuine refugees is by not enabling the people smugglers to win. You do not leave your front door open. If you leave your front door open, what happens? You encourage people to come through that front door illegally. What is the Labor Party doing? They are leaving the front door to Australia open. They are soft on border protection; they want the front door open. They want all of our islands to remain part of the migration zone so any boat that lands on it has access to visa requests and the legal system, rather than what the government is trying to do, which is to excise those islands for migration purposes—not to reduce the sovereignty or rights of Australian citizens on those islands or in those territories. They are fully Australian citizens. Whether they are Indigenous Australians or others, they enjoy the full rights, as they should, that every Australian enjoys. So this is not a question of sovereignty; this is a question of a soft approach to border protection by the Australian Labor Party.

I want now to consider the constituencies of the opposition members who have spoken in this debate. I notice that from our side we have the member for Herbert, which is part of the zone to be excised. We also have the member from Western Australia—

**Mr Hardgrave**—Kalgoorlie.

**Mrs DE-ANNE KELLY**—From the seat of Kalgoorlie, which is another area affected. And there is of course my own area, just under part of the zone to be excised.

**Mr Hardgrave**—You know what's going on.

**Mrs DE-ANNE KELLY**—I do know what is going on. But who have we got

speaking on the other side? We have the member for Hotham, from Melbourne; the member for Lalor, from Melbourne and the member for Jagajaga, from Melbourne. I believe the shadow Attorney-General comes from Sydney, and we also have the member for Griffith, from Brisbane, and the member for Rankin, also from Brisbane. The only person who is going to speak from the other side who might be presumed to have some knowledge of this is the member for Lingiari. The rest of them are going to run the country from Melbourne.

What are they going to do? Let us have a little look at some of the suggestions. They are going to reassure the Australian people with a trifecta. This is the sort of thing that will go over well in the north when they are in the pubs worried about what is happening about border protection. What are we going to have? An OTHR, a PC3 Orion and an AEWC.

**Mr Hardgrave**—Thank heavens!

**Mrs DE-ANNE KELLY**—They are going to say, 'Thank heavens for that! The Labor Party is right on it with their trifecta. Gosh, I feel safe. I feel secure. Border protection is in good hands.' No, they are not. And before the election you could not find a cigarette paper between the Labor Party and the coalition on border protection. Do you know why? Because they were going to lose a swag of those seats; in fact, they did lose some. I remember in one of these debates debating with a member who is no longer here, Mr Horne. His seat has now been taken by our good colleague up here, who is doing an excellent job. They were terrified that they were going to lose more seats. Then, of course, pragmatism reigned. Now, they are back and they are soft on border protection. What does that mean? Let me read a few comments about the Labor Party and what they are doing:

The ALP 'seems to have lost its way' and is incapable of setting a national vision.

Who said this? The shadow minister for employment and workplace relations? Perhaps the Prime Minister? No:

The broadside comes from Barry Jones ...

**Mr Hardgrave**—Good man.



**Mrs DE-ANNE KELLY**—Yes.

... the genial, grey-bearded face of Labor for more than eight years, who was dumped as president.

He gives us today on the front page of the *Australian* an insight into what rules and drives the Labor Party now. He describes it as a:

... democratic centralism ...

well, we know it is Melbourne—and:

... factional warlords.

They are not concerned for the Australian people or for their just concern about border protection.

**Mr Hardgrave**—It is about the factional fight in Victoria.

**Mrs DE-ANNE KELLY**—It is about the factional warlords. But what does Mr Jones go on to say?

He calls for Labor to pursue values, stick to principles and do more on policy development.

I wonder actually if the OTHRs, PC3 Orions and the AEWCs would classify as pursuing values. That is not going to be reassuring. It is going to be a hard message for the Labor Party to sell when what we are saying is we will not support people smugglers. We will properly take away the inducement for them to load desperate people on unseaworthy vessels and bring them right around the top of Australia to the islands of the Torres Strait and Northern Queensland. That encourages desperate people to take unseaworthy voyages. It encourages people smugglers to exploit these folk and it leaves our northern borders unprotected.

A trifecta from the factional warlords in Melbourne is not going to reassure the people in my seat, I can tell you. But I am going to love at the next election quoting the member for Griffith and quoting the opposition again on how soft they are on border protection. As we said, it is not just us. Look at the front page of the *Australian*:

Labor has lost its way.

**Mr Hardgrave**—The truth is out there.

**Mrs DE-ANNE KELLY**—The truth is out:

Barry Jones says the party is doomed without reforms.

They have gone back to the failed policies they had before the last election: they are soft on border protection.

Let me say to the opposition that this is an easy issue for every Australian to understand. From my young son to the senior members in the pubs in Dawson, everybody understands border protection. They know sovereignty comes first and they understand that Labor's fancy trifecta is not going to do the job. It is the government—the National and Liberal parties—that is putting in place sensible measures to deter people from coming illegally to our shores and to stop the people smugglers. And, in fact, we have done that reasonably successfully. The boats have stopped. But there are more coming and the Labor Party know that and they will not allow this sensible bill to go through the Senate. They are soft on border protection. Labor has lost its way according to Barry Jones and isn't he right?

**Mr SWAN (Lilley)** (12.26 p.m.)—The coalition's new Brisbane line is a complete sell-out of our national interest. As the member for Dawson was saying, where are the representatives from those regions of Australia which will be affected? I am one, member for Dawson. I grew up above the Brisbane line. I remember what it was like when my father fought away from home. My mother told me stories when I was a child about what it was like being above the Brisbane line during World War Two. What you are effectively doing is selling out the national interest. You are putting your political interest before the national interest. To Queenslanders, that is particularly offensive. It would certainly be very offensive to people living in your electorate because, with all the islands in your electorate, people up there know that you would be prepared to sell them out, like you are selling out all of those islanders around the north of this country.

It is almost 10 months after the government's first fear campaign with its first border protection bill and here we are again. The coalition, having played the fear card once, is attempting to do it again. Make no mistake: what the coalition is on about here is playing politics with our national security and immigration. This is about political advantage, not

effective policy. It is about putting political interest before national interest. It is about dividing the country, not bringing it together. It is about playing up the border security fears to divert attention from the insecurities which are felt at home.

Let us look at the evidence. There could be nothing more important to our nation than our national security and that includes our border security. We must protect our borders and we must defend this country. It is essential to our national survival. And essential to that is a strong, effective immigration program. That is absolutely essential to nation building. To have a good immigration program, it is necessary to have an effective means of border control that cannot be subverted by people smugglers. If the government was really interested in that objective, they would not be here playing politics today, because confrontation and game playing have no role in constructing a policy. A strong immigration program is too important for the government to be playing petty politics with it. It goes to the heart of our national survival. The test of their bona fides here is how they dealt with this issue and how they dealt with the *Tampa* issue. Two weeks ago, on Thursday after question time—after a week of boasting about how effective they were at border control—they came to tell the opposition, ‘We might have a boat out there and we might be going to introduce some legislation.’

If they were interested in a national approach and bipartisanship, which the Labor Party have given in this country on previous occasions in the eighties on immigration policy, and during wars, they would have come to us and spoken to us about their proposals. However, they were playing politics because they are not fair dinkum. They were not fair dinkum when they brought the first *Tampa* bill to this House with 1½ hours notice. It was a bill they knew we could not vote for and it was a bill they wanted to play politics with. We did not vote for it because it was not in the national interest. On that occasion, we put the national interest before our political interest and, on this occasion, we will put the national interest before our political interest because this government are

putting forward a bill which has serious deficiencies.

We have voted to excise Cocos and Christmas islands. We did that because that was in the national interest; those islands are closer to Indonesia than to Australia. What the government is doing now is altogether different. The islands the coalition is attempting to excise are a stone’s throw from the Australian mainland. Cocos and Christmas islands were never part of the original Australia. The islands the government is seeking to excise are integral to our national identity. They have been part of Australia and now they have been severed.

This government is setting up a situation where there are first-class Australian citizens in this country and second-class Australian citizens in this country. The people of the Cape certainly deserve to be first-class Australian citizens, but the people of Thursday Island do not deserve to be second-class Australian citizens. The people of Darwin deserve to be first-class Australian citizens; the people of Tiwi Island do not deserve to be second-class Australian citizens, but that is what the government is doing. The government is dividing our borders so it can divide our society, and it is dividing our society for political interest. You do not defend the country by dividing it.

The Prime Minister has obviously forgotten or ignored the fact that the Australian Labor Party has a proud history of defending this country. I will not go through the history of it because that was done very well by the shadow spokesman for foreign affairs. We stand in this parliament and offer that support again, but if you want some support from us, you have got to be genuine in your bona fides and you have got to talk to us and not play politics and games or turn some Australians into second-class citizens.

Let us think about some of the great Australian citizens who have come from these islands that are being excised. Look at the families of the Michael Longs and the Mal Meningas—Australian icons. They were the Don Bradmans of Aussie Rules and Rugby League and this Prime Minister wants to kick their families off the map of Australia. That is dividing Australia and it is disgraceful.



This government is only interested in political games. It wants to play up the threat of asylum seekers. Something like 60,000 people are in this country illegally and they do not seem to get the same attention from this government as a couple of thousand people who may arrive on our shores on boats. There are plenty of people in detention, but when you look at the figures for those in detention, only 14 per cent are claiming asylum. The point is that the government is highlighting this area for political advantage. If it was really concerned about illegals in this country, it would have a much more ambitious program than the one we are being presented with today.

Let me make it very clear: we have no truck with people smugglers. We must do all the things mentioned by the Leader of the Opposition to stop the flow at source. We need effective action in transit countries. We need to take that action, but the government has not been interested in doing it because it has been playing politics. Why has it been playing politics? It has been playing politics because at home people are very insecure. This bill is about playing up border security to divert attention from the insecurities that are being felt at home. It is about using the insecurity of our borders to mask the insecurity felt by Australian families. The government does not want Australian families to focus on the battle for survival around the kitchen table which has been made so much harder by measures in this budget and by the government's approach to taxation and to cuts in health and education over the last six years.

The Howard government has achieved its electoral success and it wants to continue to achieve that electoral success by distracting average Australian families from their worsening circumstances. Families in Western Sydney and families in the new suburbs in my electorate are all under very strong economic pressure, particularly caused by rising interest rates and rising debt. They are under pressure. The government is out there ripping a gaping hole in our social safety net through the cuts to health and education. In the last budget, it picked on some of the most vulnerable people in our community to pay

for the government's economic mismanagement.

To cover up for these cuts and the hurt in our community, the government wants to steer the anger away from the government—the cause of the insecurity that these people feel at the kitchen table—to the unemployed who get branded as rorters in this parliament, to the people with disabilities who are branded as rorters in this parliament and to asylum seekers. While the government is out there with policies that widen the gap between the wealthy and the rest, it says, 'Don't look at the widening gap between the wealthy and your insecurity, steer your anger about that downwards to the unemployed, to those with a disability and to asylum seekers and other illegal immigrants.' We have no truck with people smugglers or with illegals entering this country, but they are not the source of the insecurity of the average Australian family. That is why this bill is in the parliament in this form. It is because the government does not want the people of Australia to focus on the source of the insecurity that affects them at the kitchen table. It does not want them to do that at all.

Who is this government really fighting when it puts forward bills like this? Is it fighting terrorists or people smugglers—or is it in fact simply fighting us, the Australian people, in the sense that it does not want the Australian people to debate many of these other important issues? It wants the attention to be distracted elsewhere. It wants the attention distracted away from the unfair industrial relations policies and from the cuts to health and education, and it wants the attention distracted away from the fact that there is a massive brawl within the government over national leadership. This bill has everything to do with protecting the Prime Minister's leadership and very little to do with responsible national leadership.

**Mr BALDWIN (Paterson)** (12.37 p.m.)—The Howard government has taken a strong stand to combat people-smuggling in our region. The Border Protection Act, which excised Ashmore Reef and Christmas Island from the migration zone, made it more difficult for people smugglers. Since late August 2001, no unauthorised boat has arrived on

the Australian mainland. The government has sought to extend the legislation to excise a range of islands and reefs to make it even more difficult for people smugglers. Labor claimed they stood shoulder to shoulder with the coalition in this strong stand against people smugglers. Now, with no election on the horizon, Labor have flip-flopped on their position. They have betrayed the national interest and have given a green light to people smugglers to make fresh attempts to send boats to Australia. Put simply, Simon Crean has buckled under the pressure of members of his party and special interest groups. He has sold out the protection of Australia's borders and given a helping hand to people smugglers. Australia may well become a softer target for people-smuggling because of the weakness of Simon Crean.

I cannot recall a party that has flipped and flopped on an issue of such importance and an issue that the majority of Australians feel so strongly about. But let us look back at the history of this flip-flopping on border protection. Back when the first border protection laws were introduced, Labor did not support them. I repeat: Labor did not support them. They did not think that strengthening our borders was in the national interest. Just look back at the *Hansard* record of what the former member for Paterson said, in November 1999, in relation to the [Border Protection Legislation Amendment Bill 1999](#):

I want to know when this government is going to address the real problem. The people of Australia have a right to know when this government is going to have a policy that can police illegal immigrants and which will allow them to be forcibly sent back to where they came from. At this stage, the government is certainly not showing the inclination to do that.

Madam Deputy Speaker, you would be forgiven for thinking that he was talking about the Labor opposition. Back then, they did not support tough border protection measures. But then, last year, election fever took hold of the Labor Party and they suddenly backflipped on their decision and decided to back the government. The Howard government took a tough stand on people smugglers last year and Labor started off by saying, 'We support that too.' They supported it because they knew it was good policy. They

knew that someone had to stand up and say no to people smugglers, so they went along for the ride.

When the Howard government introduced legislation to toughen our border protection and turn the illegal immigration tide last year, at first—at times—we saw a bipartisan approach. Labor said, 'Yes, we want tougher border protection.' But it must go down as one of the shortest periods of bipartisanship on record. Labor voted in favour of excising Christmas Island, Cocos Island and Ashmore Reef. It must have been a very tough time for the former member for Paterson, because, when the day came to actually vote on legislation that would enable authorities to turn back illegal entrants, he did not even show up to vote. It is recorded in the *Hansard* that the former member for Paterson was not even there to vote. I later heard he was ill and could not attend the vote, which is quite amazing given that he had such strong feelings about border protection in 1999 and was able to attend the chamber earlier that day and later that day. When the legislation was there before him, he did not even show up, as I have said, and that was despite very strong support within Paterson for tough border protection laws.

The day before the election last year, the Minister for Immigration and Multicultural Affairs, Phillip Ruddock—who is in the chamber now—visited Forster, Tuncurry and Raymond Terrace to take the message to people who attended public meetings. People supported the government's stand on people-smuggling. They supported the government's introduction of legislation that would increase penalties for smugglers. And yet, when people thought that the tough stand on border protection was bipartisan during the election campaign, they had a rude shock to find out that Labor was weakening at the knees.

At first the Labor Party said they would support the measures to protect our borders but, then, in a remarkable turn of events, the cracks—of not really supporting tough border protection measures at all—started to show in the weeks to follow. They started showing signs that they would change any measures introduced by this government.

Labor Senator Jim McKiernan said in September last year:

I give notice now that I shall do whatever I possibly can to get this changed ...

Laurie Brereton, the former shadow foreign affairs spokesman was quoted in the *Northern Territory News* in October as saying:

We'll review all commitments and indeed the progress that's been made toward them by the Howard Government upon coming to office.

Then, in November, Labor's candidate—now member—for Swan said that Labor would 'overhaul our border protection laws'. And yet I note on the speakers list today that he is not even here to talk on it.

Now we have a situation where this government has introduced more legislation to protect our borders. I ask the question: where are the members for Newcastle, Hunter, Shortland and Charlton on this issue that is important to their constituents? Labor's position is really quite difficult to understand, given that the purpose of the legislation they voted in favour of last year is the same as that now with the [Migration Legislation Amendment \(Further Border Protection Measures\) Bill 2002](#). Last year, Labor voted in favour of excising three island territories, which is much more than this legislation deals with. This amendment is an extension of last year's legislation and sends a clear message to people smugglers. That message is: you cannot come in in the dead of night, drop off illegal immigrants on tiny islands and turn back before you can be caught. The purpose is to dissuade people smugglers, who will run the risk of losing their boats if they are apprehended close to the Australian coastline. It certainly makes for a harder getaway for people smugglers and it also reduces the risk of people travelling in dangerous waters in ill-equipped boats.

But the Labor Party are very confused when it comes to protecting our borders. And why wouldn't they be? They do not offer an alternative solution to border protection policy. In fact the Labor Party have not changed their union mantra since the election whatsoever. When Kim Beazley lost the election, there were cries that the ALP needed widespread reform. Members within the Labor Party cried out that the ALP needed reform

and they needed to change the 60-40 rule. Even their union mates said changes were needed. After the election, Greg Combet from the ACTU said on ABC radio:

... to his credit, Howard articulates a position and goes out and argues for it. And I think over the last few years this strategy that Labor had of being a small target and not setting out your real policy parameters, I think that worked against Labor and worked for John Howard, and people at least knew what he stood for.

But instead of giving the Australian public an alternative and a fresh approach to the Labor leadership and a real shake-up of the frontbench, what we got was the same old union line-up. Lynton Crosby summed it up by saying in a National Press Club address:

Labor's idea of generational change is to replace as their leader the 53 year old son of a former Whitlam Minister with the 52 year old son of a former Whitlam Minister.

People cannot see any real change in Labor. That includes the pathetic attempt from the ALP to distance themselves from the unions by trying to change the 60-40 rule. The Australian public does not know what Labor stand for, including their position on border protection. When it comes to protecting our borders, Labor are weak, and their refusal to pass this legislation is a clear message to the people smugglers that Australia does not have bipartisan support for strengthening our borders.

The government decided to extend the coverage of islands to be included as excised offshore places after advice that people smugglers were moving their trade in an easterly direction. Previous decisions to excise Christmas Island, Ashmore and Cartier islands, and Cocos islands have been successful in deterring boats from coming to Australia. These decisions received the support of Labor in the election campaign, but now Labor are saying no. For some reason, it was okay to protect our borders during the election campaign, but now the ALP have change their minds and are saying to people smugglers that they can come to these islands off Australia.

The changes that were made last year did not affect Australian sovereignty over these islands. What has been excised is the ability

of people arriving without authority to an excised offshore place to apply for visas to enter and remain lawfully in Australia. The change to the act will not affect current traditional activities but will give greater protection against illegal immigrants infiltrating the Australian border. The only people who will be affected by the legislation are people smugglers and the people who pay large amounts of money to go on board these boats. Australians will still be able to move freely around these areas.

This government have been working with other countries in the region to strengthen our border protection. We have consulted with Indonesia and Papua New Guinea. The Minister for Justice and Customs was in Indonesia last week to sign more agreements in a cooperative approach to the problem. Minister Ruddock has travelled extensively in recent months for intergovernmental consultations in Europe, North America and the Middle East on asylum, refugees and migration policies. This government have a comprehensive approach to dealing with people smugglers. Unlike Labor, we have a very clear message to send to people smugglers.

Over the past three years, this government has introduced the border protection legislation and increased resources to improve our Coastwatch, Customs and Navy capabilities. The government has made changes to the Migration Act to increase the maximum period of imprisonment for people-trafficking and increasing fines for people found to be organising people-smuggling; increased the number of specialist compliance officers in overseas posts; and made improvements to airport security and the placement of departmental officers in airports overseas, where they train airline check-in staff to identify bogus documentation and advise airlines on Australia's entry requirements.

There are a host of other initiatives that this government has undertaken to protect our borders, and they are working. This government has had a dramatic effect on people smugglers targeting Australia as a favourable destination. There have been no boat arrivals on the Australian mainland since August last year. But the message today is that we cannot be complacent. Our intelligence indicates

that there are still people smugglers active in our region who are exploring ways of continuing their trade either to Australia or to other countries. Measures in this amendment extend the good work that this government has done on border protection, and the Labor Party should be supporting it. But the simple message is: Labor is soft on standing up for Australia's national interest.

**Mr SNOWDON (Lingiari)** (12.48 p.m.)—Firstly, let me say that if there were ever a need for a demonstration of the political motives behind the [Migration Legislation Amendment \(Further Border Protection Measures\) Bill 2002](#), one only had to listen to the previous speaker, the member for Paterson, to hear it. He did not attempt in any material way to defend or advocate the government's position. Rather, he took a lengthy swipe at the previous member for Paterson. There were no conclusive arguments put by him as to why the Australian community should accept this bogus legislation, which effectively raises the white flag and says, 'We are not prepared to stand up for Australia; we are prepared to surrender.' That is what the government has done with this legislation. The Minister for Immigration and Multicultural and Indigenous Affairs, who is at the table, will recall that, during the debate in this chamber on 19 September last year about the original legislation to excise Christmas and Cocos islands, I expressed my grave concern about that proposal. In the course of that debate I said:

What is going to be next? Will it be Melville Island off the Northern Territory's coast? Perhaps it will be the Abrolhos Islands. Perhaps it will be Groote Eylandt in the Gulf of Carpentaria ... Will it eventually be the case that we will be defining the migration zone as only the Australian mainland and Tasmania?

Well, what have we got? The Australian migration zone will effectively be determined by this legislation as being mainland Australia and Tasmania. That is what it is designed to do. I have said previously that there is grave concern about the minister's lack of consultation with the island communities that he seeks to excise. I raised this in the September debate. As a result of raising it in our party room, the minister received a letter dated 18 September—a copy of which I have

in my hand—from Kim Beazley advising him of the necessity to go over to Christmas Island and consult with the Christmas Island community about what it intended to do in relation to the excision legislation. As a result of that inquiry, the Minister for Immigration and Multicultural and Indigenous Affairs, the Minister for Regional Services, Territories and Local Government and I flew on a government aircraft to Christmas Island to have public meetings about the issue.

Ask yourself this: if you were going to excise these islands off Australia, as they are proposing in this legislation, would you seek to consult the communities that were going to be so affected—you would say yes, I expect—just as we requested be done in September of last year? There has been no consultation with these island communities.

**Mr Ruddock**—I will be in the Torres Strait next week.

**Mr SNOWDON**—Despite the minister's protestations that he will be in the Torres Strait Islands next week, it is a bit late—isn't it, Minister?—after the event. If this is such an important piece of legislation, why didn't you extend it during September of last year? Surely, the great minds behind government policy would have said: 'Minister, at some time in the future we may get island-hopping boats coming to the mainland of Australia. You should now not only excise the Christmas and Cocos islands—albeit that they are 3,500 kilometres away from the Australian mainland—but do the thing we really want to do and excise those islands around the Australian coast.'

This morning in his speech the minister said the government 'must have the capacity to manage the movement of people across our borders'. This legislation is proof positive that what the government should be saying is 'the government does not have the capacity to manage the movement of people across our borders'. It is an effective admission of failure. This is the raising of the white flag. It is an absolute surrender to the failure of government policy. It is an attempt to hoodwink the Australian community. It is, as others have said, a cheap political stunt—and the government knows it.

The message from this legislation to Australian citizens living on islands off Northern Australia is that the government cannot and will not stop illegal entrants coming onto their land, and this is supposedly based on the fact that asylum seekers will island hop to the Australian mainland. Let us just look at a few facts. If there were a plethora of ships or boats visiting the islands historically, there might be an argument. I ask the minister whether he has any record at all of any illegal immigrants arriving on the island of Waruwi off the Arnhem Land coast? The answer is no. Does he have any record at all of people arriving at Milingimbi for this purpose? The answer is no.

**Mr Ruddock**—What about Bathurst Island?

**Mr SNOWDON**—I will come to Bathurst Island in a moment, Minister—do not worry about Bathurst. I ask the minister, if he is so concerned about the arrival of people on this land and he seeks to excise the places where they disembark, why doesn't he excise Port Kembla? Why doesn't he excise Holloways Beach? We know—and the records of the minister's own department show it—that there were landings at these places during the last decade, with illegal immigrants coming to the east coast. We do not see a prospect in this legislation of the minister proposing to excise Cairns or, dare I say it, Port Kembla. Why is that, Minister? There have been more coastal arrivals at Cairns and Cape York than there have been at Bathurst Island—I can tell you that. There has been one arrival of five people at Bathurst Island in the last decade. On the other hand, there were two arrivals on the Cobourg Peninsula; you have not sought to excise the Cobourg Peninsula. There have been 10 arrivals in the last decade across the Kimberley coast; you have not sought to excise the Kimberley coast.

**Mr Edwards**— Not yet.

**Mr SNOWDON**—Not yet, Minister—that is exactly right, as the member for Cowan says. We know that the minister said on 11 June that they could contemplate mainland excisions. We know that the Minister for Foreign Affairs said the same thing on 12 June. What is different about these island communities? The minister proposes to excise them without consultation



cise them without consultation or any negotiation, yet he will not excise those mainland parts of Australia where boats have physically landed over the last decade. I will tell you what the difference is: these are peopled by Indigenous Australians who do not have English as a first language, who do not get access to the mainstream media—

*Mr Ruddock interjecting—*

**Mr SNOWDON**—The minister might protest. I understand, Minister, what you are concerned about. But if you were at all fair dinkum about your role as minister, you would have gone up to those communities and said to them, ‘This is what I propose and this is what the effect will be.’ But you have not done that, nor do you propose to, because this is nothing but a stunt. Had you been planning it properly, as good public policy should be—

**The DEPUTY SPEAKER (Mr Barresi)**—I ask the member to address his remarks through the chair.

**Mr SNOWDON**—you would have, some months ago, written up documents, entered into discussions with these island communities, got their approval to do what you were going to do and given them assurances about their future—but you have not. This is an abdication of your responsibility, an abdication of the government’s responsibility and an absolute failure of government policy. Labor believe that the government has the responsibility to secure all of our borders, not just some of them. Labor believe that no government has the right to surrender its responsibilities to secure all of our borders. Labor believe that all Australians have the right to expect to be protected and defended by their government. We will protect all Australians and we will defend all of our borders, unlike the government. By this legislation, the government is merely shrinking Australia and giving a very good indication of what it might be willing to protect and defend and what it is prepared to abandon and give away.

We are prepared to support the war against terrorism abroad. This week, we have seen statements about prospective support for actions in the Middle East—but you cannot

properly police Australian northern borders. I ask: why is it that the government cannot find resources to properly defend our northern borders? Why is it that this government is effectively saying to the Australian community, as I said in my press release of last week, that it is revisiting the Brisbane Line, saying what it is and is not prepared to look after? There is no record of any of these islands off the Top End of the Northern Territory—bar Bathurst Island—ever receiving a visit from asylum seekers.

Minister, on this map we have the Gulf of Carpentaria. What in God’s name is the benefit of excising the Sir Edward Pellew Group of islands at the bottom of the Gulf of Carpentaria? Do we have an answer? What is the reason for Bickerton Island being excised? Minister, if a group of illegal immigrants were floating across to the Australian mainland, do you think they might stop at Gove—which is where others have stopped previously—or do you think they would make their way down and say, ‘We will land at Bickerton Island because it is a terrific place’? Of course they would not. This particular piece of legislation is a sham and the minister knows it.

I will conclude by referring to an article by Mungo MacCallum in last week’s *Sydney Morning Herald*. The article initially refers to the government’s excision of the Christmas and Cocos islands. It says:

But of course it was more than that; it was a tactical retreat: an admission that we could not protect our territorial boundaries even against a few leaky fishing boats, let alone against any serious invader. The decision by Howard and his fellow diminishers Alexander Downer and Philip Ruddock to star in their own version of “Honey, I Shrunk the Borders” should have been seen not as a clever political ploy, but as a serious defensive weakness.

And now, with the move to cut out every island to the north and west of the continent because of a report that a single extra boat containing perhaps three dozen Vietnamese is on its way, the initial retreat has become an undisguised rout. In the best traditions of those other great war leaders Jubilation T. Cornpone and the Duke of Plaza Toro, our gallant triumvirate has simply relinquished the field.

That is what this legislation does—it relinquishes the field and abandons Australians when it should not. Instead of defending the borders for all Australians, it chooses to shrink them. We should stand up for the rights of all Australians and not flee from them.

**Mr ANDREN (Calare)** (1.00 p.m.)—The Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 is a re-run of the *Tampa* legislation introduced in such haste on 29 August last year—only this time there is no *Tampa*; there is only a virtual boat, a mystery boat that was supposed to have left Indonesia with asylum seekers. This legislation, following as it does the rejection of regulations including those regarding offshore places in the migration exclusion zone, is about wedge politics. It is not about border security and our international obligations. For heaven's sake, according to my advice, an asylum application can be made from anywhere inside Australia's 12-nautical mile limit, on terra firma or not. Does each excised island now have a 12-mile zone? What about the bits of sea between? Also, according to my advice, a phone call to a lawyer can get an application lodged under way. This legislation does not solve any immigration dilemma, but it certainly serves a political imperative to keep the refugee issue bubbling along so an election trigger is in the draw.

Why again, as with the flawed and ultimately doomed *Tampa* bill, are we not having a proper debate on this? Why the rush? Why do I have to plead for a spot on the speaking list when there are only 13 speakers, including me, on this piece of legislation? Why isn't it opened up for a full and robust debate on this whole issue? If this issue is so important to the Australian electorate, let us have that full and thorough debate. There is no imminent flood of boat people. The minister and Prime Minister declare the measures introduced last year have deterred the people smugglers. Why the haste? I will tell you why. The government realises it has hit a nerve in the electorate, a nerve of insecurity. Instead of reassuring the nation and taking reasonable steps to protect

our security, the government is saying the asylum seekers are the threat to our security.

This is a further demonising of these people, most of whom have fled their countries because of the very tyrannical forces we are so ready to join the US in fighting. Let us fight those forces and at the same time analyse who helped those tyrants reach their positions of power and whether US foreign policy over the years may have helped create that climate of hate and those tyrants. Let us fight the tyranny of Saddam and his butchering treatment of the Kurds, some of whom have escaped through Turkey to Greece and other nations and some of whom have come by boat to Australia. Incidentally, Greece has not excised 10,000 islands for immigration purposes, as far as I am aware, though they are so close to the tyranny that breeds the refugee exodus.

Let us not take the high moral ground as the US deputy sheriff on the one hand and then treat the victims of these tyrants as potential terrorists. This bill is not only about further demonising asylum seekers; it is about creating a trigger for a double dissolution. Budget bills and border bills make a tempting cocktail for a government to attempt to sweep the Senate clean of those irritating minor parties and Independents. Such a dissolution, of course, would open the way for the re-emergence of extreme political fringe groups. We have already seen the outrageous campaign perpetrated in the Young district by the Australia First Party, which has pilloried and smeared Afghan abattoir workers on temporary protection visas who have been strongly welcomed into the community. I have a copy of the letterbox drop. It is not dissimilar to some of the things put about in Calare during the recent election campaign. It is headed 'Contract Labour at Burrangong Meat Works. Refugees Hired! Australians Fired?' It says:

What's in store for Young, very soon? Rape-gangs, shootings of police officers, drugs, muggings, house-breakings, murders and unemployment? It starts with contract labour at Burrangong Meat Processors.

That sort of thing is being inflamed by this case of wedge politics, which I believe is

exploiting those ignorant and quite dangerous undertones, particularly in rural areas.

This bill is not only morally repugnant; it is most probably seriously flawed. We are using domestic legislation to get around our international obligations that exist under treaties we have ratified. We are forcing asylum seekers back to Indonesia, which is not a party to the 1950 refugee convention. Nor are other countries between the Middle East and Australia signatories to the 1967 refugee protocol, as the Leader of the Opposition pointed out. Why don't we as a nation put our cards on the table and remove our signature from the 1950 convention? That would be the truthful path. We are foisting this problem onto another country that is not a signatory, and we are asking the UNHCR to do our processing for us on Nauru and Manus and in other places.

The UNHCR is not a party to the UN convention; we are. This bill continues to treat asylum seekers as criminals. They are not the criminals; the smugglers are. Of course some people can pay, as the minister says, 'considerably large amounts of money' to get here. Is that a crime? Most migrants need considerable means to migrate here. The so-called queue jumping is a myth, because in recent times there have been no queues, especially in Pakistan, Iran and Iraq. Of course people will make spurious claims to seek asylum. Those can be weeded out in the proper processing which we, not the UNHCR, are obligated to undertake on our shores. We are also obligated morally, if not legally, to absolutely ensure the safety of boatloads of people who may be in danger. The tragic loss of 353 lives on SIEV10 in October last year, just before the *Tampa* election and when the boat was most likely in international waters, must redouble our efforts to ensure the lives of innocent people are not presumed to be someone else's problem.

This bill is also a smokescreen for the upcoming forcible removal of asylum seekers whose applications have been rejected. This week the Justice for Asylum Seekers Alliance has been in Parliament House and presented its alternative approach to reception and transitional processing of these people. Given the documented cases of self-harm,

psychological damage to children, inordinate lengths of detention, in particular, and the cases of physical and psychological abuse that I have been made aware of by nurses in detention centres, there has to be a better way. The comprehensive paper from the JAS Alliance includes contributions from the Catholic Commission for Justice Development and Peace, Caritas, Jesuit Refugee Service, Baptist Union, Oxfam and a host of other organisations of, I would suggest, credibility and commitment. It also includes a section on how to increase voluntary repatriation when one's claim is unsuccessful.

This is a moral approach to the treatment of asylum seekers, not the social hellhole we have created in our detention process. Initial detention is obviously necessary. Protracted detention is imprisonment for the crime of seeking a life free of persecution or in some cases—and I grant it—a more affluent life. When was that made such a crime as to warrant the sort of incarceration that has been so soundly condemned both domestically and internationally? Indeed, my grandfather came to Australia on a ship at the turn of the century before last.

**Mr Abbott**—Mr Deputy Speaker Barresi, on a point of order: to assist the House and to expedite this debate, my understanding is that there was an agreement that the member for Calare would have five minutes. He has now gone for eight. I just think that the agreement ought to be honoured.

**Mr ANDREN**—I spoke to the minister at the desk, Mr Ruddock, and he indicated that I had 10 minutes. That was just a moment before I started speaking. If I could continue only very briefly; I have a couple of paragraphs that I want to conclude with. As I said, my grandfather came here on a boat at the turn of the last century, and he was returned to Sweden. Twelve months later, he came again. He jumped ship and disappeared into the country seeking a better life, which he found. I would suggest that thousands of people around the world are doing just that, and they should not be treated as criminals.

The opposition has, I believe, made a very constructive suggestion that this legislation be withdrawn so that a bipartisan input can be made into a constructive solution to the



people-smuggling issue, by engaging those countries to our north that are not party to proper refugee processing procedures. There is no urgency for this legislation to be in the Senate this afternoon, to my mind. And to the minds of those with greater legal expertise, there is no need for this legislation. It is not the further border protection bill, it is the further demonising bill, and I am sure I can explain my position to my electorate, because it is founded on ethical, not political, considerations.

**Mr KATTER (Kennedy)** (1.10 p.m.)—Before rising to speak on the **Migration Legislation Amendment (Further Border Protection Measures) Bill 2002**, I made urgent telephone calls to my many friends up in the Torres Strait. I felt that the Torres Strait was being treated differently to the rest of Australia. But they had thought the thing out quite logically, in my opinion. Their opinion was that they do not have the resources to be able to cope with people, even some of their cousins, coming in from Bougainville, the Solomons or some of the other problem areas—Irian Jaya, for example. For that reason, they are supporters of what is being proposed. I had drafted that amendment, but I now withdraw that.

The reason that they put up is, of course, a valid reason for Australia. There were at one stage some four million Afghans living outside of Afghanistan. Does this country really have the resources to be able to take four million refugees? There is great upheaval and unrest in Indonesia, according to the media. Do we have the wherewithal to be able to take millions of people coming down from these areas, when at the present we have to reject expensive drugs from the Pharmaceutical Benefits Scheme because we have not the money to be able to look after our own Australian people?

You have to ask yourself: what are the reasons these people are coming to Australia? In the boat people phenomenon a lot has been made of the fact that there have been no boat people in the last five or six months, but I think everyone in this place would be kidding themselves if they think this is a phenomenon that is going to go away. It is not going to go away, and the reason for that is

clear when you look at a country like the Philippines, where the average salary is \$1,400 a year. The average equivalent in Australia, according to the World Bank, is \$14,000. That is one reason these people would come here. The other reason that attracts them here is this: what other country on earth has 6,000 or 7,000 contiguous kilometres of coastline that is unpopulated, undeveloped and undefended? Nowhere else can you simply pull up a boat, land, have someone pick you up, drive off into the gathering darkness and stay there forever. The chances of being apprehended are not very high. This is the only country where people can do that.

This nation has to realise that there is a cultural Brisbane Line. The honourable member for Lilley spoke about it earlier, and it is a subject near and dear to the hearts of those people whose families—like my own as well as his—were north of that line. This nation has to realise it has a responsibility to develop the very extensive resources which God has delivered to it. There is also a responsibility for this country to have a population greater than 20 million people—whether those people come in a disorderly, haphazard fashion and whether they are people that are totally unsuitable, for a whole raft of reasons, to be assimilated into the population of Australia. I do not hesitate to use the word ‘assimilated’; I make no apologies to anyone for using it. I come from very much a ‘non-pure Merino’ background myself, so I have no hesitation in using that term. I come from a family that most certainly has felt the sting of racial prejudice. I have always thought that the solution to this problem lay in going to some of these islands, and I compliment the minister on the excellent job he has done in his portfolio—a most difficult task—and the actions that he has taken.

Some people say that it is cruel to send these people to Christmas Island or to any of the other islands; but there are precedents for that. The Chinese were driven out of the Malay Peninsula to Singapore, and now Singapore is one of the wealthiest nations on earth; it is certainly one of the wealthiest nations in Asia. People were driven to Taiwan not for racial reasons but for political

reasons, and now Taiwan is also one of the wealthier nations on earth and is certainly one of the wealthiest nations in Asia. It could be similarly argued that Hong Kong was a creation from the sort of manifestation that is occurring here.

It will cost some money to look after the Christmas Islands of this world, but removing the magnet that is attracting these people here is the real challenge of this nation. The very great historian Geoffrey Blainey, referred to 'a land half won' and the 'tyranny of distance'. Those things are still a great reality for us today. We will continue to suffer as a nation and feel the bitterness of the debate that is taking place here today, until we solve the fundamental problem existing at present, which is the almost total non-occupation of this continent.

**Mr RUDDOCK** (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (1.15 p.m.)—I will not keep the House long. Much of the debate today on the **Migration Legislation Amendment (Further Border Protection Measures) Bill 2002**—and I thank honourable members for participating in it—has been made about the politics of this issue and the exploitation that the opposition believes is occurring in relation to this measure. I would make only point in relation to that: if you really believe it, you can defuse that political issue easily by supporting the legislation. This issue does not have to divide the government and the opposition. It is an issue that can be easily resolved by your support; it does not have to be an issue.

The question you have to ask yourself is: why is it an issue? It might logically be argued to be an issue worth pursuing if you could see in what the government is proposing some detriment to Australia or Australians from excising from the migration zone certain offshore islands and certain external territories. There may be some validity in the argument if you could point to an actual detriment that Australians would suffer; but there is no detriment. The opposition are trying to raise one. They are trying to suggest that this in some way compromises our sovereignty. Let me make the point that this

legislation is an exercise of our sovereignty. It is demonstrating that we can amend an act of parliament that prescribes for certain purposes that some people can lodge valid applications if they are within those parts of Australia that are not excised; but, if they are in those parts that are excised, they cannot lodge a valid application for the purposes of migration. That is an exercise of sovereignty. It in no way detracts from our sovereignty. If the argument that was being advanced had any validity in relation to sovereignty, the opposition would have raised it last year. If they seriously believed that this was an argument about sovereignty, they would not have supported legislation that excised Christmas Island and Cocos Island from the migration zone.

*Mr Swan interjecting—*

**Mr RUDDOCK**—I am simply saying that if you were arguing that this—

**Mr Swan**—Sneaky behaviour!

**Mr RUDDOCK**—I will go back and repeat it for you. If it is a serious political issue, then all you have to do to defuse it is to support it. The shadow minister knows that this issue was raised by me before the matters were implemented, when I invited her to speak to me behind the chair on Thursday.

**Mr Swan**—Behind the chair!

**The DEPUTY SPEAKER (Mr Barresi)**—The member will cease interjecting, and the minister will refrain from responding to interjections.

**Mr RUDDOCK**—No. It was to indicate that there would be a full briefing for her on those issues which I was seeking to arrange. I make the point that if there was a serious issue in relation to the question of sovereignty, it would have been taken up by the opposition at the time when the first excisions occurred. It was not taken up. So why take it up now? Some people have raised the question of why this issue is being pursued now. Let me deal with that. The reason that it is being pursued now is that we have credible information, which we have adverted to publicly and which was contained in newspaper reports in Indonesia, about a vessel that was intent on reaching the Pacific Ocean and intending to travel through the Torres

Strait. Certainly, those reports were last month, and the advice that I received from officials—and you could have checked this at the time with officials—was that this matter should be pursued. That advice came to me either the day before or on the day that I first raised this matter with the shadow minister. That issue could have been checked at the time that you saw officials. You know the advice from those officials: their recommendation to government was that this excision decision should be taken.

Why are we taking these excision decisions? It is because we know that this is a changing game. People smugglers are not inclined to say, 'Gee, they have fixed it all. The game's up. We are not going to try again.' That is the reality. Let me assure the honourable members opposite that we will continue, as we see developments and as we get advice, to bring forward proposals to maintain the integrity of our borders. Let me assure those opposite that there will be further requests from time to time. I will endeavour to give you as much notice as possible. I will talk to you about these issues. I will give you every opportunity to cooperate with us. But we will not be deterred from doing what is in the national interest because there are some people saying, 'We think we have a veto.'

I have sat in opposition and I know that there are some matters where you will have a coincidence of views, and you will move forward. I know that there are some times in which the opposition, for its own purposes, will need to take a different position. I understand that. I suspect the reason that the opposition are taking a different position on these matters is that they believe that, because of some internal pressures, they have to respond to those. That is what I suspect. I do not know. I suspect that it is more related to the internal divisions that we have seen in the Labor Party on these matters, and that you need to contain them in some way by differentiating yourself on these issues. You could honestly come forward and say, 'That's what our position is and that's why we're doing it.'

I can assure you that when I wake up in the morning I do not say, 'What can I do to-

day that is going to divide the Labor Party?' I do not do that. I just happen to believe that there are some issues that are important in the national interest, and I happen to believe that immigration programs and refugee and humanitarian programs which focus on those people who have the greatest need for our compassion and our understanding ought to be supported. The fact is that I do look at what the opposition suggests from time to time. I am not churlish; if you come up with a good idea and it is worth pursuing, I will take it and I will implement it and I will even give you the credit. Give me the good ideas. I am not churlish; I do not mind doing that. Give me good ideas that are going to protect our borders and that are worth pursuing and we will act in the national interest. I have looked very carefully to see where the new ideas are. I assumed that they would be in the opposition's second reading amendment that we have before us today. It says that we should implement:

... a comprehensive long term solution including;

(a) dealing with the problem at source ...

That is what we have been doing.

**Ms Gillard**—How much money are you spending on aid?

**Mr RUDDOCK**—We spend a lot of money on aid and we have increased the amount of money on aid to the UNHCR this year—not to their core budget but to programs that are going to directly assist refugees. It is not to be spent in Geneva but to be spent on the people who are refugees. We are dealing with the problem at source.

Let me deal with the next one:

(b) providing for the care, protection and processing of asylum seekers in countries of first asylum through additional resourcing of UNHCR and of Australia's on site immigration processing capacity;

We are maximising the number of places we have in our refugee humanitarian program for offshore places by containing irregular movements to Australia. That is what we are doing: maximising the number of places available. We have already increased the number of places this year, and we will increase them further next year if our measures

continue with the level of success that they have had to date.

We have also been providing additional resourcing to the UNHCR. Who do you think is paying the UNHCR to do the processing in Indonesia? Australia is. Who do you think is paying the UNHCR to do the processing on Nauru? Australia is. We are involved in providing for the care, protection and processing of asylum seekers; and, yes, we believe the most appropriate place for that to happen is in a country of first asylum where we can make choices as to who, amongst what will be always a much larger pool of people than we can actually accommodate, has the most urgent need for a resettlement place. But it does not matter how many more places we provide—you could double the number of places tomorrow. It would not stop people getting into boats if they thought they were going to get a better outcome, even if we allocated an extra 12,000 places to the refugee program. If you were going to have done it in Pakistan, there would have had to have been two million places to satisfy all of the needs. Providing additional places is not going to stop people who think that by engaging a smuggler they can get a better outcome.

Next you say:

(c) securing regional and global arrangements ...

We have been. Even the Leader of the Opposition acknowledged that we have been doing that when he referred to the arrests that have taken place, which Australians have been able to obtain. What he is saying is, 'Get everybody else arrested!' If we could, we would; but the fact is that, when people are outside your jurisdiction, there are some limits on what you can do.

Let me deal with Indonesia. Indonesia is cooperating in the way in which it wants to cooperate with us. There are some people who believe—I think somewhat naively—that you can go to another country and say to them, 'Look, we have had a few miraculous ideas about how we can deal with our problem in your jurisdiction.' That is what happened in relation to Indonesia back in the seventies and eighties, when governments of your persuasion and my persuasion were able to require, if you want to use the term, Indo-

nesia to detain people on the island of Galang—and they did. Most Vietnamese asylum seekers never reached Australia. There were very few boat arrivals in Australia, and the reason was that Indonesia detained—

*Mr Snowden interjecting—*

**Mr RUDDOCK**—No, not tens of thousands.

**Mr Snowden**—A thousand through Darwin.

**Mr RUDDOCK**—Yes, about 1,000. That is right. Most of the hundreds of thousands of people who left never made it to Australia. Many would have liked to. A lot of them remained on the Indonesian island of Galang. The point I am making is this: the Indonesians remember that and they believe they were left with a major problem. It would not matter whether the member for Lalor were negotiating it, Kim Beazley were negotiating it or Simon Crean were negotiating it; the Indonesians are not about to implement detention arrangements to help us. That is the reality. You can say, 'Look, we could do a better deal.' But the reality is that where those arrangements can be put in place they are being put in place.

Next you talk about:

(d) co-operating with the UNHCR in developing a comprehensive framework ...

Nobody has been working harder with the UNHCR to get them to think about how they can deal with these issues and to get them to focus on it, but the UNHCR, in dealing with these issues into the future, are not going to stop people getting into the hands of people smugglers. They may help us resolve how we get some people home, they may help us resolve how we will get resettlement outcomes, they may help us deal with a range of issues where they have some capacity, but they are not going to put in place a comprehensive framework which will stop people seeking better outcomes for themselves if they can engage people smugglers.

Next you talk about:

(e) developing a 24 hour 7 day a week 'cop on the beat' through a purpose specific coast guard;

We dealt with that during the election. The fact is we have been getting in place returns

to Indonesia, and one of the major reasons we have seen the change in relation to the people-smuggling operations—the very reason they are trying now to get at us through accessing our offshore islands and also other territories, and the reason we have to deal with this very issue—is that they are changing their modus operandi because we went about ensuring that there was an effective return through the actions of Coastwatch and the actions of our navy. Dealing with ‘effective processing’, let me just say there is the Constitution and there are issues that have to be dealt with in getting speedier processes. I want speedier processes as much as anybody else, and for a long time I was denied any of those remedies. Then you talk about:

(g) ensuring that asylum seekers whose claims have failed are quickly returned”.

I want people returned as quickly as possible, and there have been more creative measures to put those arrangements in place than you have ever suggested. Let me just make the point that I have been through (a) to (g) and there is nothing there that is not being done by this government or that could be reasonably expected to help us in dealing with these issues. The fact is that there is a bill before the parliament. It involves no detriment to the Australian people. What it means is that there would be a very clear message that we are determined to continue to maintain the integrity of our borders. If you think there are any politics involved in this, support the measure. It would defuse this overnight, I would go away reasonably happy and you would be able to absolve your concerns that you think in some way people are exploiting your divisions.

**Ms Gillard**—I understand that I have an opportunity to reply to the minister’s statement?

**The DEPUTY SPEAKER (Mr Barresi)**—I call the member for Lalor.

**Ms GILLARD (Lalor)** (1.31 p.m.)—Can I say in respect of the last comments of the Minister for Immigration and Multicultural and Indigenous Affairs that the main thing that indicates that this government is playing politics is the fact that they have moved the proposition from a regulation to a bill. Why

else would you do that except for a double dissolution trigger? They know that.

**The DEPUTY SPEAKER**—I understand the member for Lalor has already spoken in the debate.

**Mr ABBOTT** (Warringah—Leader of the House) (1.31 p.m.)—I move:

That the question be now put.

**The DEPUTY SPEAKER**—The immediate question is that the words proposed to be omitted stand part of the question.

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

**Mr Price**—Mr Deputy Speaker, I rise on a point of order. As there was some confusion, could I have the question that we are dividing on repeated?

**The DEPUTY SPEAKER**—I stated that the immediate question—you can check *Hansard*—is that the words proposed to be omitted stand part of the question.

**Mr Latham**—Mr Deputy Speaker, I raise a point of order in relation to the question which is that the question be now put.

**The DEPUTY SPEAKER**—Regardless of what the minister had attempted to move, I said, ‘The immediate question is that the words proposed to be omitted stand part of the question.’ The member for Lalor had already participated in the debate and should not have had an opportunity to participate in the debate a second time. The immediate question is that the words proposed to be omitted stand part of the question. We are dividing on that question.

Question put:

That the words proposed to be omitted (**Mr Crean’s amendment**) stand part of the question.

The House divided. [1.36 p.m.]

(The Deputy Speaker—Mr Barresi)

Ayes.....	79
Noes.....	64
Majority.....	15

AYES

Abbott, A.J.	Anderson, J.D.
Andrews, K.J.	Anthony, L.J.
Bailey, F.E.	Baird, B.G.
Baldwin, R.C.	Bartlett, K.J.

Billson, B.F.  
 Bishop, J.I.  
 Cadman, A.G.  
 Causley, I.R.  
 Ciobo, S.M.  
 Costello, P.H.  
 Draper, P.  
 Elson, K.S.  
 Farmer, P.F.  
 Gallus, C.A.  
 Gash, J.  
 Haase, B.W.  
 Hartsuyker, L.  
 Hull, K.E.  
 Johnson, M.A.  
 Katter, R.C.  
 Kemp, D.A.  
 Ley, S.P.  
 Lloyd, J.E.  
 May, M.A.  
 McGauran, P.J.  
 Nairn, G. R.  
 Neville, P.C.  
 Pearce, C.J.  
 Pyne, C.  
 Ruddock, P.M.  
 Scott, B.C.  
 Slipper, P.N.  
 Somlyay, A.M.  
 Stone, S.N.  
 Ticehurst, K.V.  
 Truss, W.E.  
 Vaile, M.A.J.  
 Wakelin, B.H.  
 Williams, D.R.  
 Worth, P.M.

Bishop, B.K.  
 Brough, M.T.  
 Cameron, R.A.  
 Charles, R.E.  
 Cobb, J.K.  
 Downer, A.J.G.  
 Dutton, P.C.  
 Entsch, W.G.  
 Forrest, J.A. \*  
 Gambaro, T.  
 Georgiou, P.  
 Hardgrave, G.D.  
 Hawker, D.P.M.  
 Hunt, G.A.  
 Jull, D.F.  
 Kelly, D.M.  
 King, P.E.  
 Lindsay, P.J.  
 Macfarlane, I.E.  
 McArthur, S. \*  
 Moylan, J. E.  
 Nelson, B.J.  
 Panopoulos, S.  
 Prosser, G.D.  
 Randall, D.J.  
 Schultz, A.  
 Secker, P.D.  
 Smith, A.D.H.  
 Southcott, A.J.  
 Thompson, C.P.  
 Tollner, D.W.  
 Tuckey, C.W.  
 Vale, D.S.  
 Washer, M.J.  
 Windsor, A.H.C.

Martin, S.P.  
 McFarlane, J.S.  
 McMullan, R.F.  
 Mossfield, F.W.  
 O'Byrne, M.A.  
 O'Connor, B.P.  
 Price, L.R.S.  
 Ripoll, B.F.  
 Rudd, K.M.  
 Sercombe, R.C.G.  
 Smith, S.F.  
 Swan, W.M.  
 Thomson, K.J.  
 Wilkie, K.

McClelland, R.B.  
 McLeay, L.B.  
 Melham, D.  
 Murphy, J. P.  
 O'Connor, G.M.  
 Plibersek, T.  
 Quick, H.V. \*  
 Roxon, N.L.  
 Sciacca, C.A.  
 Sidebottom, P.S.  
 Snowdon, W.E.  
 Tanner, L.  
 Vamvakinou, M.  
 Zahra, C.J.

\* denotes teller

Question agreed to.

Original question put:

That this bill be now read a second time.

The House divided. [1.44 p.m.]

(The Deputy Speaker—Mr Barresi)

Ayes.....	79
Noes.....	<u>64</u>
Majority.....	15

AYES

Abbott, A.J.	Anderson, J.D.
Andrews, K.J.	Anthony, L.J.
Bailey, F.E.	Baird, B.G.
Baldwin, R.C.	Bartlett, K.J.
Billson, B.F.	Bishop, B.K.
Bishop, J.I.	Brough, M.T.
Cadman, A.G.	Cameron, R.A.
Causley, I.R.	Charles, R.E.
Ciobo, S.M.	Cobb, J.K.
Costello, P.H.	Downer, A.J.G.
Draper, P.	Dutton, P.C.
Elson, K.S.	Entsch, W.G.
Farmer, P.F.	Forrest, J.A. *
Gallus, C.A.	Gambaro, T.
Gash, J.	Georgiou, P.
Haase, B.W.	Hardgrave, G.D.
Hartsuyker, L.	Hawker, D.P.M.
Hull, K.E.	Hunt, G.A.
Johnson, M.A.	Jull, D.F.
Katter, R.C.	Kelly, D.M.
Kemp, D.A.	King, P.E.
Ley, S.P.	Lindsay, P.J.
Lloyd, J.E.	Macfarlane, I.E.
May, M.A.	McArthur, S. *
McGauran, P.J.	Moylan, J. E.
Nairn, G. R.	Nelson, B.J.
Neville, P.C.	Panopoulos, S.
Pearce, C.J.	Prosser, G.D.

NOES

Adams, D.G.H.	Albanese, A.N.
Andren, P.J.	Beazley, K.C.
Bevis, A.R.	Brereton, L.J.
Byrne, A.M.	Corcoran, A.K.
Cox, D.A.	Crean, S.F.
Crosio, J.A.	Danby, M. *
Edwards, G.J.	Ellis, A.L.
Emerson, C.A.	Evans, M.J.
Ferguson, L.D.T.	Ferguson, M.J.
Fitzgibbon, J.A.	George, J.
Gibbons, S.W.	Gillard, J.E.
Grierson, S.J.	Griffin, A.P.
Hall, J.G.	Hatton, M.J.
Hoare, K.J.	Irwin, J.
Jackson, S.M.	Jenkins, H.A.
Kerr, D.J.C.	King, C.F.
Latham, M.W.	Lawrence, C.M.
Livermore, K.F.	Macklin, J.L.

Pyne, C.  
 Ruddock, P.M.  
 Scott, B.C.  
 Slipper, P.N.  
 Somlyay, A.M.  
 Stone, S.N.  
 Ticehurst, K.V.  
 Truss, W.E.  
 Vaile, M.A.J.  
 Wakelin, B.H.  
 Williams, D.R.  
 Worth, P.M.

NOES

Adams, D.G.H.  
 Andren, P.J.  
 Bevis, A.R.  
 Byrne, A.M.  
 Cox, D.A.  
 Crosio, J.A.  
 Edwards, G.J.  
 Emerson, C.A.  
 Ferguson, L.D.T.  
 Fitzgibbon, J.A.  
 Gibbons, S.W.  
 Grierson, S.J.  
 Hall, J.G.  
 Hoare, K.J.  
 Jackson, S.M.  
 Kerr, D.J.C.  
 Latham, M.W.  
 Livermore, K.F.  
 Martin, S.P.  
 McFarlane, J.S.  
 McMullan, R.F.  
 Mossfield, F.W.  
 O'Byrne, M.A.  
 O'Connor, B.P.  
 Price, L.R.S.  
 Ripoll, B.F.  
 Rudd, K.M.  
 Sercombe, R.C.G.  
 Smith, S.F.  
 Swan, W.M.  
 Thomson, K.J.  
 Wilkie, K.

Albanese, A.N.  
 Beazley, K.C.  
 Brereton, L.J.  
 Corcoran, A.K.  
 Crean, S.F.  
 Danby, M. \*  
 Ellis, A.L.  
 Evans, M.J.  
 Ferguson, M.J.  
 George, J.  
 Gillard, J.E.  
 Griffin, A.P.  
 Hatton, M.J.  
 Irwin, J.  
 Jenkins, H.A.  
 King, C.F.  
 Lawrence, C.M.  
 Macklin, J.L.  
 McClelland, R.B.  
 McLeay, L.B.  
 Melham, D.  
 Murphy, J. P.  
 O'Connor, G.M.  
 Plibersek, T.  
 Quick, H.V. \*  
 Roxon, N.L.  
 Sciacca, C.A.  
 Sidebottom, P.S.  
 Snowdon, W.E.  
 Tanner, L.  
 Vamvakinou, M.  
 Zahra, C.J.

\* denotes teller

Question agreed to.

Bill read a second time.

**Third Reading**

**Mr RUDDOCK** (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the

Prime Minister for Reconciliation) (1.46 p.m.)—by leave—I move:

That this bill be now read a third time.

**Ms GILLARD** (Lalor) (1.46 p.m.)—This is a transparent and ugly bit of politics, and you know it. The only reason for putting this proposition in a bill is to generate a double dissolution trigger, and you know that too.

*Honourable members interjecting—*

**Ms GILLARD**—I am addressing the third reading, and I will reply to some of the points that the minister falsely made in his reply.

**Mr ABBOTT** (Warringah—Leader of the House) (1.46 p.m.)—I move:

That the member be not further heard.

Question put.

The House divided. [1.51 p.m.]

(The Deputy Speaker—Mr Barresi)

Ayes.....	78
Noes.....	65
Majority.....	13

AYES

Abbott, A.J.  
 Andrews, K.J.  
 Bailey, F.E.  
 Baldwin, R.C.  
 Billson, B.F.  
 Bishop, J.I.  
 Cadman, A.G.  
 Causley, I.R.  
 Ciobo, S.M.  
 Costello, P.H.  
 Draper, P.  
 Elson, K.S.  
 Farmer, P.F.  
 Gallus, C.A.  
 Gash, J.  
 Haase, B.W.  
 Hartsuyker, L.  
 Hull, K.E.  
 Johnson, M.A.  
 Katter, R.C.  
 Kemp, D.A.  
 Ley, S.P.  
 Lloyd, J.E.  
 May, M.A.  
 McGauran, P.J.  
 Nairn, G. R.  
 Neville, P.C.

Anderson, J.D.  
 Anthony, L.J.  
 Baird, B.G.  
 Bartlett, K.J.  
 Bishop, B.K.  
 Brough, M.T.  
 Cameron, R.A.  
 Charles, R.E.  
 Cobb, J.K.  
 Downer, A.J.G.  
 Dutton, P.C.  
 Entsch, W.G.  
 Forrest, J.A. \*  
 Gambaro, T.  
 Georgiou, P.  
 Hardgrave, G.D.  
 Hawker, D.P.M.  
 Hunt, G.A.  
 Jull, D.F.  
 Kelly, D.M.  
 King, P.E.  
 Lindsay, P.J.  
 Macfarlane, I.E.  
 McArthur, S. \*  
 Moylan, J. E.  
 Nelson, B.J.  
 Panopoulos, S.



Pearce, C.J.	Prosser, G.D.	Noes.....	64
Pyne, C.	Randall, D.J.	Majority.....	16
Ruddock, P.M.	Schultz, A.		
Scott, B.C.	Secker, P.D.		
Slipper, P.N.	Smith, A.D.H.		
Somlyay, A.M.	Southcott, A.J.		
Stone, S.N.	Thompson, C.P.		
Ticehurst, K.V.	Tollner, D.W.		
Truss, W.E.	Tuckey, C.W.		
Vaile, M.A.J.	Vale, D.S.		
Wakelin, B.H.	Washer, M.J.		
Williams, D.R.	Worth, P.M.		

AYES

Abbott, A.J.	Anderson, J.D.
Andrews, K.J.	Anthony, L.J.
Bailey, F.E.	Baird, B.G.
Baldwin, R.C.	Barresi, P.A.
Bartlett, K.J.	Billson, B.F.
Bishop, B.K.	Bishop, J.I.
Brough, M.T.	Cadman, A.G.
Cameron, R.A.	Causley, I.R.
Charles, R.E.	Ciobo, S.M.
Cobb, J.K.	Costello, P.H.
Downer, A.J.G.	Draper, P.
Dutton, P.C.	Elson, K.S.
Entsch, W.G.	Farmer, P.F.
Forrest, J.A. *	Gallus, C.A.
Gambaro, T.	Gash, J.
Georgiou, P.	Haase, B.W.
Hardgrave, G.D.	Hartsuyker, L.
Hawker, D.P.M.	Hull, K.E.
Hunt, G.A.	Johnson, M.A.
Jull, D.F.	Katter, R.C.
Kelly, D.M.	Kemp, D.A.
King, P.E.	Ley, S.P.
Lindsay, P.J.	Lloyd, J.E.
Macfarlane, I.E.	May, M.A.
McArthur, S. *	McGauran, P.J.
Moylan, J. E.	Nairn, G. R.
Nelson, B.J.	Neville, P.C.
Panopoulos, S.	Pearce, C.J.
Prosser, G.D.	Pyne, C.
Randall, D.J.	Ruddock, P.M.
Schultz, A.	Scott, B.C.
Secker, P.D.	Slipper, P.N.
Smith, A.D.H.	Somlyay, A.M.
Southcott, A.J.	Stone, S.N.
Thompson, C.P.	Ticehurst, K.V.
Tollner, D.W.	Truss, W.E.
Tuckey, C.W.	Vaile, M.A.J.
Vale, D.S.	Wakelin, B.H.
Washer, M.J.	Williams, D.R.
Windsor, A.H.C.	Worth, P.M.

NOES

Adams, D.G.H.	Albanese, A.N.
Andren, P.J.	Beazley, K.C.
Bevis, A.R.	Brereton, L.J.
Byrne, A.M.	Corcoran, A.K.
Cox, D.A.	Crean, S.F.
Crosio, J.A.	Danby, M. *
Edwards, G.J.	Ellis, A.L.
Emerson, C.A.	Evans, M.J.
Ferguson, L.D.T.	Ferguson, M.J.
Fitzgibbon, J.A.	George, J.
Gibbons, S.W.	Gillard, J.E.
Grierson, S.J.	Griffin, A.P.
Hall, J.G.	Hatton, M.J.
Hoare, K.J.	Irwin, J.
Jackson, S.M.	Jenkins, H.A.
Kerr, D.J.C.	King, C.F.
Latham, M.W.	Lawrence, C.M.
Livermore, K.F.	Macklin, J.L.
Martin, S.P.	McClelland, R.B.
McFarlane, J.S.	McLeay, L.B.
McMullan, R.F.	Melham, D.
Mossfield, F.W.	Murphy, J. P.
O'Byrne, M.A.	O'Connor, G.M.
O'Connor, B.P.	Plibersek, T.
Price, L.R.S.	Quick, H.V. *
Ripoll, B.F.	Roxon, N.L.
Rudd, K.M.	Sciacca, C.A.
Sercombe, R.C.G.	Sidebottom, P.S.
Smith, S.F.	Snowdon, W.E.
Swan, W.M.	Tanner, L.
Thomson, K.J.	Vamvakinou, M.
Wilkie, K.	Windsor, A.H.C.

NOES

Adams, D.G.H.	Albanese, A.N.
Andren, P.J.	Beazley, K.C.
Bevis, A.R.	Brereton, L.J.
Byrne, A.M.	Corcoran, A.K.
Cox, D.A.	Crean, S.F.
Crosio, J.A.	Danby, M. *
Edwards, G.J.	Ellis, A.L.
Emerson, C.A.	Evans, M.J.
Ferguson, L.D.T.	Ferguson, M.J.

\* denotes teller

Question agreed to.

Question put:

That this bill be now read a third time.

The House divided. [1.56 p.m.]

(The Speaker—Mr Neil Andrew)

Ayes.....



Fitzgibbon, J.A.	George, J.
Gibbons, S.W.	Gillard, J.E.
Grierson, S.J.	Griffin, A.P.
Hall, J.G.	Hatton, M.J.
Hoare, K.J.	Irwin, J.
Jackson, S.M.	Jenkins, H.A.
Kerr, D.J.C.	King, C.F.
Latham, M.W.	Lawrence, C.M.
Livermore, K.F.	Macklin, J.L.
Martin, S.P.	McClelland, R.B.
McFarlane, J.S.	McLeay, L.B.
McMullan, R.F.	Melham, D.
Mossfield, F.W.	Murphy, J. P.
O'Byrne, M.A.	O'Connor, G.M.
O'Connor, B.P.	Plibersek, T.
Price, L.R.S.	Quick, H.V. *
Ripoll, B.F.	Roxon, N.L.
Rudd, K.M.	Sciacca, C.A.
Sercombe, R.C.G.	Sidebottom, P.S.
Smith, S.F.	Snowdon, W.E.
Swan, W.M.	Tanner, L.
Thomson, K.J.	Vamvakinou, M.
Wilkie, K.	Zahra, C.J.

\* denotes teller

Question agreed to.

Bill read a third time.

#### QUESTIONS WITHOUT NOTICE

##### Roads: Scoresby Freeway

**Mr MARTIN FERGUSON** (2.01 p.m.)—My question is to the Minister for Employment and Workplace Relations. Minister, I refer to your threat to make Commonwealth funding on major infrastructure projects conditional on the adoption of your confrontational industrial relations model. Does this threat apply to the \$445 million committed to the Scoresby Freeway?

**Mr ABBOTT**—I see that the former ACTU President cannot rise above his roots; that is the problem. What this government has made quite clear is that we believe that if state governments want federal money they should accept federal principles, and this is a position which is now more widely accepted—even by the Victorian government, as I indicated in the House yesterday.

##### International Criminal Court

**Mr DUTTON** (2.02 p.m.)—My question is addressed to the Prime Minister. What is the basis of the government's decision to ratify the statute of the International Criminal Court?

**Mr HOWARD**—I thank the honourable member for Dickson for his question.

##### *Opposition members interjecting—*

**Mr HOWARD**—I have got a few more than you! The honourable member for Dickson gives me an opportunity to formally advise the House of the government's decision, taken at a joint party meeting this morning, to proceed to ratification of the statute establishing the International Criminal Court. The government is attaching a number of very important stipulations to that ratification. They will further add to the guarantees that we believe already existed in relation to Australia's sovereignty in these matters. Under the principle of complementarity under the statute, an Australian charged with an offence under the code would be prosecuted and dealt with in accordance with Australian law unless Australia were judged to be either unwilling or unable to proceed with that prosecution. There is a further, very important stipulation that no Australian can be surrendered or no warrant can be issued for the arrest of an Australian citizen under the statute without the prior consent of the Attorney-General.

Moreover, there will be enshrined into the legislation a proviso that no prosecution can be commenced without the consent of the Attorney-General. There will be a privative clause attached to that requirement, and that privative clause will mean that the Attorney-General's decision will not be subject to any judicial review except through the processes of the prerogative writs specified in section 75 of the Constitution. Taken together, we believe that these stipulations provide adequate and appropriate safeguards and further reinforce Australia's domestic sovereignty. I can make it very plain to the House, as I do to the Australian people, that any Australian charged within Australia or within the control of Australia—any Australian charged or alleged to have committed an offence—will be dealt with in accordance with Australian law.

I also want to make it very plain, because the position of the Australian Defence Force has been raised, that ratification of the statute has the very strong support of the Australian Defence Force. I make it plain to the House

that, contrary to what has been said by some, there are no circumstances, on our advice, whereby an Australian service man or woman, either in Australia or serving with Australian forces overseas and therefore under the control of Australian forces, can be charged or prosecuted with an offence other than in an Australian court or military tribunal and in accordance with Australian law. The International Criminal Court statute will make a valuable addition to the mechanisms available to the world in dealing with war crimes. It is important not to overstate its benefits; it is also important not to exaggerate any potential dangers or any potential threats to Australian sovereignty. I am personally satisfied, and the government is satisfied, that accession to the statute will not compromise Australian sovereignty, and it is on that basis that the Australian government will proceed to ratification.

#### **Roads: Scoresby Freeway**

**Mr CREAN** (2.07 p.m.)—My question is to the Prime Minister and refers to the failure of the Minister for Employment and Workplace Relations to rule out Scoresby funding conditional on adoption of his industrial relations model. Prime Minister, do you recall your words about the Scoresby Freeway funding last year? You said:

This is an ironclad, unconditional, straightforward, black and white commitment.

Prime Minister, how can Scoresby funding be ironclad, unconditional, straightforward and black and white when your minister for workplace relations is playing politics so as to hold the motorists of Melbourne's southeast to ransom? Prime Minister, do you stand by your commitment that the funding for Scoresby is unconditional?

**Mr HOWARD**—The Minister for Employment and Workplace Relations was not playing politics. The minister for workplace relations is as capable as any person—and more capable than most on the other side—of landing a political blow when he wants to, but on this particular issue he was not playing politics. Our commitment to Scoresby remains.

#### **Economy: Performance**

**Mr PYNE** (2.09 p.m.)—My question is to the Treasurer. Treasurer, how has the gov-

ernment's economic policy supported sound economic conditions in the Australian economy and delivered benefits to the Australian people? What risks are there for sound economic management? Are there other approaches about which the Treasurer can inform the House?

**Mr COSTELLO**—I thank the honourable member for Sturt for his question. I inform the honourable member that the government's economic approach over the last six years has been, firstly, to repay Labor's debt, and we have now paid about \$60 billion worth; secondly, to keep inflation low; thirdly, to have low interest rates, and home mortgage interest rates are now at 6½ per cent, which is about four per cent less than what they were when the government came to office; and, fourthly, to improve business confidence, and we have introduced a new taxation system which took taxes off Australian exports for the first time, we have cut the company tax rate, we have cut capital gains tax, we have cut financial institutions duty and we have given businesses an opportunity to invest. No doubt that has been part of the reason why Australia has withstood the global downturn over the last year.

But there are risks to sound economic management. The biggest risk to sound economic management in Australia is the Australian Labor Party. The biggest risk would be a Labor government, but the second biggest risk is a Labor opposition. The Labor opposition uses its numbers in the Senate to try to undermine the financial basis of the Pharmaceutical Benefits Scheme, an approach which the Labor Party in government supported. It introduced a copayment, it increased the non-concession to 36 per cent, and it wanted 21 per cent cost recovery. Yet, for straight political opportunism, it is now opposing measures to get it back to a lower level, at 19 per cent.

**Mr Latham**—Brian Howe is coming back!

**Mr COSTELLO**—We have cited with approval Brian Howe; we have cited with approval Paul Keating. We would not want to leave out Barry Jones, because he is a par-

ticular authority on these matters. In the *Australian* today: 'Labor has lost its way,' Barry Jones says. But it would not be a Barry Jones statement without a diagram. There is only one noodle here. I was wondering what it could actually refer to. I thought, 'Could it refer to the build-up of interest rates under the Labor Party and the fall under the coalition? Could it refer to the build-up of unemployment under the Labor Party and the fall—

**The SPEAKER**—Order! The Treasurer is aware that the use of diagrams is tolerated but not encouraged.

**Mr COSTELLO**—Barry Jones says, 'The party is doomed without reforms. Labor has lost its way.' It has taken a Labor Party member to give the authoritative definition of the current Leader of the Opposition. But it is not only Barry Jones. We would not want to leave out the New South Wales Labor Party. I have come across a fascinating document called 'The federal election review', which was chaired by Neville Wran, of New South Wales Labor. This makes fascinating reading. Listen to what it says on interest rates:

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

**Mr Swan**—Mr Speaker, I rise on a point of order. How is this relevant to the question, which was about the economy? Or is this just cheapjack opportunism?

*Government members interjecting—*

**The SPEAKER**—Order! The chair is not being assisted by the chorus of noise from its right. The Treasurer was asked a question about economic policies and about other approaches.

**Mr COSTELLO**—According to the New South Wales Labor Party, there was no credible plan on interest rates or for managing the economy. Then we flick over to GST and roll-back:

We fail to realise significant sections of the electorate had adapted to the GST. Labor's proposal to simplify and roll back the GST was a failure. So we have a failure on GST. Let us flick over to taxation:

The issue of Labor's lack of credible policy alternatives extended to taxation. This was the second consecutive election in which Labor failed to present a credible and comprehensive policy on taxation.

So we have the issues of interest rates, no credible plan, failure of the GST roll-back and no credible policy alternative on taxation.

On the television program *CSI: Crime Scene Investigation* you go down to the crime scene and you try to join the dots. If we were appearing on the crime scene of Labor's election failure, and the dots were these: no credible policy on interest rates, a failed taxation policy and no comprehensive taxation plan, who would be the common person in Labor's opposition who was responsible for interest rate policy, economic policy and taxation policy? Crime scene investigation: let's think about this—economic policy? That would be the shadow Treasurer, wouldn't it? Tax policy? That would be the shadow Treasurer, wouldn't it? Interest rates? That would be the shadow Treasurer. And the shadow Treasurer in the Labor opposition was?

**Government members**—Simon Crean!

**Mr COSTELLO**—No wonder he turns his back! How would you feel if you were a member of a trade union and you were told that the 60-40 rule had to be transformed because 60-40 lost the Labor Party the election? I can imagine why some of these trade union officials are saying, 'We weren't responsible for economic policy; we weren't responsible for interest rate policy; we weren't responsible for roll-back; the bloke that was gets made the leader and we get blamed for the election result.' I have got to say, it takes absolute chutzpah to do it. We have got Barry Jones, Paul Keating, Brian Howe and the New South Wales Labor Party—stop laughing, member for Werriwa—

**The SPEAKER**—Order! The Treasurer will address his remarks through the chair.

**Mr COSTELLO**—It leads to one place: the member for Hotham.

**Roads: Craigieburn Bypass**

**Ms VAMVAKINO** (2.16 p.m.)—My question is to the Minister for Employment

and Workplace Relations. Minister, I refer to your earlier answer on the Scoresby Freeway. Can you confirm that a contract on a major road project in Victoria—the \$306 million Craigieburn Bypass—has already been let since the election without caveats on industrial relations? Are you aware that this project is proceeding on time and on budget without those draconian conditions? Does this not show that you are just playing politics and interfering in road projects when it is not necessary?

**Mr ABBOTT**—I want to make it absolutely crystal clear to the member for Calwell that this government is absolutely 100 per cent totally committed to building the Scoresby Freeway. The Scoresby Freeway will only be built because of this government, because this government has had the guts to make a commitment to building the Scoresby Freeway. We want the Scoresby Freeway built and we want it built under principles of industrial and workplace freedom.

The one thing we are very conscious of is the appalling record of the Victorian government in bringing projects in on time and on budget. The classic case is Federation Square, where the budget has blown out from \$110 million to \$450 million, thanks largely to industrial anarchy. We are determined to ensure that construction projects are built under the rule of law and not the law of the jungle. Members opposite should be just as committed.

#### **Immigration: Asylum Seekers**

**Mr ANTHONY SMITH** (2.18 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs. Would the Minister advise the House of the current status of processing of asylum claims on Nauru?

**Mr RUDDOCK**—I thank the honourable member for Casey for his question. It is a very important question in the context of the very evident success of the Pacific solution. The fact is that we have had a further round of decisions handed down that began on Nauru yesterday. By the end of today, I expect that a further 400 decisions will have been handed down. This leaves less than 50

decisions to be announced, and I expect that to be done before the remainder of the month. To date, of those who have been assessed, we have had 494 approvals, or 34 per cent, and 952 refusals, or 66 per cent.

That can be broken down to particular nationalities. In relation to Iraqis approved it is 412, and to Iraqis refused it is 204. The fact is that if this group of people, presenting a very similar profile to those who had landed in Australia, were assessed under our system, it would have been 90 per cent. In relation to Afghans approved it is 54, and to Afghans refused it is 697. Albeit over different time frames, the fact is that we have had approval rates of between 80 and 90 per cent for Afghans under the system operating onshore, where the 'convention plus' model operates.

*Ms Gillard interjecting—*

**The SPEAKER**—Order! The member for Lalor.

*Ms Gillard interjecting—*

**The SPEAKER**—Order! The member for Lalor defies the chair!

**Mr RUDDOCK**—If you look at the others, there are 28 approvals and 51 refusals. There are very clear differences occurring in the outcomes. The point I would make is that this reflects the same pattern that emerged in Indonesia when similar cohorts were under consideration and the UNHCR was involved in the processing. The point I make about what is happening here is that a very clear signal is being sent: if you are processed offshore the arrangements will be the same as if you were processed, for instance, in Pakistan, Iran or Indonesia. It will not be what was described to me by the Indonesian minister as 'the sugar'. It will not be the model that has operated over a long period of time in Australia with Australian jurisprudence, which has led to larger proportions of people being accepted as refugees who would not have been accepted if their claims had been dealt with elsewhere.

This serves to demonstrate why, more importantly, we need to continue to ensure that, if people do happen to reach Australia or any of its offshore territories or islands, they are

able to be processed in a situation in which they do not get access to the Australian determination system. These numbers indicate more clearly than anything else I could point out why this model has been important, the essential difference that is emerging, and why we are putting in place today arrangements that have far more integrity for ensuring that Australia—as a country that wants to assist people who are refugees in greatest need of our compassion and support—will have the opportunity to maximise places for them, because they will not have been taken by people who do not have claims of the same character.

That is the situation that has operated and that is why, on World Refugee Day, I am pleased to be able to say that we honour our obligations. There will be resettlement options sought for the people on Nauru and Manus who have been found to be refugees. There have already been 59 people from Nauru resettled in New Zealand, and there will be others, with family links to Canada and I am sure to various countries in Europe, resettled. I conclude my remarks by simply saying that there is a capacity for Australia to continue to be the most generous supporter, resettling refugees who have greatest need from around the world, but we are able to do it only if we are able to maintain the integrity of our borders.

#### **Roads: Scoresby Freeway**

**Mr CREAN** (2.24 p.m.)—My question is to the Prime Minister. Prime Minister, is funding for the Scoresby Freeway unconditional or not?

**Mr HOWARD**—The commitment I made in relation to Scoresby remains.

#### **Immigration: Border Protection**

**Mrs ELSON** (2.25 p.m.)—My question is addressed to the Minister for Immigration and Multicultural and Indigenous Affairs. Would the minister advise the House why the government continues to pursue border protection with such vigour. Is the minister aware of other statements of support?

*Opposition members interjecting—*

**Mr RUDDOCK**—I thank the honourable member for Forde for her question because

she wants to know why we should urgently and with vigour pursue legislation that has already passed this House today, and why in another place there ought to be support for that legislation. I know it is disorderly to respond to interjections, but I heard an interjection which raised the spectre that in some way this government is about trying to exploit divisions in the opposition over border protection. Nothing could be further from the truth. I make the point that I made in a debate earlier today: there is one way to make sure that this issue is not a matter of great political moment, and that is to support the legislation. That is all you have to do. It is not a question in which anybody would point out to you the divisions that are operating within your own party organisation, but it would enable the opposition to ensure that the Australian people knew that they were determined to protect our borders and determined to support a government that is intent on that objective.

The reason for the urgency associated with this legislation is quite clear. This is a point that I have made before but I think it is worth making it again. The smugglers watch very closely what is happening in relation to Australia. They have been in a very profitable business; they are not about wanting to walk away from those profitable activities. They need to see only one vessel that indicates to them that Australia is again reopen for business and there would be so many vessels trying to follow that first one and we would again face the sorts of difficulties that we saw back in August to September when we had something in the order of 3,500 people attempting to come. We know the import of what that means. Here is a very simple measure that you could support next week in the Senate. You could move an urgency motion this afternoon to get it up in the Senate and, through you, Mr Speaker, the Labor Party could do that. Let me make the point that it would have a real impact on protecting Australia's interests.

I want to conclude my remarks by saying that some people have suggested—and the Leader of the Opposition has suggested it here and elsewhere—that the fact that certain islands or external territories might be ex-

cised from our migration zone in some way compromises Australia's sovereignty.

*Mr Ripoll interjecting—*

**Mr RUDDOCK**—In some way, yes. Let me make it very clear: the legislation is an exercise of our sovereignty. That is what it is. It is an exercise of our sovereignty because it enables us to determine who accesses our migration zone and who does not. It is not an abandonment of our sovereignty; it is an exercise of sovereignty. If the opposition leader had any good sense at all, he would abandon this argument quick smart. The reason is very simple: if the argument had any cogency whatsoever, it would have applied last year in relation to Christmas Island and the Cocos (Keeling) Islands. At that time, you could have walked away from those measures, opposed those measures, and said, 'We're not prepared to be part of it. It compromises our sovereignty.' The fact is that it in no way compromised our sovereignty; it was an exercise of our sovereignty, which the opposition then supported.

It is very clear that, in relation to these issues which deal with the uncertain situation that surrounds boat arrivals in the future, you need to be able to change the measures that you implement in order to remain flexible in dealing with the way in which the smugglers themselves respond. It is, I think, reasonable to recognise that you need to have a suite of measures that operate. One cannot guarantee that any particular measure is going to be more effective than any other. Last year, the member for Bowman said, when talking about coastguards when he had shadow ministerial responsibility:

It is impossible to detect all such boats. I am not saying that coastguards can do that ...

That is what he suggested. The Leader of the Opposition thinks I ought to be able to guarantee that any measure I propose will absolutely and in every respect ensure that nobody will reach Australia. The proposition he is asserting in relation to that would be the same as me asking him for a guarantee that his decision not to support additional excision measures will mean that people smugglers will not read this as a signal to come to Australia. That is what it is about. And the real question is whether the Leader of the

Opposition can guarantee that his denial will not result in any unauthorised arrivals in Australia that might have been covered by the areas excised.

#### **Higher Education Contribution Scheme**

**Ms MACKLIN** (2.31 p.m.)—My question is to the Prime Minister. Prime Minister, do you still stand by the commitment that you made in 1999 to not change the existing HECS scheme, and I quote:

We have no intention of introducing a loans scheme with a real or indeed any other rate of interest. That is not our policy.

Will you now rule out applying a real rate of interest to the HECS scheme, just as you did in 1999?

**Mr HOWARD**—I thank the Deputy Leader of the Opposition for the question and, therefore, an opportunity to say very briefly to her and to the House a number of things about the HECS scheme, which I think is a good one. I remind the House that the HECS scheme was introduced by the Labor Party when it was in government. Might I remind the parliament, in the course of reminding them that it was introduced by a Labor government, that it was good policy and, because it was good policy, we supported it in opposition. That is the difference between us and you.

**Ms Macklin**—What about a real rate of interest?

**Mr HOWARD**—When we were in opposition and you put up a good policy idea, we supported it. The contrast is that when we, in government, put up good measures, you oppose them. That is the difference. You are not only irresponsible in government, you are recklessly irresponsible in opposition, and that is the difference.

*Opposition members interjecting—*

**The SPEAKER**—The Prime Minister may not be aware that he has inadvertently addressed remarks other than through the chair. I invite him to address his remarks through the chair and I invite him to continue.

**Mr HOWARD**—I am deeply remorseful. I would hate to offend anybody's sensibilities, Mr Speaker, your own included. But, Mr

Speaker, may I, through you, remind the opposition that the essence of building credibility, the essence of demonstrating—

**Ms Macklin**—Mr Speaker, I rise on a point of order on relevance. The question is whether or not he will rule out applying a real rate of interest—

**The SPEAKER**—The Deputy Leader of the Opposition will resume her seat. The Prime Minister is entirely relevant to the question asked, and I ask him to continue.

**Mr HOWARD**—Can I remind the opposition that the essence of building credibility as an opposition—

**Ms Macklin**—How about an answer?

**Mr HOWARD**—and the essence of demonstrating to your former national president that you have no longer lost the way is to have a credible alternative policy.

**Ms Macklin**—We are wondering about what is in your policy.

**Mr HOWARD**—We have embarked upon, through the process of discussion papers being released by the minister for education, a review of tertiary education policy—

**Ms Macklin**—So put it on the table.

**The SPEAKER**—Deputy Leader of the Opposition!

**Mr HOWARD**—We intend to carry out that review in a careful, reflective fashion. Instead of her carping, meaningless, parrot-like interjections, could I invite the Deputy Leader of the Opposition to participate in that review—not to make dishonest, reckless claims as you did two days ago by talking about \$100,000 tertiary education fees. You were promptly shot down in flames by the vice-chancellors of Australia, who made it very plain that that was reckless nonsense. We intend to have a proper review of tertiary education policy, and we are not going to get engaged in this ridiculous ad hoc game along the way of ruling things in or out. We are going to have a proper examination and, when that examination is completed, we will be announcing policy which will be to the long-term benefit of the tertiary education institutions of this nation and to the long-term benefit of current and aspiring tertiary

education students. If we are to have a proper debate about such an important sector—

**Ms Macklin**—Are you happy now, David?

**Mr HOWARD**—it will not be conducted in a cacophony of meaningless, stupid interjections. It will be conducted in a calm and rational manner where all of the options are on the table and where there is proper opportunity for reflective consideration before decisions are reached. That is the course that we have embarked upon, and it will take more than the pathetic interjections of the Deputy Leader of the Opposition to knock us off that course.

#### **Immigration: People-Smuggling**

**Mr HARTSUYKER** (2.36 p.m.)—My question is to the Minister for Foreign Affairs. Would the minister update the House on recent developments in Australia's regional efforts to combat people-smuggling, in particular with Indonesia? Is the minister aware of any alternative approaches?

**Mr DOWNER**—First of all, I thank the member for Cowper for his question. Like so many members on this side of the House, he often asks questions about this issue because he is concerned about it and wants a government that will keep our borders secure. The government is pursuing an active agenda of regional cooperation to combat the criminal activities of people smugglers. As I said to the House yesterday, the Bali conference was indeed a substantial watershed; a meeting that was cochaired by Indonesia and Australia and attended by something like 36 ministers from the region and a bit beyond. This process is being built on by high-level and effective cooperation with, amongst other governments, the Indonesian government. On 14 June, the Minister for Justice and Customs, Senator Ellison, announced the expansion of cooperation between the Australian Federal Police and POLRI—the Indonesian police—and they signed an MOU which provides a framework for law enforcement collaboration in combating transnational criminal activities more generally and, of course, people-smuggling in particular.



During the Bali people-smuggling conference, I announced the appointment of Ambassador Buckley as the Australian ambassador with responsibilities for people-smuggling, and he has been heavily engaged around the region pursuing the Bali outcomes. This includes the work of the two ad hoc expert groups which were established in Bali. Last week, for example, Thailand, which chairs one of the two ad hoc groups—the other is chaired by New Zealand—hosted a meeting and Ambassador Buckley joined representatives from 28 countries, as well as the International Organisation for Migration and the UNHCR, in a meeting that took steps towards developing cooperative processes in the area of law enforcement and legislation. These sorts of measures will help to strengthen regional approaches to the criminalisation of people-smuggling. Obviously, in time, that should make a major contribution to helping deal with this problem.

The honourable member also asked whether there were any other approaches, and I think the House is familiar now with the various approaches—not the one approach, but the various approaches—which are being taken by the Australian Labor Party. What is interesting about the approach that the Leader of the Opposition takes to this issue is that he says that all of the responsibility for dealing with this problem should rest on other countries; that other countries should do more and we should do less. That, of course, is his approach to the legislation to deal with the excision of some Australian islands from the migration zone—we should do less, we should reduce our barriers and we should reduce our defences to people smugglers, but the Indonesians, the Thais and the Malaysians and so on should do more; they should get on with the job. Not only is that an entirely undiplomatic approach to dealing with this problem, it is an ineffectual approach.

The approach that is going to be effective is a comprehensive approach where we ensure that a range of different measures are put in place in order to achieve the sort of effective outcomes we have had over the last six months. But the simple fact of all this is that the approach of the Labor Party is to try

to undermine the message that the government is sending to people smugglers that Australia is closed to their criminal activity. I noticed, as did the Treasurer, that the former president of the Labor Party, Barry Jones, had something to say. This is a man who had the capacity to understand 'noodle nation', but does not, apparently, have the capacity to understand the modern Labor Party. That says something for the complexity of the modern Labor Party. But it was all summed up by a comment the Leader of the Opposition made this morning in parliament when he said:

If we genuinely want our borders secure and safe, we need a cop on the beat.

I have news for the Leader of the Opposition and the Labor Party: there is a cop on the beat, and it is the Howard government.

*Opposition members interjecting—*

**The SPEAKER**—I find it astonishing, given the obligation we all have to hear each other which is the very foundation on which this place is built, that I could not recognise the Deputy Leader of the Opposition.

#### **Education: University Fees**

**Ms MACKLIN** (2.42 p.m.)—My question is again to the Prime Minister. Prime Minister, are you aware that up-front fees for a degree in veterinary science at Sydney University already cost students \$113,000? How can you say that it is reckless to claim degrees will cost up to \$100,000 if your government deregulates fees, when up-front fees can already be in excess of \$100,000? Is it not true that \$100,000-degrees are already a reality for some students, and that you are considering making it a reality for many more students?

**Mr HOWARD**—As always, in relation to the particular fees, the particular course and the particular university, I will check the facts before responding further. But I can tell the member for Jagajaga—and, indeed, I think the House will be interested to know—that there is something I do know very specifically about fees and that is that yesterday the Victorian minister for education announced full fee paying degrees with no loan scheme for TAFE degrees in Victoria. My recollection may be failing me, but I think

the education minister in question is called Lynne Kosky, and I think the government in power there is a L-A-B-O-R government. I do not know what commitments were made before that government was elected, and I do not know whether the Deputy Leader of the Opposition has taken Lynne Kosky to task for breaching solidarity with the national comrades, but this is an illustration of this sort of mindless, aimless negative opposition. You have had seven months now to begin to get your act together. Barry Jones was terribly confused and muddled, but, God, he had a sort of a lovable honesty. He was one of the real characters of the Australian Labor Party. It is amazing; the passage of time makes you a little bit fonder and a little bit more charitable towards some of these people. But I was always charitable. Barry always used to try and encourage even more voracious reading habits in me. I remember he gave me a copy of *War and Peace* one day. He said, 'I want to make absolutely certain that you re-read this, because it is the greatest book that I have ever read.'

When Barry Jones speaks, most of us stop and listen. Sometimes it is hard to work out what he is saying, but you could definitely work out what he was saying this morning in the *Australian*; there was nothing confused about that. He said that the Labor Party had lost its way. The Labor Party has lost its way because it does not stand for anything anymore. Give me a party that stands for something, like the old-fashioned Labor Party, which stood fair and square for the values of the Australian working class and was a group of men and women who really wanted to bring about social change. But do not give me this godforsaken middle-class mob who are so mindless and opportunistic that they will oppose anything put up by a duly elected democratic government.

#### **Workplace Relations: Unfair Dismissal Laws**

**Mr CHARLES** (2.46 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House of the continuing impact of unfair dismissal laws in Australia? Is the government committed to unfair dismissal

reform? Is the minister aware of any alternative policies on this issue?

**Mr ABBOTT**—I thank the member for La Trobe for his question, and in doing so I acknowledge his pioneering role in workplace relations reform in Australia. Of course, this government never wants to see anyone at all unfairly dismissed, but a handful of hard cases cannot justify a set of rules which destroy the creation of tens of thousands of new jobs. Small business is still frightened of taking new staff on, based on the perfectly understandable principle that if you cannot afford to let them go you cannot afford to take them on.

The most recent survey by the Society of Certified Practising Accountants shows that 42 per cent of small businesses admit to being confused about the unfair dismissal laws; worse, 76 per cent of small business accountants think that their clients are confused about the laws; 30 per cent of small businesses think that employers always lose unfair dismissal cases and, worst of all, 30 per cent of small businesses say that the unfair dismissal laws are forcing them to take on casuals rather than permanent staff. In light of this evidence, you would think that members opposite would stop living in the past. As Barry Jones, that living national treasure, has said:

Nostalgia has its value, but the ALP cannot simply be a heritage party.

A heritage party run by a politburo of Labor heavies practising that good old Stalinist principle of democratic centralism!

**Mr Swan**—Mr Speaker, I rise on a point of order. We are aware that there is a leadership contest going on over there—

**The SPEAKER**—Does the Manager of Opposition Business have a point of order?

**Mr Swan**—Yesterday and the day before, when the minister was clearly out of order, you brought him to order.

*Government members interjecting—*

**The SPEAKER**—I will not tolerate a situation in which people are denied the right to be heard.

**Mr Swan**—Thank you, Mr Speaker. Yesterday, when the minister was clearly irrele-

want to the question, as he was today, you asked him to come back to the question. He is nowhere near anything to do with unfair dismissal and is clearly out of order.

**The SPEAKER**—The Minister for Employment and Workplace Relations and Leader of the House will address the question on unfair dismissal.

**Mr ABBOTT**—On the subject of unfair dismissal, decent and perceptive members opposite understand that these laws are a problem, as the member for Hunter has so rightly said publicly:

... my wife consistently tells me she could afford to put on one person or would like to put on one more person, but is fearful of unfair dismissals, she is fearful of going through the barrier to another level of red tape and regulation. All those perceptions are out there and all of them of well founded ...

On the subject of unfair dismissal, members opposite are really quite hypocritical, because they are currently plotting the ultimate act of unfair dismissal: they are currently plotting to sack David Feeney, the secretary of the Victorian ALP, and the member for Maribyrnong and the member for Melbourne are leading the socialist-left lynch mob—

**Mr Swan**—Mr Speaker, I rise on a point of order. Will you admonish the minister for his behaviour, which is clearly—

**The SPEAKER**—The Manager of Opposition Business will resume his seat. The minister is aware of the fact that he is straying wide of what the question was initially intended to be focused on.

**Mr ABBOTT**—On the question of unfair dismissal, let me quote a very good friend of some members opposite, the great Mr Bill Shorten:

Mr Feeney had been a good party secretary and had a legal right to continue in the role until after the election.

**Mr Swan**—Mr Speaker, I rise on a point of order. The minister is defying the ruling. If he wants to behave as the Chopper Read—

**The SPEAKER**—The Manager of Opposition Business will resume his seat! In the instance just given I had scarcely heard what the minister had uttered and had not therefore in anyway interrupted what he was say-

ing. The minister understands what the question is about and I invite him to continue answering it.

**Mr ABBOTT**—There is a very serious looming unfair dismissal case concerning David Feeney. What Bill Shorten said was that clearly there is a thing called the law of contract and employment law. That is what Bill Shorten said.

*Opposition members interjecting—*

**The SPEAKER**—Minister, I cannot hear a word you are uttering. If the Manager of Opposition Business has a point of order, is it on relevance?

**Mr Swan**—It certainly is.

**The SPEAKER**—Then the Manager of Opposition Business will allow me to deal with that point of order.

**Mr Swan**—Could I just make this point, Mr Speaker—

**The SPEAKER**—No, you may not. The Manager of Opposition Business will resume his seat. I understand what the point of order is and I need to deal with it. The minister will respond to the question. I am listening closely to what he is saying. I could scarcely hear his last comments because his remarks were addressed to the benches and not to the chair.

**Mr ABBOTT**—There is this terrible looming unfair dismissal case under which Feeney will be put to the sword. That is the basic problem. David Feeney is going to be put to the sword.

**The SPEAKER**—The minister will come back to the question.

**Mr ABBOTT**—I will, Mr Speaker. The basic problem is that the only job any of them over there are interested in is the secretaryship of the Victorian ALP when they are not worried about the presidency of the ALP—

**The SPEAKER**—The minister will resume his seat!

#### **Agriculture: Beef Exports**

**Mr GAVAN O'CONNOR** (2.54 p.m.)—My question is to the Minister for Agriculture, Fisheries and Forestry. Are you aware that your press release announcing your

plans for managing Australia's \$2 billion beef quota has been criticised by the Australian Lot Feeders Association as deceitful and that the association has expressed concern about 'blatant political interference' in fiddling the allocation of the quota? Minister, why did you ignore the advice of your Red Meat Advisory Council by designing a system which greatly advantages a few big players at the expense of many smaller ones?

**Mr TRUSS**—A welcome back to the question table for the honourable member for Corio! We have not seen him for a very long time. If that is the best he can do, he deserves another eight months in purgatory.

**The SPEAKER**—The minister will come to the question.

**Mr TRUSS**—The reality is that Australia has a quota imposed by the United States on exports of beef of 378,214 tonnes. That is the maximum amount of beef that can be sent by Australian processors to that market in the year ahead. Because of the decline in the Japanese market there are many processors who have not traditionally supplied large quantities to the US who now want to direct some of their trade to that market. The only way that they can supply extra beef to the US is if those who have traditionally supplied to that market send less. There is only 378,000 tonnes to go around. So what I have endeavoured to do in administering the quota is to divide it up as fairly as possible amongst all of those who would like to supply beef to the US.

There are some who argue that, because the Japanese market has gone soft, they should be granted access to the US market at the expense of those who built their business on that particular market. I have no objection with market forces prevailing and one business taking trade from another fairly and squarely. But I do have a philosophical problem with the idea that the government should intervene and suggest to one company that it should extinguish its contracts to enable another one to enter that market for the first time.

When the Red Meat Advisory Council came to me with a 14-point proposal that would have effectively given very substantial

windfall gains to many companies who had not been active in that market in the past but took away significant shares of the quota from those who had been active in the trade, I felt that situation was unfair. I was prepared to accept some transfer of quota away from the US suppliers towards those who had been interested in the market, but I felt it was reasonable for that share to be capped. So I limited the gains to 140 per cent and the losses so that no company would supply less than 85 per cent. I think that was a pretty fair treatment and a lot of processors agree with me.

Of course no-one is completely happy. They would all like to have sent very much more to the US. I would like them to send more to the US. The real culprit in this whole exercise is the United States and its restriction on trade that prevents Australian producers from supplying our product to that market. That is the real culprit. The only way that I can create jobs in abattoirs that want to build a market in the US is to take those jobs away from those who are currently supplying to that market. I challenge the member for Corio to tell me which abattoirs I should take the jobs away from so that this quota can be given to his mates. Which jobs should I take away?

**Mr Sidebottom**—You have done nothing until this year!

**The SPEAKER**—The member for Braddon!

**Mr TRUSS**—As always, I find members offer silence when that question is asked.

*Mr Sidebottom interjecting—*

**The SPEAKER**—I warn the member for Braddon!

**Mr TRUSS**—The reality is it is impossible to deliver as much quota to everyone as we would wish. But what we have endeavoured to do is to divide the pain as fairly as possible. I believe we have been successful in that objective.

#### **Health and Ageing: Accommodation Places**

**Mr BAIRD** (2.59 p.m.)—My question is addressed to the Minister for Ageing. Would the minister inform the House how the gov-

ernment is responding to census figures released by the Australian Bureau of Statistics, particularly in terms of the growing needs of our ageing population? Can the minister also inform the House how many aged care places will be allocated in 2002 and whether special priority will be given to beds already built?

**Mr ANDREWS**—I thank the member for Cook for his question and for his ongoing concern for the ageing constituents in his community. I had the pleasure of participating in a community forum on ageing in his electorate recently and of conducting a roundtable with aged care providers in his electorate. As the member for Cook alluded to, the recent census figures indicate the continuing ageing of the Australian population.

*Ms O'Byrne interjecting—*

**The SPEAKER**—I warn the member for Bass!

**Mr ANDREWS**—For example, the proportion of people over the age of 65 years has increased since the last census from 12.1 per cent of the population to 12.6 per cent of the population last year. The current projections are that by the year 2021 the proportion of Australians over the age of 65 will be in the order of 18 to 19 per cent. Indeed, I note that the proportion of Australians over the age of 65 in the member for Cook's electorate is already 19 per cent and so, in a sense, it has the demographic profile of Australia in 20 years time, generally.

It is because of this ageing of the population, which is borne out by the census, that this government are putting into place programs and policies to address an ageing population. A part of those programs and policies is to make an intergenerational investment in Australia. That is why the government are committed to aged care, why we are currently spending some \$5,000 million a year on aged care programs in Australia and why we have increased aged care funding in this year's budget by some \$500 million.

The honourable member asked me about the increase in aged care places. This year we will allocate nationally an additional 8,231 places, worth an additional \$180 mil-

lion in recurrent funding for aged care. This brings the number of places which we have allocated since the year 2000 to over 32,000. In the region which is covered by the honourable member for Cook's electorate, in this year's allocation there will be an additional 190 places, including an extra 190 beds and 30 community aged care places. In fact, it brings to over 800 the number of places allocated in the last 2½ years to the region, which includes the honourable member for Cook's electorate.

He also asked me whether or not there would be special priority given to beds which are already built. That will be the case this year. There is a community desire to bring beds on stream as quickly as possible. The government is working towards that objective and where beds have already been built, provided the other criteria are already being met, those beds will be given some priority this year. This, of course, stands in stark contrast to the Labor Party, which had no strategy for an ageing Australia.

**The SPEAKER**—I call the member for Corio.

**Mr Vaile**—Welcome back to the table.

**The SPEAKER**—The Minister for Trade! The member for Corio has the call.

#### **Agriculture: Employment**

**Mr GAVAN O'CONNOR** (3.02 p.m.)—Keating got it right as far as you were concerned.

**The SPEAKER**—The member for Corio will come to his question.

**Mr GAVAN O'CONNOR**—My question is to the Minister for Agriculture, Fisheries and Forestry. Is the minister aware of evidence to the Senate committee inquiry that some 5,000 to 7,000 jobs would be lost in this industry as a result of your decision? Is the minister also aware of particular plans by St Merryns to upgrade the Mudgee abattoirs and create 600 new jobs? Is he also aware that the Mudgee abattoir general manager, John Harvie, told that Senate inquiry that the upgrade plans were scrapped as soon as you announced the new quota arrangements and that 'nothing else affected the deal'? Minister, why did you betray abattoir workers in Mudgee?

**Mr Ross Cameron**—Mr Speaker, I rise on a point of order. The last clause to that question was excessive and I ask you to rule it out of order.

**The SPEAKER**—The member for Paramatta raises a point of order under standing order 144. It is fair to say that the latter part of the question did nothing for the question and was simply a reflection on the minister that ought not to have applied. Before I recognise the minister, I would also point out to the member for Corio that he did rightly challenge me to ensure that people address their remarks through the chair. I have done so on two occasions today. I did, however, feel very uncomfortable when, during his question, I was accused of costing Australia 5,000 or 7,000 jobs. Member for Corio—this is outside the standing orders.

**Mr GAVAN O'CONNOR**—Mr Speaker, let me make it quite plain that the remarks in this question were addressed to the Minister for Agriculture, Fisheries and Forestry.

**The SPEAKER**—Let me make it quite plain to the member for Corio that the question constantly used the words 'you' or 'your', which of course was the very point the member for Corio had raised with me and I had raised with the House.

**Mr ANDERSON**—I particularly want to make some comments on this because the claims in relation to St Merryns and the Mudgee abattoir, which happens to be in my electorate—

**Ms Hoare**—Mr Speaker, I raise a point of order under standing order 142. The question was directed to the minister for agriculture because it comes under his portfolio area—

**The SPEAKER**—The member for Charlton will resume her seat. It is entirely in order for the Deputy Prime Minister to respond to this question, and I invite him to do so.

**Mr ANDERSON**—The point that I want to make is that the claim in relation to St Merryns pulling out of a proposal to purchase the Mudgee abattoir, which happens to be in my electorate, is illustrative of the gross misrepresentations that the Labor Party and others have chosen to impose upon the very difficult decision that the minister for

agriculture has had to make. They were decisions that people would have preferred him not to have had to make, but which ought not to—

*Opposition members interjecting—*

**Mr ANDERSON**—Well, of course we would not have. We would have liked the quota to have been big enough. And who negotiated the quota for us now to have been presented with this problem?

**Mr Crean**—Oh! So it's our fault now.

**Dr Martin**—You just said it was the minister.

**The SPEAKER**—The member for Cunningham! The Deputy Prime Minister has the call.

**Dr Martin**—But he did!

**The SPEAKER**—The member for Cunningham!

**Mr ANDERSON**—This is an important point. In this instance, the claim has been made that the Mudgee abattoir may now fail because the sale has fallen through to St Merryns, a UK based company, because of the lack of beef quotas. Mudgee is a service abattoir. The beef access quotas that they have into the United States are held by those who use the boning rooms, not by the abattoir. I have been deeply involved in the negotiations, as the local member. Indeed, any local member here would seek to facilitate an important opportunity like this for more jobs.

*Mr Latham interjecting—*

**Mr ANDERSON**—Mr Speaker, there is an outrageous claim being made over here by the member for Werriwa that I am somehow seeking to personally benefit from it, and I ask him to withdraw.

**Mr Fitzgibbon**—That's how you got all that Regional Solutions money!

**The SPEAKER**—The member for Hunter is warned! I did not hear any remark from the member for Werriwa.

**Mr ANDERSON**—He was implying quite clearly—

**Mr Gavan O'Connor**—You're precious, you are! Are you a sook or what?

**The SPEAKER**—The member for Corio is warned!

**Mr ANDERSON**—I make the point that there is no financial interest in this for me whatsoever. I am seeking to secure the jobs of 400-plus people in my own electorate.

**Mr Latham**—Who chops up your cows?

**The SPEAKER**—The member for Werriwa is warned!

**Mr ANDERSON**—I find the imputation over there that I somehow am going to benefit from this highly offensive and I ask that it be withdrawn.

**The SPEAKER**—I am here to accommodate what are reasonable requests from anyone at the dispatch box on either side. I did not hear the member from Werriwa make a statement that would be offensive.

**Mr ANDERSON**—He was gesturing with his fingers, clearly implying that I was going to benefit financially.

**The SPEAKER**—I understand the difficulty. The Deputy Prime Minister will resume his seat.

**Mr Fitzgibbon**—It's pretty hard to expunge a finger!

**The SPEAKER**—The member for Hunter will excuse himself from the House!

*The member for Hunter then withdrew from the chamber.*

**The SPEAKER**—The Deputy Prime Minister has clearly had an opportunity that he ought not to have had—if I may make that point—to indicate that there is no way in which he ought to have been implicated in any way in what has happened. It is not reasonable for me to expect gestures to be withdrawn, though clearly there are gestures that would be seen as totally unparliamentary. I believe this matter has been dealt with satisfactorily and I invite the Deputy Prime Minister to respond to the question. But, if there are those who imagine that the performance of the last two minutes is acceptable, they are quite wrong. I will not tolerate it. For much of question time, we have actually had the sort of question time that we would want anyway.

**Mr ANDERSON**—To return to the substance of the issue—in this particular case, in all of the negotiations with my office, with Invest Australia, and with people at Mudgee, right until the very point of time at which a

decision was made, there was no indication from St Merryns that the issue of US beef quotas was of any interest to them whatsoever. It is quite apparent to me that there are other reasons for them withdrawing from the contract, and it was an outrageous claim by St Merryns—

**Mr Beazley**—I rise on a point of order. It goes to standing order 142, about ministers having questions directed to their area of administrative responsibility. It is possible for another minister to take the question of the minister to whom it has been directed. It is possible for that to occur, but generally speaking that occurs when it has been misdirected. In this particular instance, I would have thought that—

**Mr Pyne**—Roll-back means rolling you back!

**The SPEAKER**—The member for Sturt is warned!

**Mr Beazley**—we have heard nothing from the Deputy Prime Minister that indicates that the Minister for Agriculture, Fisheries and Forestry should not have been answering it.

**The SPEAKER**—The member for Brand is being unreasonable in his point of order. It is clear from what the Deputy Prime Minister said that this is a matter not only over which he has some ministerial interest but for which he is locally responsible to boot. He is after all the Deputy Prime Minister.

**Mr ANDERSON**—The point is being made that jobs could be lost. Here is a classic example where that claim has been made, but it is not the fault of the agriculture minister and it does not relate to the US beef quota issue. I just want to make some other general points. The shadow minister plainly seeks to imply now that they can somehow be of great importance and significance to the Australian beef industry. I think it is worth remembering just a few basics. Firstly, when the now Leader of the Opposition was the minister for agriculture in Australia, for the service over which he had control, the Australian Quarantine and Inspection Service, annual bills for the red-meat sector alone were \$140 million. In a much larger interest today, this year the red-meat industry will pay just \$30 million. Now, if that has not



guaranteed a lot of jobs, I do not know what has.

**Mr Adams**—Is this relevant to the question?

**The SPEAKER**—If the member for Lyons has a point of order, he will find some way of being recognised and not exercise the disgraceful behaviour of shouting from his seat.

*Mr Crean interjecting—*

**Mr ANDERSON**—The Leader of the Opposition asked who put the reforms in place. There were a lot needed.

**Mr Crean**—I did!

**Mr ANDERSON**—I did, as a matter of fact. It is as simple as that. Any checking of the record books will reveal that we did. Then you come to another issue that threatens jobs in this industry—the tally system. Do you remember that they had an industrial relations minister whose name was Senator Peter Cook—

**Ms Hoare**—Sit down, you squatter!

**The SPEAKER**—The member for Charlton is warned!

**Mr Beazley**—I rise on a point of order. It goes to the standing order on relevance. He has taken over the question of the Minister for Agriculture, Fisheries and Forestry but he is now clearly not answering it. He ought to be brought to order.

**The SPEAKER**—The minister will respond to the question.

**Mr ANDERSON**—The then minister for industrial relations, Senator Cook, recognised as part of his responsibilities that the tally system ought to go. That was widely recognised as costing a lot of jobs in the meat industry. Who opposed it? The then leader of the ACTU—not then a member of parliament.

**Mr Swan**—Mr Speaker, on a point of order: I am not sure whether the minister has finished his answer—

**The SPEAKER**—I understand he has concluded his answer.

**Mr Swan**—Mr Speaker, it might assist—

**The SPEAKER**—The Manager of Opposition Business.

**Mr Swan**—With your indulgence, Mr Speaker, it might assist—

*Several government members having stood in their places—*

**The SPEAKER**—I beg your pardon! The Manager of Opposition Business has the call.

**Mr Swan**—I just wanted to make the point that, given there is a degree of disorder in the House—

**The SPEAKER**—I beg your pardon! The House is quiet. The Manager of Opposition Business has the call. He will address his concerns directly to the chair or resume his seat.

**Mr Swan**—Certainly, Mr Speaker. Given the previous disorder in the House, my point is very simple: the minister was asked a question about the Mudgee abattoir; he was not talking about the Mudgee abattoir.

**The SPEAKER**—The Manager of Opposition Business has just abused the indulgence. In fact, any reference to the tally system would, it would seem to me, have direct bearing on abattoirs—and I am not a cattle producer!

#### **Education: Queensland**

**Mr CAMERON THOMPSON** (3.15 p.m.)—My question is to the Minister for Education, Science and Training. Would the minister inform the House of funding provided by the Commonwealth for Queensland state schools. Is the minister aware of other comments or announcements in this area?

**Ms Macklin**—Chopper's mate!

**The SPEAKER**—The Deputy Leader of the Opposition!

**Dr NELSON**—I thank the member for Blair for his question in relation to funding for Queensland state government schools and, in particular, his very strong advocacy to me for the Blair State School. Honourable members would be aware that in this budget the Commonwealth government increased its funding to state government schools by 5.7 per cent—a 52 per cent increase in funding in six years, during which period of time we have had a 1.4 per cent growth in enrolments in the state government system. Honourable members should remember, though, that state schools are called state schools because they

are administered, managed and funded by state governments. In fact, in support of that—

*Mr Ripoll interjecting—*

**The SPEAKER**—The member for Oxley is warned!

**Dr NELSON**—the Queensland Minister for Education, Anna Bligh, told radio 4QR in Brisbane on 4 June this year:

You see the Commonwealth doesn't actually run state schools, state governments do.

In fact, if I wanted to go to the Blair State School, I would have to write a letter to Anna Bligh and I would have to say, 'Dear Ms Bligh, please may I visit the Blair State School?' These schools are funded, run and administered by state governments. But the Queensland minister in the Queensland parliament, the day after the Commonwealth budget was announced, criticised the Commonwealth government for delivering a 6.2 per cent increase in funding to support Queensland state government schools. In fact, the member for Jagajaga joined her in this and was highly critical of the Commonwealth budget as well. Of the federal budget, she said to John Faine on 3LO in Melbourne on 15 May, again the day after the budget:

There was no additional real funding for education, for public education at all in this budget.

'No extra real money at all,' she said. We, the Commonwealth government, announced this year in fact not a 6.2 per cent but a 5.8 per cent increase in Commonwealth funding to support Queensland state schools, to top up the Queensland government funding of state schools. So when the Queensland government announced—

**Ms Macklin**—No real money.

**The SPEAKER**—Deputy Leader of the Opposition!

**Dr NELSON**—its budget on Tuesday, having had the Queensland minister say that she thought that 6.2 per cent would be a totally inadequate increase, what might you think the Queensland government would have done in increasing its funding to its state schools? Hands up those who think that it might have increased it by 6.2 per cent?

Okay, we have got a 6.2 per cent over here. No other takers for 6.2?

**The SPEAKER**—The minister will answer the question without the semantics!

**Dr NELSON**—So you would think, Mr Speaker—

**Mr Latham**—Mr Speaker—

**The SPEAKER**—The member for Werriwa is already on a very short rope. The minister has the call.

**Dr NELSON**—So we are in a situation where—just to recap; this is a very important point—the Queensland Minister for Education says that 6.2 per cent is outrageously inadequate. The member for Jagajaga then describes the Commonwealth's increase for Australian state government schools at 5.7 per cent as 'no real increase at all'. So Mr Beattie, who proclaims to be developing a knowledge state, so to speak, announces a three per cent increase in funding for Queensland state government schools—in other words, when you take into account inflation, barely any increase at all. I have been standing by my fax machine and I have been waiting for the member for Jagajaga to condemn the Queensland government for its totally inadequate increase in funding to its schools. If the member for Jagajaga thinks that a 5.8 per cent increase is no increase at all, how would the member for Jagajaga describe a three per cent increase?

**Ms Macklin**—No real increase on your part. You are being very dishonest.

**The SPEAKER**—I warn the deputy leader!

**Dr NELSON**—How many teachers would that fund? How many computers would it put into schools? What would it do for the 50 per cent of Aboriginal kids in the state of Queensland that cannot pass the literacy tests? This is the kind of hypocrisy that we get from the Labor Party. The Leader of the Opposition is there with his sandwich board on—he has got a message for the policy frontiersmen down there with the member for Werriwa; he has got another message on the other side of his 50-50 sandwich board. I wonder which end of the sandwich board he is pointing towards Queensland today. As the Prime Minister said earlier to—

day, I would love to know what the member for Jagajaga thinks about the full fees for TAFE in Victoria that were introduced by the Victorian government today for which no loan scheme exists. Give us the answer to that.

#### **Agriculture: Employment**

**Mr GAVAN O'CONNOR** (3.22 p.m.)—My question is to the Deputy Prime Minister and Minister for Transport and Regional Services and it relates to the previous answer that he gave to a question directed to the Minister for Agriculture, Fisheries and Forestry. Is the Deputy Prime Minister aware of the evidence given to the Senate inquiry by Mudgee abattoir's general manager, Mr John Harvie, in relation to the investment of \$70 million to upgrade the Mudgee abattoir and create 600 new jobs in his electorate, that he had the contract with St Merryns sitting on his table to sign but that it was withdrawn by St Merryns as soon as the government announced the minister's plans for the US beef quota? Is he aware that Mr Harvie testified that the quota management scheme caused the deal to collapse saying, 'Nothing else affected this deal'? Can the Deputy Prime Minister confirm that, as the local member, he told the Mudgee abattoir that he could do nothing for them?

*Mr Leo McLeay interjecting—*

**The SPEAKER**—The member for Watson!

**Mr ANDERSON**—I thank the honourable member for his question. I indicate to him again that, as I thought I had indicated in the last answer, I do not believe the reason St Merryns have given. Obviously I have a real interest in this matter because it affects my constituents. I want to see the jobs that exist at that abattoir preserved and I have been very keen to pursue, in a perfectly legitimate way, as any other person in this House would, the various things that St Merryns and the abattoir have asked me to do, including asking Invest Australia to look closely at the requests made of it. Neither Invest Australia, my office, nor Mudgee were told at any time, until the deal fell over, that the issue of US quotas had anything to do with their proposal. They did not tell In-

vest Australia, they did not tell me, they did not tell my office, and they did not tell the Mudgee Shire Council, so far as I am aware. I view the matter so seriously because I deeply suspect that I, and the government, and the minister are being set up as scapegoats—

*Opposition members interjecting—*

**Mr ANDERSON**—I do. I have had a little experience in the airline industry.

**Mr Tanner**—You sent Ansett broke!

**The SPEAKER**—I warn the member for Melbourne!

**Mr ANDERSON**—It sometimes happens that people make commercial decisions for reasons which they do not particularly seem to want in the public arena and then they try to scapegoat governments or government ministers. I indicate that I have written a very stiff letter indeed to the CEO of Merryn Meats demanding an explanation, because I do not believe the reason they have given. I have explained that to John Harvie from the Mudgee abattoir, and I say again that I think you have fallen into the trap of seeking to blame the government, and the minister, for a very difficult decision that arises as a result of American trade practices. That is where this problem emanates. It is as simple as that.

The industry wanted the minister to intervene. He has done so in a way that reflects exhaustive consultation in the face of a very difficult situation. I stand by the decision making process that he has been through, the consultation he has been through, recognising that not everyone can be happy with it. It is an impossible situation, and your cheap-jack exploitation of it does you no justice whatsoever, as exemplified by your attempt to exploit the St Merryns withdrawal which, as I say, is based on grounds which I simply do not believe and which you have prematurely accepted.

**The SPEAKER**—Before I recognise the member for Corio, I remind the Deputy Prime Minister, as I reminded the member for Corio in his question, that the use of the word 'you' and 'your' means that the remarks are no longer being addressed through the chair and, of course, it makes the debate much more provocative than if they are ap-

appropriately tempered by being addressed through the chair.

**Mr Gavan O'Connor**—Could I ask you to ask the Deputy Prime Minister to table—

**The SPEAKER**—Is this a point of order?

**Mr Gavan O'Connor**—the stiff letter to which he just referred.

**The SPEAKER**—I point out to the member for Corio that people are only required to table documents from which they have been quoting.

#### **Research and Development: Policy**

**Dr SOUTHCOTT** (3.27 p.m.)—My question is to the Minister for Education, Science and Training. Could the minister advise the House of the government's ongoing commitment to key technology and research areas? Is the minister aware of other policies in these areas?

**Dr NELSON**—This government is very much aware and committed to building a modern Australia and appreciates, as does the member for Boothby, that for the 21st century, information, education, knowledge, innovation and the commercialising of ideas are absolutely critical to our future. In fact, within the \$3 billion program—the Backing Australia's Ability statement—are a number of critically important initiatives in relation to excellence. The fact that the Australian Labor Party has absolutely no interest in innovation or Australia's future should be noted by those who are listening to this broadcast.

For example, this year I have announced funding of \$19 million for the Cooperative Research Centre for the Australian Sheep Industry at the University of New England in Armidale to look specifically at wool and meat and to add value to important traditional commodities. Perhaps more importantly for the member for Boothby, when I was in Adelaide the South Australian minister, Jane Lomax-Smith, and I announced the Australian Centre for Plant Functional Genomics—a \$20 million commitment on behalf of the Commonwealth—which is a collaborative project with Melbourne University and the University of Queensland to look specifically at disease and salt resistance in grains. This is, of course, an \$8 billion in-

dustry, as the Deputy Prime Minister would be well aware. Tasmanians benefited from the bioinformatics centre of excellence—computers, mathematics, statistics, information technology, and specifically applying those things to biology and medicine.

Last month, with Senator Alston, I had the privilege of announcing a \$129 million project, a national centre for excellence in information and communication technology. We expect to leverage another \$100 million from that project from the universities and the private sector. As I said at the time, at the former Eveleigh railway yards, new technologies are the railway lines for the 21st century, and this government in particular is totally committed to seeing that Australians have a bright and confident future. With \$3 billion of specific investment in innovation, in new research and ideas, we expect to leverage another \$6 billion from the private sector over a five-year period. Whilst the Australian Labor Party had been talking about noodle nation and the member for Brand has committed every working minute of every working day to it, this government is actually on with the business of delivering a modern Australia and giving hopeful confidence to all Australians.

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

#### **DISTINGUISHED VISITORS**

**The SPEAKER**—Before the House rises could I use this brief opportunity—somewhat belated, I concede—to welcome to the gallery Mrs Kathy Sullivan, former member for Moncrieff and former parliamentary secretary and, if my memory serves me correctly, the longest-serving woman of the parliament. Particularly when you consider her time in both the Senate and this House, I have little doubt she will have felt very much at home.

#### **QUESTIONS TO THE SPEAKER**

##### **Parliamentary Behaviour**

**Mr PYNE** (3.31 p.m.)—I have a question to you, Mr Speaker. During the answer by the Deputy Prime Minister to one of the questions from the member for Corio, the member for Werriwa made quite an offensive hand gesture across the chamber to the Deputy Prime Minister. In keeping with the tra-

dition that has been established in the House, I would ask you to view the video of the incident and report back to the House on whether hand gestures of that kind are offensive behaviour and should be withdrawn in the future.

**The SPEAKER**—Let me respond to the member for Sturt by indicating that I have no intention of viewing any videos, that what is acceptable behaviour in this parliament is known to all of us, and that those who abuse acceptable behaviour do so because they fail to exercise the kind of restraint that their constituents would expect of them. There are requirements under the standing orders for things that are offensive. If I see something that is offensive, clearly I will take action. But I have no intention of revisiting the standing orders, nor do I think that there should ever be an occasion on which people have to raise the matter of gestures with me, because we should all be too mature to fall into such a trap. Why am I not venturing down this path? Because, in common with former speakers, I would find it difficult sometimes to know whether a gesture was meant in an offensive or inoffensive way. I will of course watch what happens, but it should go without saying that no-one in this House should ever feel tempted to exercise gestures. In 19 years in this House I have never felt any obligation to do so, and the overwhelming majority of people in this House are people whose actions are never brought to the attention of the chair. The minority whose actions are brought to the attention of the chair ought to take a leaf from the example of the majority, who know how to behave.

**Treasurer: Correction to *Hansard***

**Mr McMULLAN** (3.33 p.m.)—Mr Speaker, I have a question to you. It relates to page 538 of *House of Representatives Practice*. Yesterday's *Hansard*, at page 3293, records the Treasurer's response to a question from the member for Perth regarding the Intergenerational Report and the Pharmaceutical Benefits Scheme. It states:

Is there anybody in Australia who believes that the Commonwealth could run a scheme at \$160 billion in today's dollars?

As this figure is \$100 billion—or 150 per cent wrong—I draw your attention to page 538 of *House of Representatives Practice* where it states that ministers should take the opportunity to correct mistakes in answers. Given that the Treasurer has so far failed to do so, and since the House is rising this afternoon with this \$100 billion bungle still in the Treasurer's answer—and I am sure the Treasurer would not have deliberately misled the House—would you write to the Treasurer informing him of this error and asking him to correct the record as soon as possible?

**The SPEAKER**—I have no intention of writing to the Treasurer. There is no provision under the standing orders.

*Mr McMullan interjecting—*

*Mr Costello interjecting—*

**The SPEAKER**—If the Treasurer and the member for Fraser insist on a conversation I am sure we can find an appropriate spot for them somewhere on the benches to sit down and have a conversation. So far as the matter raised by the member for Fraser is concerned, clearly the Treasurer or his staff will be aware of it and they can take whatever action they feel is appropriate.

**QUESTIONS WITHOUT NOTICE:  
ADDITIONAL ANSWERS**

**Education: Queensland**

**Dr NELSON** (Bradfield—Minister for Education, Science and Training) (3.35 p.m.)—Mr Speaker, I seek the indulgence of the chair to add to an answer.

**The SPEAKER**—The minister may proceed.

**Dr NELSON**—I was asked about funding for Queensland government schools and I told the House that the Commonwealth had increased its funding to Queensland government schools by 5.8 per cent and the Queensland government had increased its funding to its state schools by only three per cent. I should have advised the House that, had it increased it by 5.8 per cent, there would have been another \$102 million available for Queensland government schools.

**QUESTIONS TO THE SPEAKER**

**Questions on Notice**

**Ms ELLIS** (3.35 p.m.)—Mr Speaker, I have a question to you. I seek your assis-

tance. I refer to my question on notice No. 170 which was placed on the *Notice Paper* on 21 February addressed to the Treasurer. I seek your assistance under the standing orders by reminding the Treasurer that a response is required.

**The SPEAKER**—I will follow up that matter as the standing orders provide.

#### Questions on Notice

**Mrs IRWIN** (3.36 p.m.)—Mr Speaker, I have a question to you. Under standing order No. 150, would you please write to the Treasurer to seek his reasons for the delay in answering my question on notice No. 255, which was placed on the *Notice Paper* on 20 March?

**The SPEAKER**—I will follow up the matter raised by the member for Fowler as the standing orders provide.

#### PERSONAL EXPLANATIONS

**Ms ROXON (Gellibrand)** (3.36 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

**Ms ROXON**—Yes.

**The SPEAKER**—Please proceed.

**Ms ROXON**—Yesterday in question time, the Minister for Children and Youth Affairs referred to comments I had made in the appropriations debate. He alleged that I commented that the government was not putting enough money into preschools and suggested that I direct those comments to the states. As the minister is well aware, as is anyone else who reads the *Hansard*, I was referring to the overall quantum of money spent on children of preschool age, between zero and five years, which clearly includes Commonwealth child-care expenditure, children's health spending by the Commonwealth and preschool spending, amongst other things.

#### AUDITOR-GENERAL'S REPORTS

##### Report Nos 59 and 60 of 2001-02

**The SPEAKER**—I present the Auditor-General's audit reports Nos 59 and 60 of

2001-02 entitled *No. 59-AusAID contract management-Australian Agency for International Development*, and *No. 60 Costing of operational activities and services follow-up audit-Centrelink*.

Ordered that the reports be printed.

#### PAPERS

**Mr McGAURAN** (Gippsland—Minister for Science) (3.38 p.m.)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the *Votes and Proceedings* and I move:

That the House take note of the following papers:

Government Response to the Joint Standing Committee on Migration—'New Faces, New Places'—Report on Review of State-specific Migration Mechanisms.

Debate (on motion by **Mr Swan**) adjourned:

#### MATTERS OF PUBLIC IMPORTANCE Howard Government: Rural and Regional Australia

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

The Howard Government's betrayal of rural and regional Australia.

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 GAVAN O'CONNOR (Corio)** (3.39 p.m.)—If this House ever needed any evidence of the coalition's betrayal of regional and rural Australia, it got it today in question time. Let me go back just a couple of months. The ink was barely dry on the budget papers before the Howard government ratted again on rural and regional Australia. This matter of public importance contains a simple but very harsh word that aptly describes the way in which regional communities, and in particular their local governments, have been treated yet again by the

Howard government. That particular word is 'betrayal'. It is not just my word; it is a word that has been used by many communities to describe their anger and dismay at yet again having promises made to them by the Howard government and then being comprehensively dumped after an election.

It took the Treasurer, the Prime Minister and the cabinet only six months after the last election to dud rural and regional Australia yet again. You duded them, they know it and they will not forget it. Councillor Noel Playford of the Queensland Local Government Association said after your betrayal on the Roads to Recovery Program:

The Howard government now makes three types of commitments: 'core, non-core and never to be believed under any circumstances'.

These are not my words but the words of a local councillor. This is not the first time that the Howard government has betrayed rural and regional Australia in a budget. This government has historical form: a serial pattern of betrayal that goes back to the days when it was elected. From the moment it was elected, the Howard government has broken promise after promise to regional communities.

As much as coalition members do not like to be reminded of the fact, let me refresh your memories. You are always wanting to take a trip down memory lane as far as the Labor Party's record in this parliament is concerned. Let me take you down memory lane on your own record.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—The member for Corio should be keen to have 'you' and 'your' expunged from the record here. I would like him to accommodate it.

**Mr GAVAN O'CONNOR**—The Howard government's first betrayal came after the 1996 election. That was when they abolished the office of regional development and the regional development program after promising rural and regional Australia that they would be retained. The second big betrayal came over Telstra—that famous non-core promise of the Prime Minister that they would not privatise any portion of that great Australian company.

The third betrayal of the Howard government came over the GST. That was the 'never, ever' promise. If you made a non-core 'never, ever' promise to your kids—and I am talking to the former leader of the New South Wales farmers, Mr Cobb—you would have been in real trouble. Here you have a Prime Minister making non-core 'never, ever' promises over the GST.

The fourth betrayal stemmed from that one—the GST's impact on fuel prices. Members of the coalition went throughout rural and regional Australia and they told farmers, workers and households that the price of fuel would come down and so would the price of the goods and services that they consume. Neither of those happened. The government knew that at the time. They deliberately deceived people in rural and regional Australia. They made promises and those promises have been broken. The disturbing feature of the 2002 betrayal is that not only is it the serial nature of the political offence; it is the unbridled display of arrogance by the coalition in believing they can continue to treat rural and regional Australia with utter contempt and without any political ramifications.

The new betrayal began with this budget. It began with the increase in interest rates and the deficit that the Prime Minister said he would never have in his budget, and it began with the Roads to Recovery program. It has continued with the betrayal on jobs. We had an example of it here in question time today when the Deputy Prime Minister could not even let the minister responsible for the beef quota decision stand up and defend his own decision. What a weak-kneed effort that was. Here was the Minister for Agriculture, Fisheries and Forestry, championing at the bit to try to answer the question, and the Deputy Prime Minister got up to try to defend the government's record on jobs in this regard.

The Senate inquiry took evidence on this particular quota matter and said that 5,000 to 7,000 regional jobs will be destroyed as a result of this minister's decision. The honourable member for Parkes was head of the New South Wales Farmers Association when the last decision was made on quotas with

EU beef. He was part of the criticism the industry made of this minister over that particular decision, because of the impact it would have on jobs in rural and regional Australia. Now we have an even graver decision with an even greater impact. Nothing is more important to a rural and regional community than the creation of jobs. It is important to the social health of communities and to the economic health of businesses and commerce in those areas. Nothing is more devastating than the destruction of jobs as a direct result of the actions of an incompetent and heartless government. The US beef quota issue is an example of this.

The second betrayal I want to refer to today is the betrayal in the budget. People in rural and regional Australia are going to be affected by Liberal and National Party interest rate increases. People in rural and regional Australia have mortgages and credit cards. They have been hit by Costello's rise in interest rates.

*Government members interjecting—*

**Mr GAVAN O'CONNOR**—The honourable members cackle away—that great exercise in political irrelevancy: the National Party. Let me tell you now your constituents are going to suffer because of Liberal interest rate rises. I know you do not want to hear this, but let me remind you what the National Party leader said about the impact of Liberal interest rate rises on farm costs. The Deputy Prime Minister said that every 0.5 per cent increase in interest rates costs farmers \$45 million—let alone households or others in rural and regional communities. We had a half a per cent rise before the budget, we have had a half a per cent rise since the budget and we now have a rise of one per cent in the pipeline. That adds up to an increase of \$180 million, courtesy of Liberal Party interest rate rises, by the end of the year.

**Fran Bailey**—What about the Labor Party's interest rates?

**Mr GAVAN O'CONNOR**—You do not like it, do you? You do not like me talking about Liberal interest rate rises. I do not like quoting the Prime Minister because he has such a record of dishonesty, but on this par-

ticular matter he was correct. When he was asked on 25 October at the Australian Council of Social Service conference whether he would let the budget go into deficit, he said:

I have made that commitment—

listen to this; this is a good one—

I will repeat it to you this morning, I do not believe that we should go into deficit, and we won't go into deficit if we are re-elected ... Once you start with deficits they get bigger and bigger and you end up with high interest rates ...

What did he do in his first budget? We had a big fat Liberal deficit followed by a Liberal induced interest rate rise. That is what you cannot come to terms with. It has added some \$90 million to farm costs and it will impact on households. This government is the biggest taxing government on rural and regional Australians in the history of the Commonwealth. Since the GST, every man, woman and child in rural and regional Australia is being taxed \$800 extra. This budget was one of fiddles and pork barrels, but let me tell you this: there are more pork barrels for the National Party in this budget than there are porkers in your local piggery.

The honourable member for McMillan will be taking this up in the debate on this matter of public importance, but let me go to the Roads to Recovery program. As the National Party and coalition members know, roads are indeed the lifeblood of rural communities, as is telecommunications infrastructure. Nowhere is the Howard government's betrayal more comprehensive than in the treatment of the Roads to Recovery program. It is now a matter of history that in the 2002-03 budget the government 'rephased' \$100 million of the \$300 million due to rural and regional councils under the program. Another term that was used was 'reprofiling'. It is a bit the same as 'non-core' and 'never, ever', isn't it? You have rephased \$100 million and it has impacted on rural and regional communities. Many councils have been forced to cover the shortfall and they can only do that with the rate rises. They will not be able to meet their contractual obligations and they may be liable for penalties.

For that great seat and pocket of irrelevancy in the coalition and this House, the National Party, let me read what the local



government associations think of you. The Australian Local Government Association expressed its shock and disbelief. They said, 'This decision simply beggars belief.' They went on to say:

The Commonwealth has literally pulled the rug from under hundreds of shires and councils across the country.

That is code. They would not say it, but I will: you betrayed them yet again. And they had this to say: 'Communities from every federal electorate in the country have been grossly misled.' They were misled by the Prime Minister and the Howard government. The Local Government Association of Queensland said:

We simply don't accept that we are going to get the money back in two years' time.

Of course, they won't. It is another of your non-core, reprofiling, rephasing promises.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—I remind the member for Corio. He cannot apparently get 'you' out of his vocabulary.

**Mr GAVAN O'CONNOR**—This decision alone has cost us \$63 million. We just do not believe the government, given its track record of deceit and broken promises. The Local Government Association of Queensland had this to say:

So much for the Roads to Recovery program. It might be better called 'the long winding and never ending Road to Recovery'.

That is what they called the program. That was in your state, honourable member. The Local Government Association of Queensland also said:

This decision illustrates once again why citizens express such contempt for politicians.

In this case, we know whom they are referring to: they are referring to coalition MPs.

The Local Government Association of South Australia said:

On any measure SA Councils get the worst deal in the nation on Federal road funding ... and to have this new allocation cut is rubbing salt into the wounds.

The Local Government Association of New South Wales called it 'highway robbery', and said:

Despite this, all program monies must be returned and we are sick of the Government ratting on their election promises.

You have ratted on your promises—

**The DEPUTY SPEAKER**—Member for Corio!

**Mr GAVAN O'CONNOR**—The Howard government have ratted on their promises to rural and regional Australia. You have comprehensively betrayed your constituents, yet you come in here trying to defend the indefensible. No wonder the National Party now is down to 13 seats. No wonder it is down from its 1987 vote from 11.5 to 5.6. You have betrayed your constituents. (*Time expired*)

**Mr JOHN COBB (Parkes)** (3.54 p.m.)—Isn't politics a wonderful thing? I thought I had seen everything, but I never expected to see the opposition use as an MPI a question that would have been better fitted as a dorothy dixer for us to show what they did not do and what we have done. I was a bit stunned to see it. I do appreciate the fact that the member for Corio pointed out that I was a past president of the New South Wales Farmers Association. He is right about one thing: they were vitally interested in the GST. But what he needs to remember, and what he should have taken the trouble to find out—if he ever travels away from Geelong in outer Melbourne—is that they were 100 per cent behind the GST. What they did not want was an opposition which ensured that the GST did not apply across everything, therefore making it a damned sight harder to implement and not as efficient as it otherwise would have been. Anybody who wants to question that should go to New Zealand to see how much more efficient a GST can be when it is across everything. This one is working. It could be even better but, thanks to the opposition, it is not. I cannot believe that you want to go through this, but if you do want to go through this exercise—

**The DEPUTY SPEAKER**—The member for Parkes will not use the word 'you'.

**Mr JOHN COBB**—My apologies to you, Mr Deputy Speaker. Through you, Mr Deputy Speaker, if the opposition are keen to go through this, then so be it. But I think if they

learnt what happens in country Australia, the first thing they would realise and understand is that country Australia depends utterly and almost solely, but not quite, on small business. There are a couple of things that small businesses need. The member for Corio mentioned interest rates. What he did not mention was that some farmers went broke. I had neighbours who went out, and I will tell you when they went out. Some of them went out in the late eighties. Do you know why? Because interest rates went well over 20 per cent. Why did they go over 20 per cent? Because the government of the day, the Labor government, pushed Australia's borrowings up to \$96 billion. It is very hard for an ordinary small businessman to compete with the federal government in the borrowing market. That is what you do not understand. When you borrow \$96 million—

**The DEPUTY SPEAKER**—The word 'you' is coming through again.

**Mr JOHN COBB**—I have to concede, I am in error again. Through you, Mr Deputy Speaker, can the opposition ever get the basic premise through their heads that small businesspeople cannot compete with \$96 billion borrowings? What has been cut down so far by this government, and by paying back \$60-odd billion by the end of this session, means that the government does not have to pay over \$4 billion in interest. It takes us out of the borrowing market. The best thing this government ever did was get interest rates and inflation down, making it possible for small business to once again get involved in development. When will the opposition ever learn that? Nowhere is that more relevant than in country Australia. If the opposition wants to ask these questions, they have to wear them.

Why don't we just go through a few of them? Look at what has happened in trade in the last six years. Agricultural trade has gone from around \$22 billion to \$31 billion in six years. Let us talk about production figures. The value of production figures has almost doubled in terms of trade. Let us look at health. If you live in a big town or a small town, the biggest issue in country Australia is health. I am amazed that you want to go through this. No more than 25 per cent of

Australians live in country Australia, but 40 per cent of the money put aside for health and aged care in the last budget went to country Australia. In the last six years, \$1.2 billion has been spent by this government on country health. What has been promised for the next session will take that to \$1.8 billion. The figure for the last 13 years is so reprehensible that I am amazed that the member for Corio wants to draw this to everyone's attention. Can I just talk about a few of those things? Let us talk about doctors. It is very hard for country people to get along without doctors. Let me tell you something: in the 13 years you were in government, the number of doctors that were lost was incredible.

**The DEPUTY SPEAKER**—The member for Parkes is slipping back into the 'you'.

**Mr JOHN COBB**—The number of doctors that the opposition lost was something to behold. In the years from 1997-98 to 2000-01, about 63 more doctors have been located in country Australia. Let me tell you that we have actually got a strategy, something which never occurred when the opposition were in government—13 years, and they did nothing except lose doctors! We have got a strategy that the opposition have never put their minds to to get nurses back into country Australia by way of scholarships and training. There are heaps of nurses out there who need retraining. A lot of money has been put into that—something like \$100 million into the training, the scholarships and the retraining. That is the quickest way to get nurses out there.

Let us talk about doctors again. Do you realise that when we took government, after the opposition had been in government for 13 years, the number of rural students in medical schools around Australia was barely eight per cent? Today, that is up to 25 per cent, and there is no permanent solution to that problem other than to get country kids into medical schools. To accuse us of not looking after country Australia when we have tripled the number of country students into medical schools in six years—be it on their heads.

Let us talk about the treatment of people. Did the opposition ever dream of spending \$72.5 million on six cancer treatment centres

to be located in country Australia? I do not know whether members of the opposition have ever got out there—I am sure that the member for Corio and the member for Batman are not too sure where most of these places are. But I know of people in Hillston who have to travel all the way to Melbourne every week to take their kids for cancer treatment, and being able to travel to Dubbo or elsewhere rather than to the capital city will be the greatest thing that we could ever have done for them.

We have already located specialists in Broken Hill and in Dubbo in my electorate. Neurologists, skin cancer specialists—you name it, they are going out there. When I think of what could have happened in those 13 years, I get very angry, because this did not happen. We have not done it all, but we are facing the problem and we have got a strategy to deal with it. For 13 years, they did not do one thing. The member for Corio might have travelled a little bit of Australia, but he certainly has not seen what is happening or he would not have had the hide to get up and say what he said today.

Let us talk about communications. While health might be the biggest issue out there, communications and the strategy that this government has and will have in the future is what will make it possible for us to go forward. I wonder if the opposition have heard of a thing called CDMA. If they have, they just might stop and think about another mobile system called analog. If they are talking about looking after country regional Australia, it may have escaped their minds that they not only wiped the thing called analog but they sold the broadband—I forget how much for; I think it was half a million dollars. They threw out a very good system. The former Leader of the National Party, Tim Fischer, did a deal with Telstra to get CDMA.

I will talk to you about my electorate. What has changed? I will tell you how badly we have looked after them. There is mobile phone coverage in the order of 10 or a dozen places where nobody ever dreamt it would exist. Recently, I drove from Ivanhoe—which I am sure the members for Batman and Corio would have a little trouble finding—which is about three hours from Broken Hill and about 10 hours from

and about 10 hours from Sydney. I think you would call it isolated. Do you know that, while driving from Ivanhoe—about 150 kilometres from Hillston, about another 100 kilometres to a place called Lake Cargelligo and another 100 kilometres to my home, which is 100 kilometres to the nearest town—only for a very short time in that whole trip was I out of mobile coverage? That is something that I do not think we ever saw the previous government look at doing.

**Mr Martin Ferguson**—So how come Stewie lost his seat? That is an example of the success of your government!

*Mr Gavan O'Connor interjecting—*

**Mr JOHN COBB**—Could I stay with communications for a while?

*Mr Martin Ferguson interjecting—*

**The DEPUTY SPEAKER**—Member for Batman! You'll be thrown out!

**Mr JOHN COBB**—I think it is worth exploring communications a bit further. The member for Batman and the member for Corio are getting a little excited. The trouble is that they started this, and now they do not like what they are hearing. But the truth is that those people in the outer extended zone of Australia—if the member for Batman and the member for Corio ever knew they existed, they have certainly forgotten them—have now got two-way radio coverage for their phones, which was put on for them absolutely free. Under Networking the Nation, with the mobile phones they have got, with the two-way satellites they have got—on broadband, I might add—they have communications equal to the best that people in Sydney and Melbourne have got, and I think they are the only two places that the previous government knew existed.

If they want to go on about this and bring up dorothy dixers which only make them look as totally ignorant of rural or country Australia as they are, then on their heads be it—but these are the facts. Let's talk about roads. The member for Corio was on about Networking the Nation. It is not that strange that people have reacted so strongly and so warmly to Networking the Nation, because it is the first time in 20-odd years that a federal government stood up and said, 'It's time we

put some funding into roads—for country roads and for local roads—and if the state governments, who are responsible for these issues won't do it, we'll do it.' Yes, we did have to put \$100 million off for two years, but it has not left them. The reason the opposition, and especially the member for Corio, are so anxious and excited about Roads to Recovery is that they wish they had had the courage to do it themselves, to stand up against the members from Melbourne, Brisbane and Sydney and put that funding where it should go—and where it is going.

Can I also talk about the government financial assistance grants? I will just pull out one example, the shire of Bland in the south of my electorate. Its funding from 1996 to 2001 went up by 30 per cent, which is pretty much the average figure right across my electorate. We are putting money into roads—we are not talking about the absolute lack of caring for country Australia—we are doing it. I would like to talk about Regional Solutions for a moment. There were some incredible statements about rorting Regional Solutions. Let me tell you that I will be in there for everything I can get for my electorate. I will tell you something else that I am sure will be of interest to the opposition. The member for Charlton said, 'It's a rip-off; it's a rort—I haven't got any of it.' The member for Charlton got 100 per cent of everything she applied for in her region.

**Ms Hoare**—I did not.

**Mr JOHN COBB**—She did not apply for one cent—

**Ms Hoare**—I did not.

**The DEPUTY SPEAKER**—The member for Charlton is not in her place and is grossly disorderly when she interjects.

**Mr Martin Ferguson**—Never!

**The DEPUTY SPEAKER**—You are not allowed to interject.

**Mr JOHN COBB**—That member got everything she applied for; she did not apply for one cent.

**Ms King**—Ask about the pipeline.

**The DEPUTY SPEAKER**—The member for Ballarat!

**Mr JOHN COBB**—She does not give a damn about her electorate. We applied nous and we got the money. Can I talk about Black Spot Programs?

**Mr Martin Ferguson**—There is a big hole where the member for Parkes sits.

**Mr JOHN COBB**—They apply to roads and mobile phones. I can tell you six towns in my electorate are going to get at least three or four TV stations.

*Mr Martin Ferguson interjecting—*

**The DEPUTY SPEAKER**—The member for Batman, if you continue to ignore the chair you will be dealt with.

**Mr JOHN COBB**—I would really love to tell you about their cohorts in state government who are making life for country people totally impossible and totally uneconomical. If you bring these questions up, you have got to wear the answers. *(Time expired)*

**Mr ZAHRA (McMillan)** (4.09 p.m.)—You only have to look at the level of representation of the National Party in this place to realise that this is not a political party that can ever hope to represent the aspirations of rural and regional Australia. In my electorate there used to be a time when the Country Party represented the people of McMillan. They have now been reduced to being 2.5 per cent of the vote in the electorate of McMillan. The reason that they get 2.5 per cent of the vote is because of the level of representation that we see in parliament here today. They are a gaggle of dullards over there. They used to always say that the most important thing in farm families was making sure that you had the best person to manage the farm as the farm went from succession to succession. Obviously, in farm families they are pretty keen to make sure that the smartest person stays on and manages the farm—and that is why we end up with the dumbest people from those farm families entering the parliament as National Party MPs. They are an embarrassment to their communities and they are an embarrassment to this parliament.

It was not that long ago that we had the Deputy Prime Minister, John Anderson, standing up in this place saying that there was no clear constitutional role for the involvement of the Commonwealth govern-

ment in regional development policy. He believes that the Commonwealth should get out of regional development. Despite the money that they might announce, that is still what he believes. He sees that there might be some way in which the Commonwealth government might provide money to regional communities, but only on the basis that they might be able to get a vote out of it. They are not interested in the people; they are interested in the politics of it—the grubby politics of preserving non-performing National Party MPs. In the course of the last three or four years, they announced a couple of specific grants to certain areas in Australia. They have not done this based on need and they have not done this based on merit. They have employed the basic old Country Party thinking which is all about the pork barrel. Cut off a bit of pork—

**Mr Sidebottom**—The porkers are out of the barrel.

**The DEPUTY SPEAKER**—The member for Braddon, you have already been warned.

**Mr ZAHRA**—throw it to a community in need and try to distract them from the main game. They try to distract communities from focusing on those essential services which they need by trying to put a little bit of grubby money around, to try to make sure that communities are not able to make the decisions that they need to make in relation to communities based on the delivery of government programs—not based on the pork barrel, the money which they wheel out just before an election.

Over the last three or four years, we have seen repeated examples of this. My community, the people of the Latrobe Valley in the electorate of McMillan, have been identified repeatedly as being amongst the most needy in the Australian nation. What have we got from the federal government? Nothing; we have not received a dollar from these people. And in that period of time, when they have denied any support to the people of the Latrobe Valley, one of the most needy communities in Australia, they have seen fit to give \$10 million to Newcastle and they have given \$3.5 million to the people of Eden when their cannery closed. However, the people of the Latrobe Valley—the commu-

nity which was identified in the Productivity Commission inquiry into the impact of NCP on rural and regional areas as the most disadvantaged of all of the 42 regions that were modelled—have received not a dollar for our community. When our community needed help over that time, we did not receive a dollar. However, the electorate of Wide Bay—or as I should say, ‘wide pay’ or ‘bribe bay’, as it has come to be called—is represented in this place by the Minister for Agriculture, Fisheries and Forestry. That community does have some needs which need to be addressed, but it should not get support while people in need in the Latrobe Valley do not get a dollar.

On this side of the House we have an approach to rural and regional development policy which focuses the most government resources on those areas most in need, not on those areas which just happen to be in a coalition-held seat or happen to be represented by a National Party minister. Those of us on this side of the House who represent rural districts are interested in people and communities, not grubby internal politics which is all about trying to prop up poor-performing National Party MPs. We are interested in people and communities and trying to make sure that those people in need get the support that they want.

I put the government on notice: we will chase them down every last burrow after every bit of pork every time they allocate funding inappropriately. It is unacceptable. We know that there exist out there substantial parts of rural and regional Australia which are suffering massive disadvantage. These areas have been identified by government report after government report. The government is aware of these areas which have been identified and continues to obfuscate and not take direct action to support these communities, which are desperately in need.

Jesuit Social Services have done important work in identifying those communities which are particularly disadvantaged, through their works *Unequal in life* and *Unequal in health*. There has been no formal response from the federal government to either of those important inquiries by that well-respected centre. If

the government were serious about doing something for these struggling regional parts of Australia they would not just put in place small programs like their so-called Stronger Regions program, which is a mere \$100 million over three years. They would sit down with those communities immediately and do something directly to assist those communities. They would not just establish another committee and put in place a process which runs for months and years. They would say, 'We know you've got a problem right now. We're coming there, we're going to meet with the community and industry, and we're going to make something happen now—not in 12 months or two or three years; we're going to do it now because you are in need now.'

That is the difference between us and them. We see a problem and we want to fix it; over on that side they see a problem, sit on it, and try and find some political opportunity—some way to try and prop up poor-performing National Party MPs. That is all rural and regional Australia is to them: a way of propping up their vote and trying to sustain poor-performing National Party MPs instead of tackling those problems and doing something directly to turn around the disadvantage which exists in rural and regional communities—and it exists particularly acutely in some of those communities.

The government have announced eight different areas which will receive \$4 million over three years under the Sustainable Regions program. Nearly all of those areas are Liberal and National Party areas. The eight regional TradeStart offices which were announced by the government all went—except for one in the electorate of the member for Corio—to Liberal and National Party electorates. So, where they have an opportunity to try to put some public policy measures in place to help rural and regional Australia, instead of focusing the most resources on those areas most in need they focus the resources on wherever it is that they need to reward a political mate. They put the resources wherever it is that they need to try and prop up a poor-performing coalition MP.

On this side of the House we think that is an appalling approach to take to rural and

regional Australia. We think that is a contemptible approach to take. On this side of the House we do not think that you should have one policy for people in the city and one policy for those people who live outside the metropolitan area. We think that you should have policies specifically designed for those communities as they exist in the city and as they exist in the country. We think that the approach which the government has taken is contemptible; it is all about trying to play one regional community off against another rather than putting the most resources where the most need is. On this side of the House we believe that the greatest amount of government resources should go to those areas most in need; on that side of the House they think that the resources should go where there is a political need.

We stand opposed to that point of view and we put them on notice today: where we see pork-barrelling and this contemptible approach to rural and regional Australia we will hold these people to account. We will make sure that people in rural and regional Australia get the support that they need and do not have to put up with the grubby political pork-barrelling that we have seen from the gaggle of dullards now representing the National Party in this place. People in rural and regional Australia deserve better than that. The level of representation which they receive from the National Party is abysmal and that is why they got 2½ per cent of the vote in the election. (*Time expired*)

**Mr HAWKER (Wannon)** (4.20 p.m.)—I almost felt sorry for the previous speaker. The poor member for McMillan had obviously run out of material; the frivolous repetition that went on and on towards the end of that speech was a sad reflection on his preparation. When you look at what he had to say, it basically boiled down to personal insults and hollow rhetoric. My other observation is that if, as he claims—and who am I to doubt him, because he knows his area better than anyone—he has got nothing for the Latrobe Valley then, sadly, that is a reflection on the quality of the member, because obviously he is not trying. Maybe he ought to do a reality check on who holds the seats in the country and why there might be a majority of seats

held by the coalition, with the result that they are getting a lot of this funding.

When I looked at this MPI I had to pinch myself. I thought: are they serious in putting up something like this? Then I thought that maybe the member for Corio had been put in here to try and divert attention from the problems of the Labor Party. He was obviously prepared to come in here and do this knowing that he was going to get not one but two black eyes by putting up this sort of motion. Then, of course, it was obvious. I picked up the *Australian* today and there it was, the headline 'Labor has lost its way.' And who said this? The byline reads:

Barry Jones says party is doomed without reforms.

That is obviously why the member for Corio was sent in here to try and arrange this diversion. Clearly, the brains trust of the Labor Party could see that today was yet another bad day and that they might as well try and divert attention, no matter how frivolous the MPI.

Question time only reinforced that when we listened to the type of questions that were being put up. Every time they got an answer it was clear that the Labor Party had some major problems. That I guess is why the member for Corio came in here. But I just want to take up five of the points that the member for Corio based his MPI on because each one of them can be knocked over very simply. He seemed so desperate to get up and say anything that he never bothered at any stage to get his facts right. Let us look at them one by one.

He talked about the GST and the electors not knowing about it. Let me remind the member for Corio that in the lead-up to the 1998 election we went to great lengths to make sure that voters knew before the election that if they voted for the coalition there would be tax reform. In fact, we went to such lengths that the Labor Party were whingeing that we were spending too much money putting out material explaining what tax reform was all about. To say that the electors were not told before the election what would happen if the coalition was re-elected really was completely out of court.

The second point he talked about was fuel and fuel taxes. Let me remind the member for Corio about fuel taxes. It was this government that got rid of Labor's indexation of fuel excise. Labor put in fuel excise and ramped up the tax over its time in government. We have frozen that. But we have gone further than that. With the tax reform not only have we got rid of the indexation but we have also reduced the cost of diesel for heavy transport, directly benefiting people in the country. So we now have the situation that, while there is a 38c-a-litre fuel excise, heavy transport only pays about 18½c a litre. In other words, we have taken all that tax off—all that tax that Labor was putting as a direct cost on people in the country, because every time you have to move goods to or from the country you have to use transport.

If we look at the third point, he has made some comment about roads. Who brought in Roads to Recovery? The coalition. And the coalition will continue Roads to Recovery. It is a four-year program. We have made the commitment and it will continue. But it was a new program. It was nothing to do with Labor. He was trying to criticise it as though it was something to do with the Labor Party. The Labor Party did nothing; absolutely nothing. It was the coalition that brought that in.

The fourth point—and I must admit I could not believe it when the member for Corio brought this up—was him mentioning something about jobs. Can I remind the member for Corio that since this government has come in the unemployment rate has been falling? It has been falling in my region for well over 12 months. In every month now the statistics come out and show that it is falling. That is happening in many parts of regional Australia and it is certainly happening right across Australia. The unemployment rate is falling and if you look at the small area labour market figures you will see the number of people in work is actually rising in the regions too. Again, he has not bothered to look at his facts.

On the fifth point—and again it is very hard to believe how the member for Corio could come in here and have a straight face when he makes these statements—he men-



tioned something about interest rates. Some of us do remember interest rates under the Labor Party. We remember when they got up to 20 per cent. We remember all the small businesses and farmers who got burnt by the Labor interest rates. The interest rates today are the lowest they have been in 30 years. He could not even get the recent two small rises in interest rates right. I really think that the member for Corio should have done his homework a lot more before he came in. It seems most unfortunate that he did not bother to get his facts right.

I would like to bring up a few more points now because I think that the coalition government has a very proud record when it comes to looking after rural and regional Australia. I think the reforms that have been brought in right across the board have directly benefited the country. They have directly countered some of the disadvantage that occurred under Labor. There is no doubt that the benefits have been substantial and that they are ongoing. I mentioned tax reform in the case of fuel tax but it goes much further than that. If we look at what tax reform was all about with the new tax system, it was directly to benefit exporters. Exporters have seen billions of dollars taken off their taxes and with that new system people in the country—who are a very large part of the export effort of Australia—have been direct beneficiaries. So when you look at that point the reforms have had a very big effect.

We can go to the next area, which is the waterfront and industrial relations reform. It was this government, the coalition government, that cleaned up the waterfront. Remember all the difficulties we had with the Labor Party when they could not get away from the union bosses telling them what to do? Nowadays we see those reforms really working. Who benefits again? People in the country. I think the member for Corio ought to have done a bit of homework before he ever bothered to bring in this motion because by any measure he has made himself look pretty ignorant.

I have mentioned the value of economic management. As the Treasurer pointed out earlier today in question time, we have the lowest interest rates in 30 years. Inflation is

down. We can remember inflation under Labor and we remember the damage that did. We remember the damage under Labor. Look at all the work that is happening, as I mentioned, in infrastructure with the improvement in roads.

I am watching the time. I am having trouble getting through all the things that the government has done for country Australia. Let us have a look at the environment. Labor used to try and kid themselves about their environmental credentials. This government has actually done it with the Natural Heritage Trust funding and with the work that we are doing on salinity. We have doubled the amount of dollars going into environmental work particularly in the regions but right across Australia. We are a government that is actually getting out there and doing it. With this national action plan, the work we are doing on salinity, we are tackling one of the great environmental problems of this nation. It has taken a coalition government, a Liberal-National government, to recognise what is really needed in the country. Maybe that might be why, the member for Corio and the member for McMillan ought to realise, the coalition holds nearly every seat in the country. It is because we understand it.

We look at what the Regional Solutions Program has done—some fantastic things. Then we look at the Rural Transaction Centres, which address some of the problems which Labor could never address. We look at things like Medicare Easyclaim reporting. Labor would not have anything to do with these sorts of things. Look at what increased border protection is going to do to in trying to maintain our clean, green status for all our exports. By any measure, whatever way you look at it, this is a government that is doing something for the country. I do not understand why the member for Corio was ever allowed to put up that MPI, because by any measure he has made himself look a complete fool. It is the coalition that is looking after the country and it was Labor that betrayed the country.

**Mr WINDSOR (New England)** (4.30 p.m.)—I think it is important that these sorts of issues are raised in the parliament. It is a great shame that country issues do not get



more prominence amongst the issues that are raised here. It is a great shame that there are very few country representatives in the parliament to actually listen to the debate. Before making my contribution, I will mention that I was delighted to see the former member for New England as an adviser in the chamber again today. It is only the second time I have seen him since three days before the election outcome, and the first time was yesterday. It is good to see that he is still alive.

Looking at the general debate that has taken place here, it is no wonder that country people are looking for alternative representation. I was very disappointed in what the member for Parkes had to say—it was just a programmed event that has been fed into him and it is being regurgitated. In equal terms, the Labor Party as well has degenerated into debating who did what, who scored the highest interest rates, who scored this and who scored that. That type of debate surrounds all country issues that are debated in here. Country people are a bit more interested in the future than in who did what 10 or 15 years ago or what happened in 1992.

I think country people are searching for different representation, particularly at a time when the two major parties are the Liberal Party and the Labor Party; obviously, country Labor and the National Party are just appendages to those two major groups and they do not really have any influence in the outcomes. We have reached a stage over the last decade where both major parties have agreed on a common economic agenda, and that is unique in our political history. That is why the debates that take place in here surround the marginal adjustments—who created what and when was unemployment going up and down.

The underlying economic framework that was established in the early 1990s through the Labor Party and that has been fed through the system through various arrangements—COAG, ARMCANZ and the other institutional arrangements that have been put in place over the last decade—actually presents to country people in particular an identical twin in terms of the policy arrangements. That is one of the great problems that coun-

try people face—they look at the two major groups and they see the same outcomes. Whether it be at a state level or at federal level, if you actually take the time to look behind the veneer, they are very similar policies. The people who have paid for that have been country people, in the main.

There has been massive population decline. The Deputy Prime Minister, for instance, keeps telling his electorate that he has his hands on the levers, that he is in charge of the show and that nobody else can have any influence, but his electorate has had the greatest population decline of any region in Australia other than Tasmania. I guess that says something about the Tasmanian representatives in here.

**Mr Slipper**—They are all Labor!

**Mr WINDSOR**—That is possibly right, too. But it says something about the influence that the National Party has had on the agenda. The agenda has been shrinkage of population, and that is something that has to be stopped. If the existing parties will not do it, they will find that alternative representation will come into this place.

You see it in a whole range of areas. Even yesterday it was raised in the Main Committee that we need greater flexibility in a lot of the policy arrangements—in aged care policy, for instance. If you do not start to ensure that people in smaller and medium sized communities have access to aged care, they will leave those communities in their early 40s and establish themselves and their families in other areas where aged care may be available. There is a lack of flexibility in terms of those particular policies, but it flows across a whole range of things. In regional airline policy we can see what is happening Australia wide at the moment. There is a range of indicators out there, all expressing the same thing—they are deriving their death from the same thing.

The economic policy that the Liberal and Labor parties have agreed on and that lack of flexibility are geared around what I would call—particularly after today's question time—the feedlot mentality. We have adopted a mentality that does not fit Australia's geography, in my view, and it should not

fit its geography. It is a mentality which says that, to deliver the highest number of resources to the greatest number of people at the lowest possible cost, you must concentrate those people into feedlots. Where possible—I mentioned this the other day, as well—you use gravity to help get rid of some of the refuse. That is a cost-effective community. That is an appalling society to be imposing upon a nation of this size and magnitude, but that is the common policy that both the Labor Party and the Liberal Party have.

Tragically, in my view, the National Party have allowed that policy to operate. They are allowing it to happen now. They have the balance of power in this parliament and they are doing absolutely nothing about it. The member for Parkes virtually betrayed the farmers of New South Wales—and this issue is about betrayal—during his custodianship of the New South Wales Farmers Association. I used to be in that association and I was a proud member of it, but it was absolutely destroyed by the politicisation that that particular character delivered to it. To have him as the major speaker representing the National Party in this place is, I think, an absolute disgrace and an indicator of where they have actually come to.

There are a few other issues that I would like to raise. On Telstra, the key word in this matter of public importance, I think, is betrayal. I will not go that far. But I think that if the government sell Telstra they have betrayed country people. One of the great problems, and probably the reason that I am in this parliament at the moment, is that my predecessor and others in regional Australia have not bothered to listen. If anybody in regional Australia, be it Ron Boswell, John Anderson or whoever, believes that country people want Telstra sold—and I appeal to the people in the Senate—they have got real mental adjustments to make. Any reasonable poll that was done would indicate that over 85 per cent of country people, other than the political playmakers, do not want Telstra sold. So I would argue: do not let that happen. If that happens then that indicates they are being really taken for granted and really betrayed by this parliament.

The doctor issue is another issue that I think needs some discussion. In the recent budget, we had the appalling situation where the use of Medicare provider numbers and differential Medicare rebates was used to help drive doctors into Western Sydney, Melbourne, Brisbane et cetera. What that is actually doing is driving doctors out of the country. The Deputy Prime Minister virtually condemned me here—I think on the first question I asked—when I raised the use of Medicare provider numbers and differential rebates to encourage doctors into country areas. They would not do it for the country people, but they are doing it for Western Sydney. We wonder where the \$100 million went from Roads to Recovery. Well, \$80 million of it went into Western Sydney and Western Melbourne. I understand the political imperatives of doing that, but do not have the hide to say to country people that you are in there fighting for them when you are siphoning that money off to create some winnable situations in Western Sydney. What that says is that you are taking those people for granted in terms of their electoral capacity. The presence of three country Independents in this parliament demonstrates that they will not be taken for granted, either by the Liberal Party or the Labor Party into the future. I think there are some key indicators there.

In conclusion, I am very pleased that the member for Parkes did speak, because next week I intend to move to suspend the standing orders to bring on a motion and I hope that the Labor Party and the country members in this parliament will support it. I will read it, if I may. It says:

That in light of the NSW Farmers Association City-Country Snapshot Report showing the growing divide between city and country and the new 10 year discriminatory US Farm Bill, this House discusses as a matter of urgency the adoption of the zonal taxation proposals as put forward by the National Farmers Federation, the Institute of Chartered Accountants and the Local Government Association as a way of overcoming the population drift, economic decline and inequity of services in country Australia.

I ask that this parliament allow that motion to come forward. It has been on the *Notice Paper* for some weeks now and I would be de-

lighted to have a real debate about it, where all country members could participate. I ask those who purport to represent country people to support that suspension of standing orders next week.

**The DEPUTY SPEAKER (Mr Jenkins)**—Order! The discussion is now concluded.

#### **BILLS RETURNED FROM THE SENATE**

The following bills were returned from the Senate without amendment or request:

Taxation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2002

Customs Tariff Amendment Bill (No. 1) 2002

Financial Sector Legislation Amendment Bill (No. 1) 2002

Migration Agents Registration Application Charge Amendment Bill 2002

Migration Legislation Amendment (Migration Agents) Bill 2002

Horticulture Marketing and Research and Development Services (Amendment) Bill 2002

#### **ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2002**

##### **Consideration of Senate Message**

Bill returned from the Senate with amendments.

Ordered that the amendments be considered at the next sitting.

#### **APPROPRIATION BILL (No. 1) 2002-03**

##### **Report from Main Committee**

Bill returned from Main Committee; certified copy of the bill presented.

Ordered that this bill be considered forthwith.

Remainder of bill—by leave—taken as a whole, and agreed to.

##### **Third Reading**

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.42 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

#### **APPROPRIATION BILL (No. 2) 2002-03**

##### **Report from Main Committee**

Bill returned from Main Committee; certified copy of the bill presented.

Ordered that this bill be considered forthwith.

##### **Second Reading**

**The DEPUTY SPEAKER (Mr Jenkins)**—The question is that this bill be now read a second time.

Question agreed to.

Bill read a second time.

##### **Third Reading**

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.43 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

#### **APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2002-03**

##### **Report from Main Committee**

Bill returned from Main Committee; certified copy of the bill presented.

Ordered that this bill be considered forthwith.

##### **Second Reading**

**The DEPUTY SPEAKER (Mr Jenkins)**—The question is that this bill be now read a second time.

Question agreed to.

Bill read a second time.

##### **Third Reading**

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.44 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**WORKPLACE RELATIONS  
AMENDMENT (SECRET BALLOTS  
FOR PROTECTED ACTION) BILL 2002**

**Second Reading**

Debate resumed from 19 June, on motion by **Mr Abbott**:

That this bill be now read a second time.

**Mr HATTON (Blaxland)** (4.45 p.m.)—Here we are, debating the [Workplace Relations Amendment \(Secret Ballots for Protected Action\) Bill 2002](#), one of the prodigal children of a former bill that failed in the Senate—the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill, which went down the chute in 1999. What did the government do? Having put that bill forward, having rammed it through this House—as they ram through so many of their bills—it went to the Senate, the Senate committee looked at it, they made a determination in regard to it, there was a vote, it got knocked over. Instead of accepting that, the government chose to break this bill into a number of elements. Instead of seeing it as cognate or one job lot, they probably thought that if they could break it into a series of elements—eight, 10 or 12—they would be able to do two things, one of which was to beef up their legislative program, which is pretty narrow and pretty slim, because they would have eight, 10 or 12 bills to put through instead of one to get knocked over. It is a bit like the Internet. If you want to send stuff from one place to another, maybe it is better to use packet-switching, where you send little bits off at a time and hope they all arrive at the one point and get reassembled. My guess, though, is that when this bill gets shunted through this House shortly we will have a situation where the Senate will have another look at it and they will knock it over again. Why do I think that? Labor's attitude towards this bill is that there is no real difference between the More Jobs, Better Pay bill and aspects of that bill relating to secret ballots, and this bill. I think the Democrats and others in the Senate will probably take the same attitude.

In his second reading speech the minister said that a vast set of changes had been put forward in this bill, that the whole landscape had changed really and that they had even

taken up a suggestion by the International Labour Organisation. You would not normally expect that to happen but, when the Treasurer, Mr Costello, is day after day quoting the Hon. P.J. Keating and his arguments from 1990, you know they are fairly desperate and you know that they have got to cast around to try to build their arguments up. In that case, he has chosen an authoritative source. But going to the ILO to seek to try to bolster their argument is very strange for this anti-union, anti-worker government. If you have a look at what is supposed to be so significant in terms of the changes to this bill, the *Bills Digest*, which I will refer to in a number of places, is very useful. Page 13 deals with the comparison of the bill, and the second point they make relates to the ILO. For an eligible poll, in the previous More Jobs, Better Pay bill you had to have 50 per cent of the work force in an enterprise voting in order for it to be a quorum. They had a talk to the ILO, and the ILO said that the normal quorum is about 40 per cent. So the government have made that change to this bill. Big deal. Is it really substantial? We do not think so.

What is the second change they have made? This one is a bit weird. In order to not leave out people who are not unionised, to allow non-unionised employees to have a bit of a go at the secret ballot, they have introduced some kind of mechanism which really says: 'There's no direct representative here. We can't actually go to a union. We have got a series of people who haven't got a single representative. They haven't got a designated agent. How do we find if they actually want to have a secret ballot? We will go and ballot them to find out.' So we have got a ballot in order to have a ballot. That is basically the only other provision, even though it is not fully spelt out within this bill.

So between what was there before and what is here now, the Labor Party have had a look at it and said, effectively: 'Sorry, boys. There is no substantial change in regard to this, and our fundamental view, expressed in this House as that original bill was going through and expressed in the Labor Senate majority report, is that this bill, one of the bills sired by the original failed bill, should

be given the flick as well.' The core reason is that what this bill seeks is already in the current Workplace Relations Act. There is only one difference in terms of what the government really requires, and that is to make it compulsory to have a ballot before you go to protected action, to make it more difficult to actually deal with solving industrial disputes.

I will start looking at some of the provisions in regard to this by quoting the second reading speech of the Minister for Employment and Workplace Relations and his summation of what this is all about. The summation, the lead-up and the intro to it give you a good indication of just where this government is at and where this minister is at. We know the broader context: four months to actually reconvene a parliament and when we got here virtually no legislation organised—they had to scabble for almost a month to get some material into the House—but, right at the start, it was flagged by the minister that a major part of the government's preparation for the next election would be an anti-union series of legislative measures. This is but one of them, and I have spoken on a number of others already. The minister said:

A secret ballot is a fair, effective and simple process for determining whether a group of employees at a workplace want to take industrial action.

A simple enough statement. He continues:

It will ensure that the right to protected industrial action is not abused by union officials pushing agendas unrelated to the workers at the workplace concerned.

That is what this bill is about. It is about ensuring that union officials will not mislead people in the workplace and will not try to do things are not really related to workplace concerns. This sort of attitude has got a long history. It is at the very core of the approach of the coalition—not just the coalition now but the coalition in all of its phases and all of its modulations over time, and I will have a bit of a look at that in a moment.

When you go to the core of this in terms of a justification, this is about being anti-union and trying to stop people in the workplace from taking protected action without going through the full process and making sure you have a secret ballot before any pro-

ected action can take place. It is about putting inflexibility into the industrial relations system, not trying to make it easier to work or any better. If you turn this around, the government is pushing its agenda of being against unions and trying to typify unions as being those who push and try to lead the work force astray. What do we find when we look at the record of what has been happening? There has been a whole stack of applications for variations to workplace conditions; year after year, members of the work force have indicated that they want to undertake an activity.

A table entitled 'Orders for secret ballots and applications to AIRC to initiate bargaining period' appears at page 7 of the *Bills Digest* and it outlines that, in 1996-97, there were 4,300 applications—which is a lot. But how many orders for secret ballots were there? Mr Deputy Speaker, you would expect that, out of 4,300 applications, a pretty big number would result in secret ballots, given that the Industrial Relations Commission can, at its whim, under section 135 of the act, determine that a secret ballot is necessary in order to determine the attitude of the workers in an enterprise to see whether or not they should go ahead with protected action. You would expect a pretty big number—maybe a quarter of that; maybe just over 1,000 would be a reasonable guess. If you were pretty conservative, you could say there might be only 500. When we look at the table, we find there were two. I hesitate to make a visual gesture in the House, but there were just two secret ballot orders.

**Mr Fitzgibbon**—You are pointing in the right direction!

**Mr HATTON**—I am pointing in the right direction; that is true. In the next year, there were 6,613 applications for a bargaining period. The number went up substantially; it tripled. There were actually six orders for secret ballots. When we go through the following years, we find that in 1998-99 there were 5,779 applications, in 1999-2000 there were 9,640 and in 2000-01 the number dropped to 6,625. And how many secret ballots were there? In 1998-99 there was one, in 1999-2000 there were two and in 2000-01 there was just one secret ballot ordered out of

6,625 applications for a bargaining period. What does that tell us? It tells us that the Labor Party's attitude towards this legislation is pretty much on the money. It tells us that the conciliation and arbitration system that has operated in this country since it was set up after the Harvester judgment has actually worked reasonably well, even with all the belting that this government has given it since 1996. It says that the commission has the ability, under section 135, to initiate a secret ballot if it thinks there is any doubt about what the work force think. Under section 136, an employer or a union or a group of employees can ask for a secret ballot to be initiated.

But in the bill before us today, the government's amendment is to completely excise section 136. This is a government of excision. It wants to take lots of things out—not only islands; it also wants to take sections out of the existing legislation to take away the right of employees, unionists and employers to seek to have a secret ballot. Looking at the practice in the industrial relations system and at the comparison, it is startlingly obvious that a secret ballot does not need to be ordered for every one of those applications. What does this government intend instead? What does it say it has to drive at? I quote the minister:

Australia has previously had provisions allowing secret ballots at the federal level—

here is the really important bit—

but they have not been a compulsory precondition to industrial action.

That is the whole point of this bill. I will say it again:

but they have not been a compulsory precondition to industrial action.

This group of compulsive obsessives, or obsessive compulsives, are utterly attached to the notion that if you strangle the whole conciliation process and the whole negotiation process, you can strangle the life out of industrial action—there just will not be any, because their expectation is that workers will never go on strike and they will never take protected action if their real motives, beliefs and understandings can be divined. They think that unions, generally, are not just pri-

marily concerned with the wages and conditions in an enterprise or across enterprises; they are really concerned about other things. What they have found in the secret ballots that have been undertaken is that workers pretty well understand what their terms of employment, wages and conditions are. They pretty well understand what is being put up by the employer. They pretty much understand, too, that in regard to this the Labor Party is standing in defence of all of those employees and unionists who want to have their say in a determination of what their wages and working conditions should be and want to have their say untrammelled by government intervention to make sure that the industrial relations system does not work—because if you cement in inflexibility, it will not work. If you took 9,640 applications for a bargaining period, and if every one of those led to protected action, there would be 9,640 ballots to find out whether you would go ahead. Would 85 per cent of the cost of that be put forward by the Commonwealth? The ACTU is not an organisation that the government are enamoured of. They might have got fairly close with the ILO recently and taken up one of their points, but they are not really close to the ACTU.

The ACTU's position on this is pretty balanced and reasonable. They make a significant point on one key issue: if you look along the government frontbench—of course, it is devoid of members now because question time is over and we have only got a minister at the table—and look right through their backbench, I am sorry to say that it is full of lawyers. You know what they are like and you know what they are up to: they tend to have a legalistic approach, particularly to the question of industrial relations matters. We know what the background of the current minister is; we know what the background of the former minister for workplace relations was; we know that the Prime Minister is a little suburban solicitor. That is his background, and it was the former minister's background, and that tends to narrow their thinking in relation to these issues. The ACTU states:

... this is part of a general thrust by the Government to create a legislative framework in which legal action is the only possible response by em-

ployers to unprotected industrial action, rather than encouraging the use of Commission processes to resolve the dispute which has given rise to the industrial action.

That is pretty accurate. The ACTU and its constituent unions are pretty experienced when it comes to industrial relations matters. They are actually supportive of the Industrial Relations Commission. They can work those systems to the benefit of their constituents, and can do so because there is still some room to move. There is still some flexibility and some negotiation and conciliation processes left there. This government does not really want an AIRC. They do not want any action at all. They have a simple belief that the problems will all go away if they just lock it up legally and ensure that action cannot take place. The minister has taken the British examples; he has tried to indicate that this is the best way to go.

I go to the other key point the ACTU makes, which again is fairly balanced. They say that secret ballots really have very little to do with democratic functioning—although so much is made of that within the comments of the minister—and that they have:

... everything to do with restricting the right to strike. Further evidence is provided by the lack of any support for proposals such as compulsory secret postal shareholder votes on issues such as takeovers, or whether or not a company should lock-out its employees.

That is pretty accurate and it is a pretty good argument. Where is the action by this government, anywhere, to ensure shareholder democracy? This is a question in the industrial relations area of 'workholder' democracy. The people who have the jobs, who hold them and who work have a right to express their view whether it is orally or in writing through a secret ballot process. But we cannot see the government campaigning hard to impose that on companies. They certainly did not impose it on FAI. They did not impose it on HIH—maybe if they had they might have got a better result in regard to the demise of the HIH insurance business, with all the ramifications since. This government will not lead the charge in terms of holding companies to account within the Australian workplace. They will not hold employers to account. They will not have an even and bal-

anced approach to it; they will just have a partial and ideological one.

This bill has a fair history: going back to 1928, to start with, section 56 of the then act transmuted over time in 1947 and 1956 to section 75 and a couple of other subsections over time. In all of those iterations, the ability of the Industrial Relations Commission to order a secret ballot was underlined by conservative governments. They tried to put more inflexibility into the system. But it takes a Howard conservative government to try to make sure that before any protected action takes place at all you have to have a secret ballot, that you have to have no room to move, that you have to have no flexibility whatsoever, that you have to live in a closeted world, closed in; one where you do not let employers and employees sit down across both sides of the table and allow the AIRC to conciliate the situation. They have no real fundamental understanding of the mechanics and the behaviours within the industrial relations system.

Taking a legalistic approach to this bill fails because it is not real. You would think that the conservative side after so many years might have finally got the message that this bill is ideological, impractical and unreasonable, and directed towards a political outcome rather than a practical outcome. For those reasons, and because it lacks balance, and because it is not sensible, and because it does not advance workplace democracy, we condemn it and we will vote against it.

**Mrs HULL (Riverina)** (5.05 p.m.)—I rise to support the minister on the [Workplace Relations Amendment \(Secret Ballots for Protected Action\) Bill 2002](#) and to put forth my views in support of it. In doing so I would like to thank Heidi for her great contribution to this debate. The bill proposes that, in order for industrial action to be protected action under the provisions of the Workplace Relations Act 1999, it must be preceded by a secret ballot process that approves the taking of the action. What makes it even better is that the process is very legitimate as it has been overseen by the Australian Industrial Relations Commission. The secret ballot process proposed by this bill removes the position of intimidation. Work-



ers as individuals have a right to security. They do not want to be manipulated into taking or not taking industrial action by union officials with a hidden agenda. That agenda would most likely be entirely different to the objective of the workers and to the workplace concerned. It would likely be entirely different, and be misleading and not necessarily what the union members want.

Under the new provisions of this act, a union or an employee would be required to apply to the commission for an order that a protected action ballot be held. Included in the bill are proposed amendments and new provisions to ensure that, where employees wish to initiate a bargaining period or apply for a protected action ballot order, they may have their identity protected by doing so through an agent. I support the bill because it provides a true outcome. Because it would be a secret ballot, workers would not be afraid to vote how they want to on whether to take industrial action. They would be honest in their voting and would not be swayed or victimised by fellow workers, union officials or employers prior to or following the voting procedure. Currently, workers not only risk intimidation or alienation but they also fear losing their jobs or incurring a drop in pay if they decide to strike. They could even face having to work in tougher conditions.

Much has been made of employees' and unions' actions but little has been said about how a worker feels when an employer decides to put pressure on a worker to change their thought focus on industrial action. If this bill were in place, workers would vote according to their own heart's desire and not according to someone else's. They would have no fears and would be able to feel comfortable in their decision, knowing that it was anonymous to others. I agree with the Minister for Employment and Workplace Relations that the secret ballot process will enhance freedom of choice for workers. Secret ballots will not impede access to lawful, protected action but will simply provide a mechanism to ensure that protected action is the genuine choice of the employers and employees involved.

The provisions of this bill are intended to ensure that protected industrial action is not

used as a substitute for genuine discussions during a bargaining period and to ensure that the final decision to take industrial action is made by the employees directly concerned and no-one else. This bill assists in the prevention of unnecessary strikes, which in turn prevents the loss of jobs. The commission would not be able to order a ballot unless a bargaining period was in place and the applicant had been genuinely negotiating to reach an agreement—in other words, industrial disputes or strikes would not be as easily obtained, and agreements could be reached before it gets that far.

Under the bill's provisions, industrial action would be authorised by a ballot if at least 40 per cent of eligible voters participated in the ballot and if more than 50 per cent of the votes cast were in favour of the proposed industrial action. That is why this bill is so fair. A reduction in strike activity can be obtained through this bill. This can be seen by the UK's secret ballot provisions which came into existence in 1984.

The Blair government's Employment Relations Act 1999 retained the secret ballot system, which has helped to significantly reduce strike activity. Despite changes to this legislation requiring unions to meet the full cost of conducting ballots, the ballot process has become far more widespread in the UK than the law constitutes. It has been found that, on top of pre-industrial balloting, employers' last offers and union positions on proposed settlements are more often than not determined through the balloting process. There has been a substantial reduction in industrial disputes in the UK due to the introduction of mandatory pre-strike ballots in 1984.

Over the last few weeks we have seen the impact that union activity has had on Australia's car industry due to a stalemate between BHP Steel and unions picketing its Westernport plant. The dispute threatened 12,000 workers from Australia's four biggest car makers. The companies stated that they may have to stand down workers due to a shortage of steel. Minister Abbott is fully aware of the impact of the dispute, and he accused the AMWU of sabotaging the car

industry. In an article in the *Herald Sun* on Monday, 10 June, Mr Abbott said:

They claim to want job security. How can you protect job security by repeatedly closing the industry down? This picket, which is currently threatening to cripple the industry, is not a legal picket.

The two unions insisted the picket was legal and claimed that BHP was trying to use political and legal pressure to end the dispute. Around 280 workers at the BHP Hastings plant had been on strike since 21 May over job security and a pay rise. That forced BHP to use helicopters to break the picket line and to move goods in and out of the plant.

About 2,600 tonnes of steel had been airlifted compared with the usual 50,000 tonnes. This had huge implications. BHP took action in the Federal Court and in the Australian Industrial Relations Commission over the whole process. Ford, Toyota, Mitsubishi and Holden also sought permission to sue the unions for damages. Because of the strike, Toyota airlifted steel from Japan at a freight cost of \$250,000 per load to keep its struggling Victorian factory open. Companies cannot afford that sort of cost to stay in production. The money has to come from somewhere. Whether it be from a cutback in staff or an increase in the cost of a motor vehicle, somebody pays for this type of action.

Every day of lost production costs the nation's biggest car maker, Holden, \$20 million. The company said that industrial disputes had cost \$320 million in lost production in the past six months. Holden also said that the industrial relations system for resolving disputes was not working properly. A Holden spokesperson, Tristan Everett, said:

What worries us at Holden is we're trying to get export orders up. People see this industrial relations climate being blown up.

I firmly believe this situation cannot continue. This bill has to be put in place to overcome drastic union disputes. Not only will the car manufacturers have to lay off workers; so too will BHP because car companies would have to resource their steel from somewhere else. Therefore BHP would lose the contract and could not sustain its work force. It is a continuous cycle that can bring

about a dramatic loss of jobs as well as other consequences for the Australian economy.

A good example of how effective this type of legislation can be is in Western Australia. There has not been one application for a ballot since 1 January 1998 when compulsory pre-strike ballots were legislated. The [Workplace Relations Amendment \(Secret Ballots for Protected Action\) Bill](#) could provide job security in those companies seeking to expand. For a company to expand, there needs to be a harmonious and content work force.

As a successful businesswoman in Wagga Wagga since 1978, I am fully aware that there needs to be security within the workplace for any business or company to grow and become even more viable. My main focus as a member of parliament has included regional economic development and predominantly those issues that impact on small to medium enterprises, but including larger businesses. For a small business to expand it has to have a good work force and offer a great service. In those small businesses or in larger companies, expansions help create growth in the town or the city by having to employ more people. It is a continuous cycle. Other businesses in the town grow from them being consumers. For companies to expand they do not want to be the subject of continual contention in the media.

Back in my electorate of Riverina, earlier this year in Wagga Wagga we saw industrial dispute at Cargill meatworks. They were the subject of contention and it was plastered continually on the front page of regional newspapers and broadcast on television and radio news. We try so very hard to attract industries into our communities to provide additional employment, to provide greater economic growth. This type of action does nothing to benefit us and it does nothing to further our experience in attracting sensible and sustainable industries into regional communities. Another example in my electorate has been Ricegrowers Co-operative in Leeton with people frequently striking over the last six months and more.

Companies do not want to attract bad publicity, particularly in regional areas, in respect of industrial action by their workers

when perhaps that is not what the workers want and their intention is not to detract from the industry within which they are employed. The objectives of the [Workplace Relations Amendment \(Secret Ballots for Protected Action\) Bill 2002](#) will overcome the problems, hopefully before they are made public, before they hit the tabloids, before they interact with the communities and before we are labelled and plastered in the media as being an unsatisfactory and unreliable work force. This cannot be allowed to impact on regional Australia in any way.

Then there is the problem of industrial disputes having an impact on other companies. In referring to the BHP Steel dispute and the implications that it caused for car companies, a Mitsubishi spokesman said the dispute had tarnished Australia's manufacturing reputation. This bill proposes to assist companies to be competitive, knowing that they are not going to be held to ransom by, at times, renegade union activity that the workers do not necessarily support.

Imagine that you are the owner of a large company that manufactures sheds. You quote on the biggest jobs that you can find in the region. You aim to have three, maybe four, jobs going at once. Everything is going well and you are coming out stronger than your competitor as you beat him in the tender process. Next thing—bang! You are hit with industrial action within your workplace through no fault of your own, no fault of your staff, but on a union whim. You talk to your employees with some of them saying it was not their choice. Now you are left with a big problem. You do not have security in your workplace to remain on top of the jobs that you have secured to remain competitive with your opposition. Your workers have just walked off the job. Who is going to build the sheds? You are left with a serious dilemma. The secret ballot process proposed by the bill, as Minister Abbott said in his second reading speech, 'will create and protect jobs by preventing unnecessary strikes'. He also said:

It will ensure that the right to protected industrial action is not abused by union officials pushing agendas unrelated to the workers at the workplace concerned.

As I said earlier, there needs to be security for the protection of workers and for the companies, and not only for the workers from the unions but for the workers from the employers as well. For the workers to be content in their jobs and not to be pushed into industrial activity by union officials, it is important that there is the security for the companies not to feel uneasy and threatened by disputes that they and their workers have absolutely no control over. Both parties can get on with what they do best under this bill, and that is 'taking care of business'. Both parties have a choice. This bill offers a choice—a choice that can be acted upon.

Secret ballot arrangements have been operating most effectively in countries with significant histories in trade union problems. They exist in the United Kingdom, Canada, Japan, Germany and Ireland, and secret ballot provisions have not only reduced strike activity, as I have mentioned before, but given union members a choice of whether or not to take industrial action. This has assisted with gaining greater consultation and better relations between unions and their members. In the UK especially, the secret ballot system has the support of their trade union leaders, but not so in Australia.

**Mr King**—Why not?

**Mrs HULL**—Yes, you might ask, 'Why not?' The Australian Chamber of Commerce and Industry supports the bill in that it proposes the introduction of a qualification on the current bargaining period provisions to the effect that industrial action is not protected unless authorised by a secret ballot and an accompanying scheme to enable this qualification to be implemented in practice. The Australian Industry Group supports a legislative scheme with one important exemption, namely, that employees eligible to vote in a secret ballot should not be limited to union members. The group believes that in doing so it would create hostility and division within the enterprise.

As we all know, this is not the first time the government has brought this bill to light. There have been several recent legislative requirements and initiatives relating to this. It featured in the [Workplace Relations Legislation Amendment \(More Jobs, Better Pay\)](#)

**Bill 1999.** At the same time the Commonwealth budget introduced funding for the partial costs of conducting these ballots. The more jobs, better pay bill failed to pass the Senate in November 1999 and the government decided to reintroduce schedules of the bill as separate bills. At the same time, the **Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000** was introduced to the House of Representatives on 26 June 2000 and the bill failed again to pass the Senate on 7 August 2000.

**Mr King**—What's wrong with them now?

**Mrs HULL**—There is something desperately wrong. In 2002, when we are seeing more and more industrial disputes, picket lines and ever-increasing strike activity again, it is about time this bill was passed by the Senate. It is advantageous to the workers. It is advantageous to the companies. It is advantageous, as well, to the unions for their relationship with their members. But, the primary thing is that it is advantageous to the country, to the national account and that is what this government is very good at. I support this bill. I urge you to consider supporting this bill in the House.

**Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service)** (5.22 p.m.)—in reply—In summing up this debate, let me first of all thank all members for their contributions. I particularly thank coalition members for their contributions. I probably should particularly note the contribution from my friend and colleague the member for Hume, who was able to draw upon his own extensive experience in years past as a member of the then Meatworkers Union, when he was a contract slaughterman. I thank him for the particularly poignant perspective that he was able to bring to this debate.

I thank members opposite for their contributions, even though, obviously, most of them were pretty ferociously critical of the **Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002** and, indeed, of me, the minister. I appreciate the passion that members opposite bring to these sorts of debates. In fact, I sometimes think it is the only thing that gets members opposite

passionate—a debate about unions and union rights, as they see things. Nevertheless, I do accept that these are very sincere views, and I also accept that many members opposite do have enormous experience in the practice of workplace relations and that they are coming from a particular perspective which they sincerely hold.

I want to make it very clear that this government is not against unions at all. This government is all in favour of responsible unionism. We are not against unions; what we are against are mindless militants in the union movement. I noticed, in fact, that no less an authority than Dougie Cameron made a speech the other day, when he pointed to the risks—as the union movement diminishes in numbers—of mindless militants. What he called for was 'mindful militants'. I think that a bill like this would encourage the unions to be more responsible. I think it would actually encourage good unions and good unionists to do a better job.

Let me say that strikes do cost jobs. That is the fundamental reality about a strike. Strikes cost jobs, they damage companies, they can damage the reputation of Australia overseas and, most of all, a prolonged strike can take hundreds and hundreds of dollars out of the pay packets, out of the pockets, of vulnerable workers—usually the workers who can least afford to lose that money. That is why strikes should never be entered into lightly. That is why the people who will be most affected by any strike action should be given the chance to have a fair, free and secret ballot before any strike action takes place.

This bill is about freedom. It is about giving ordinary Australian workers real freedom over their futures and real freedom over the things that affect their lives. It is about dispelling forever the spectre of coercion, which has all too often haunted industrial relations and which has all too often haunted the decisions that are made at mass meetings to take industrial action. We all know how easy it is for the organisers, the officials, the heavies, those in the know, to intimidate groups of people in a situation like that, particularly when passions are aroused. I think that what

we are asking for is thoroughly unobjectionable.

The point has been made by many speakers opposite, particularly the shadow minister, that unions are democracies. Well, they are in theory. Let me quote Luke Foley—who is the secretary of the Australian Services Union and, I am told, one of the rising stars of the New South Wales ALP—talking about the governance of the party and the union. He says:

The formal ALP-union link is marked by the dominance of entrenched hierarchies on both sides, where union officials and politicians negotiate with each other to the almost total exclusion of their respective memberships.

Both ALP branch affairs and the unions have a democratic deficit, at odds with the modern political demand for direct involvement and participation.

There we have, from the mouth of someone who knows and, indeed, from the mouth of someone who respects and loves the union movement, a very good argument why decent, responsible unionists should support this bill. It is not a particularly complex bill, although inevitably, with legislation, legalisms abound. It is essentially a simple proposition that there has to be a secret ballot before a strike under the auspices of the Industrial Relations Commission. If the member for Barton is as concerned as he said in his speech, why didn't he move a series of amendments? If he thinks that it can be done better than the way we are proposing, I am all ears. I appreciate and respect the member for Barton's expertise in this area and I would have been only too happy to consider what he thought was a better way of bringing about the objective of greater democracy in this important area.

The point was made that we are not requiring a secret ballot of shareholders before companies engage in industrial activity. At a superficial level, I suppose there is certain plausibility to that critique, but the simple truth is that, unlike unions, companies are not democracies. Companies are not run on democratic principles—they never have been, they never will be—whereas unions claim to be democracies. Let us hold them to that principle. The member for Barton said

that if we had secret ballots it would lock people into striking. No, it wouldn't. But it would mean that, if strikes did take place, they would have great moral authority. Frankly, if a strike is backed by the workers concerned, with the authority of a secret ballot, it deserves to have moral authority.

The member for Brisbane, the former shadow minister—again, a man whose expertise and passion I respect—said that we were delegating matters to third, fourth and fifth parties. It is quite simple: ballot agents are supposed to enable the unions themselves to conduct credible secret ballots. They are of the nature of probity advisers and it should not complicate things at all. Finally, let me say that the United Kingdom, Ireland, Germany and Canada all have secret ballot provisions. They are countries whose traditions we respect; they are countries with a vigorous union movement; they are countries which have no lack of proper industrial activism. If they can do it, we should be able to do it. Let us give freedom a chance and let us support this bill.

Question put:

That this bill be now read a second time.

The House divided. [5.33 p.m.]

(The Speaker—Mr Neil Andrew)

Ayes.....	77
Noes.....	50
Majority.....	27

#### AYES

Abbott, A.J.	Anderson, J.D.
Andren, P.J.	Andrews, K.J.
Anthony, L.J.	Bailey, F.E.
Baird, B.G.	Baldwin, R.C.
Barresi, P.A.	Bartlett, K.J.
Billson, B.F.	Bishop, B.K.
Bishop, J.I.	Brough, M.T.
Cadman, A.G.	Cameron, R.A.
Causley, I.R.	Charles, R.E.
Ciobo, S.M.	Cobb, J.K.
Costello, P.H.	Downer, A.J.G.
Draper, P.	Dutton, P.C.
Elson, K.S.	Farmer, P.F.
Forrest, J.A. *	Gallus, C.A.
Gambaro, T.	Gash, J.
Georgiou, P.	Haase, B.W.
Hardgrave, G.D.	Hartsuyker, L.
Hawker, D.P.M.	Hockey, J.B.

Hull, K.E.	Hunt, G.A.
Johnson, M.A.	Jull, D.F.
Katter, R.C.	Kelly, D.M.
Kemp, D.A.	King, P.E.
Ley, S.P.	Lindsay, P.J.
Lloyd, J.E.	Macfarlane, I.E.
May, M.A.	McArthur, S. *
McGauran, P.J.	Moylan, J. E.
Nairn, G. R.	Nelson, B.J.
Neville, P.C.	Panopoulos, S.
Pearce, C.J.	Pyne, C.
Ruddock, P.M.	Schultz, A.
Scott, B.C.	Secker, P.D.
Slipper, P.N.	Smith, A.D.H.
Somlyay, A.M.	Southcott, A.J.
Stone, N.A.	Thompson, C.P.
Ticehurst, K.V.	Tollner, D.W.
Truss, W.E.	Tuckey, C.W.
Vaile, M.A.J.	Vale, D.S.
Wakelin, B.H.	Washer, M.J.
Worth, P.M.	

## NOES

Adams, D.G.H.	Bevis, A.R.
Byrne, A.M.	Corcoran, A.K.
Cox, D.A.	Crosio, J.A.
Danby, M. *	Edwards, G.J.
Ellis, A.L.	Emerson, C.A.
Evans, M.J.	Ferguson, L.D.T.
Ferguson, M.J.	Fitzgibbon, J.A.
George, J.	Gibbons, S.W.
Gillard, J.E.	Grierson, S.J.
Griffin, A.P.	Hall, J.G.
Hatton, M.J.	Hoare, K.J.
Irwin, J.	Jackson, S.M.
Jenkins, H.A.	Kerr, D.J.C.
King, C.F.	Latham, M.W.
Lawrence, C.M.	Livermore, K.F.
Macklin, J.L.	Martin, S.P.
McClelland, R.B.	McFarlane, J.S.
Murphy, J. P.	O'Connor, G.M.
O'Connor, B.P.	Price, L.R.S.
Quick, H.V. *	Ripoll, B.F.
Roxon, N.L.	Rudd, K.M.
Sciacca, C.A.	Sercombe, R.C.G.
Sidebottom, P.S.	Snowdon, W.E.
Tanner, L.	Vamvakinou, M.
Wilkie, K.	Zahra, C.J.

\* denotes teller

Question agreed to.

Bill read a second time.

## ADJOURNMENT

**The SPEAKER**—Order! It being after 5.30 p.m., I propose the question:

That the House do now adjourn.

**Mr Abbott**—Mr Speaker, to facilitate the finalisation of this bill, and in consultation with the member for Barton, I require that the question be put forthwith without debate.

Question negatived.

## Third Reading

**Mr ABBOTT** (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (5.42 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

## ADJOURNMENT

**Mr ABBOTT** (Warringah—Leader of the House) (5.43 p.m.)—I move:

That the House do now adjourn.

## Breast Cancer

**Ms ELLIS** (Canberra) (5.43 p.m.)—Tonight I want to talk about the subject of breast cancer. In doing so, I draw the House's attention to one area of concern which arises as a result of the impact of breast cancer. I would also like to make reference to a number of groups, particularly Breast Cancer Network Australia, and the 83 groups which work under the umbrella of Breast Cancer Network Australia. I commend the wonderful work that those groups do in supporting women around the country when they face the trauma of a diagnosis and then ongoing treatment for breast cancer.

In my own home town of Canberra, we have a wonderful group—and there are a number of such groups—called the Bosom Buddies group. We also have the Cancer Council ACT Breast Cancer Support Group, the Australian New Zealand Breast Cancer Trials Group's consumer advisory panel and Dragons Abreast, a wonderful dragon boat rowing team which, I think, is in other parts of the country as well. Amongst those support groups there is an ancillary group called Caring For You. A couple of months ago, the people from Caring For You came to see me wanting to talk about the situation when a woman is diagnosed with breast cancer and, sadly, that diagnosis leads to surgery which



may involve a mastectomy. The follow-up to that is usually chemotherapy and radiotherapy, and a very long traumatic period of recovery—hopefully—for the woman involved. In the majority of those cases, the woman then requires a breast prosthesis which is fitted for her by specialists in the fitting area following that surgery. They came to see me because the cost of those prostheses can, in some instances, be quite prohibitive depending on where in the country the woman comes from.

There has been a point made in a couple of articles in the *Canberra Times*, on 3 June and 8 June, by women who have been involved in this area and who are also, in some cases, incredibly medically qualified. They have made the point that not only chemotherapy, radiotherapy and other forms of treatment but also the proficient and proper fitting of an effective breast prosthesis are important to a woman's recovery. The cost of these prostheses can be up to \$400 or \$500. The wearing life of a prosthesis can be effectively up to two years, although I know women who lead very active lives and sometimes need to replace those prostheses earlier than that.

There is very little, if any, financial assistance for the purchase of these items. The very sad and dramatic headline in the *Canberra Times* on 3 June read: 'Dead women's breast prostheses resold.' These women were telling me that in some parts of the country that happens. In some parts of rural Australia we have women who cannot afford the money or cannot access proper fitting procedures and they make their own fittings out of cotton and seed, or whatever else they need, in an attempt to try and make a healthy recovery. We are not just talking about cosmetics here; we are also talking about the effect on a woman's body of a mastectomy and what that does to her stature, balance and carriage and how that translates to the very health of her body following that surgery.

The people involved who have been talking to me about this have suggested that maybe something could be done to help through the Medicare system or some other form of financial assistance. It is fair to say that some state and territory governments

offer a small one-off payment. I know that in the ACT women are offered approximately \$210 as a one-off payment. We are really saying that for a woman to go through such a trauma and then effect a proper recovery—psychologically, physically and emotionally—we need to do all we can for them. I would like to think that a bit of effort could be put into supporting, through all the networks around this country, the call for some form of ongoing financial support so that women can be supported as they need to use these prostheses and replace them.

### **Regional Solutions Program**

**Mr JOHN COBB (Parkes)** (5.48 p.m.)—Tonight I rise to speak on the benefits of the Regional Solutions Program. I would like to point out the fact that such a program sees funds allocated based on assessment criteria. The application assessment process is ongoing and announcements of successful applicants are made regularly. An independent Regional Solutions advisory committee has been established to assess applications and make recommendations to the Minister for Transport and Regional Services and the Minister for Regional Services, Territories and Local Government. It is also appropriate to understand that on only 13 occasions out of over 400 successful applications have any of the three ministers involved, including the two aforementioned ministers, ever overturned recommendations of the panel.

My comments are based on the fact that this program has seen funds go to projects that are so desperately in need of help of any kind and, in particular, in need of financial assistance to guarantee their future. The Regional Solutions Program has been enormously successful in identifying local leadership as people within communities have been required to show leadership in driving projects and applying for funds for those projects. To question a program that directly benefits school projects and health efforts is disgraceful. It is not political opportunism; it is something outside of what should happen in the Australian parliament. The Regional Solutions Program is open to everyone. It is not restricted to those who are in seats held by coalition members. If anything, the fact that this program is prevalent in coalition



seats only shows that Labor Party members are ineffective in promoting the program throughout their electorates.

Criticism of programs or anything like that is justified, but when it is criticism that comes from an ill-informed position it is inexcusable—in fact it is just scaremongering and bad politics. It should be pointed out that the more successful electorates under the program are Labor electorates: Capricornia, in Queensland, which is 235,000 square kilometres, has received \$1.3 million; Ballarat, which is 8,816 square kilometres, has received \$1.4 million; and Lingiari, in the Northern Territory, has received \$1.5 million. The coalition seats have received similar funding. One of those is my seat of Parkes, and I am very proud of the fact that it has received \$1.5 million, because we have applied for those projects. Maranoa, in Queensland, which is 650,000 square kilometres, has received just over \$2 million.

The fact is that to get this money you actually have to apply for it; you have to encourage the people within your electorate to apply for it. It should be pointed out to Senator Sherry that instead of criticising the program he should be highlighting those members of parliament who have dropped the ball and not done their job when it comes to representing their electorate. As I mentioned earlier this evening, the member for Shortland, for example, has been quoted in the *Newcastle Herald* as saying that the Regional Solutions Program:

... isn't about equity, it's about looking after your mates.

It should be pointed out that the member for Shortland has not put in one single application. So I think we can safely say that she has a 100 per cent success rate. She has everything she has applied for in her electorate, which is nothing. Of her fellow members, the member for Charlton had one approved and received \$110,000. The member for Newcastle applied for 12 and had three approved for \$181,000. The point is you actually have to get off your backside and go out and show your electorate what you have to do to represent them

If you have a look at what happened in my shire and in my electorate, the Regional So-

lutions Program funding has directly benefited the Forbes Shire with \$218,000 for a youth and community centre; Condobolin received \$178,000 to establish a multi-enterprise centre; Grenfell Shire was granted \$110,000 for an economic and community development officer; and Wilcannia in the far west of my electorate was granted \$27,500 to assist in a planning and development process to work out specific strategies to help the people of Wilcannia. (*Time expired*)

#### **Employment National**

**Mr JENKINS (Scullin)** (5.53 p.m.)—The government's decision to close down Employment National means that the only vestige of public provision of employment services under this government will be lost. This is from a government that back in 1996 when it first floated the idea of the Job Network indicated that it would have a public provider of employment services. When we saw at the time of the Job Network the closure of the Commonwealth Employment Service, a service that started back in 1947 and had been a prime source of matching between employees and employers, it was said that Employment National would be insurance in case the private providers did not provide the service that was intended.

The disappointing aspect is that it was never the government's intention that Employment National should succeed. If we look at the performance of Employment National, in its first full year, 1998-99, it recorded a profit before income tax of \$82.1 million and an after income tax profit of \$44 million. By 1999-2000, Employment National reported an overall operating loss of \$92.3 million. Why the big turnaround? Simply put, in Job Network 2 they were only given job matching contracts. They were prevented from entering into the other areas of job search training and intensive assistance. It is well known that the private providers and the not-for-profit groups that are involved in the Job Network have used those other two areas, job search training and intensive assistance, to subsidise their efforts in job matching. It was clear at that stage that after winding down the ability of Employment National to operate in Job Network 1

that they were to finish off the job during the second stage of Job Network.

Why do I say that they commenced this process in Job Network 1? If we look at the electorate of Scullin, before Job Network there were two Commonwealth Employment Service offices, one at Epping and one at Greensborough. In the first round of Job Network, in the area of Epping, where approximately 12 per cent of the labour force was without a job, there were no contracts given to Employment National. In Greensborough, there was job matching and some intensive assistance. But by the time we got around to the second round of Job Network, Greensborough was only to get a minimum number of job matching contracts and what actually happened at the Greensborough site is that it went from a five day site to a 2½ day per week site. Then, after six months of Job Network 2, that site closed. So there were no Employment National sites approximately three months into Job Network 2.

The real concern is that there will now be no public provider after 30 June next year that can pick up the leeway that will be left. Whilst Minister Minchin claims that the decision by government to delay the winding down and selling off of Employment National by a year was to ensure that transitory arrangements would be put in place, if in fact as we have started to see, the trend of unemployment is to trend up and there is greater pressure on Job Network providers, there are going to be many instances of both geographic sites and unemployed people with special needs that are not going to be adequately covered by a Job Network scheme under stress. There is a need for a public provider in job search assistance to ensure, as I have said, that equity of access is achieved for all unemployed people in this country, regardless of geographic or economic disadvantage.

The recent decisions, even over these last 12 months—which are to be their last 12 months of operations—mean that Employment National will have to close 40 per cent of its offices. That is illustrative of the whole history over the last four years of what has happened to Employment National and the way in which the government has ensured

that it has been wound down. It is clear from this action that the government wanted Employment National in public ownership to fail. It has been a slow and painful demise over the past four years. I only hope, as I have said, that in future years after Employment National is sold off there will be an employment service provider of last resort. (*Time expired*)

#### Workwise

**Mr TICEHURST (Dobell)** (5.58 p.m.)—I rise tonight to place on the record my appreciation for the work undertaken by a great organisation in my electorate which is helping large numbers of people to get a better start than they might normally get. Wyong Workwise offers a wide range of programs designed to help people of all ages to get a better start or to give them a jump-start to re-enter the workforce. In addition to managing Work for the Dole projects, Wyong Workwise also conducts training courses in numeracy and literacy, as well as transition to work training.

I recently had the pleasure of presenting certificates of completion to graduates of the transition to work program and of the adult literacy and numeracy courses. It was most satisfying to see some of these people here the other night at the Work for the Dole achievement awards dinner. I could not help but notice that there were very few members opposite attending that dinner. The success of those programs is quite tremendous.

I am grateful I had the opportunity of meeting with participants and talking to them individually about what they have achieved, and what they are proposing to do now that they have received the training. What is consistent amongst everyone I have spoken to is their positive attitude towards moving forward and their gratitude toward Wyong Workwise and the federal government for providing the opportunity for them.

Wyong Workwise is assisting more than 500 people at any one time, and assists more than 2,000 people every year. In addition, those 2,000 people, on completion of their training, are able to continue to access the facilities provided by Wyong Workwise, including assistance with job interviews, pro-

duction of resumes and a host of other beneficial services.

As far as the management of the Work for the Dole schemes is concerned, Wyong Workwise are achieving fantastic results. At the dinner the other night, the Wyong Rural Fire Service received a Prime Minister's Work for the Dole Achievement Award. This particular Work for the Dole scheme is managed by Wyong Workwise. These results, however, could not be achieved without the efforts of the staff at Wyong Workwise under the leadership of Mike Burnett and other staff.

**The SPEAKER**—Order! It being 6 p.m., the debate is interrupted.

**House adjourned at 6.00 p.m.**

#### NOTICES

The following notice was given:

**Mrs Moylan** to move:

That this House:

- (1) condemns the action of foreign nationals:
  - (a) illegally fishing in the Heard Island and McDonald Zone and stealing an estimated 2,000 tons of Patagonian tooth fish per month;
  - (b) for their flagrant disregard for the sovereignty of Australia's exclusive economic zone;
  - (c) for decimating an endangered species of albatross and other seabirds by using illegal fishing methods, flouting Australian and international environment regulations; and
  - (d) for threatening the future of the species in the area and the commercial sustainability of the Patagonian tooth fish fishery;
- (2) notes that the Australian fishing industry is limited to catching 2,815 tons of Patagonian tooth fish this year;
- (3) notes that if this practice continues, it threatens the estimated \$30 million earned annually by the Australian fishing industry, puts at risk the direct employment of approximately 120 people and the indirect employment of approximately 500 people;
- (4) commends the Australian Government for its decision to propose the listing of Patagonian tooth fish on schedule two of the Convention in International Trade and Endangered Flora and Fauna;
- (5) commends the Australian Government for its previous successful apprehension by the Australian Navy of several illegal foreign fishing vessels; and
- (6) in light of the continuing serious breaches, calls on the Government to further strengthen action to prevent any further illegal incursions of our southern Exclusive Economic Zone by:
  - (a) continuing naval action to apprehend those responsible for this illegal action;
  - (b) implementing a civilian surveillance patrol with an armed boarding capacity;
  - (c) substantially increasing the financial penalties to a level that deters future offences;
  - (d) working closely with the Australian fishing industry to strengthen surveillance and apprehend offenders;
  - (e) seeking further co-operation with the French Government whose territorial integrity is similarly threatened;
  - (f) pursuing offenders through dialogue with various countries where operations supporting illegal fishing are based;
  - (g) ensuring Australian territorial integrity is maintained.

#### QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

##### Foreign Affairs: Nauru

**Mr WILLIAMS** (*Tangney—Attorney-General*)—On 6 June 2002 (*Hansard* page 2950) Mr McClelland asked the following question without notice:

Can the Attorney confirm that the Secretary of the Asia-Pacific Money Laundering Secretariat has claimed that Nauru's laws allow money laundering by organised criminals, people smugglers and terrorists, saying:

“Until Nauru has a full and comprehensive law in place and other anti-money laundering standards and measures.... it will be a vulnerable place for money laundering and it will be attractive to money launderers”.

Given that Australia provides substantial financial aid to Nauru, what action has the government taken since September 11 of last year to ensure that Nauru closes down these arrangements?

The answer to the honourable member's question is as follows:

I can confirm that in response to a question from an ABC journalist, who asked whether, in the absence of appropriate measures against money laundering in Nauru, does it mean that it is possible that money could be laundered through Nauru to terrorist organisations, the Head of the Asia-Pacific Money Laundering Secretariat did make the above statement on 6 June 2002.

The lack of adequate legislation and banking supervision in Nauru has been a matter of concern to the international community for some time. The Financial Action Taskforce on Money Laundering (FATF), of which I previously said Australia is a very active member, had identified Nauru in 2000 as being a 'non-cooperative country' in respect of the fight against money laundering. In August 2001 the FATF set a deadline of 30 November 2001 for Nauru to enact suitable anti-money laundering legislative amendments or otherwise countermeasures would be applied.

Officers of my Department provided advice to Nauru, through the Department of Foreign Affairs and Trade, on possible legislative amendments and offered further assistance, if required, prior to the FATF deadline.

The deadline was not met and members of the FATF subsequently applied countermeasures. In implementing the FATF countermeasures, Australia, through the Australian Transaction Reports and Analysis Centre

(AUSTRAC) is reviewing all transactions reported which refer to Nauru, including all international funds transfer instructions to and from Nauru. Instructions were issued to cash dealers in January 2002.

Despite the enactment of new legislation on 6 December 2001, in considering the status of Nauru in January 2002, the FATF determined that Nauru had not adequately addressed the deficiencies found in the process of licensing, regulation and supervision of its offshore banking sector. The FATF, as does Australia, remains committed to working with Nauru to address the outstanding issues.

While Australia is prepared to assist Nauru with advice on the operation and regulation of its offshore banking sector, the decision to maintain financial arrangements such as 'shell banks', is ultimately one for the Republic of Nauru. (For information, US correspondent accounts with foreign shell banks are now prohibited under the USA Patriot Act 2001.)

However, the Nauru delegation to the Asia Pacific Group on Money Laundering on 7 June 2002 stated that they hoped "to strengthen our legal and administrative framework in combating money laundering by developing plans with the technical assistance from Australia, the Commonwealth Secretariat and other international organizations".

*Thursday, 20 June 2002*

The **DEPUTY SPEAKER (Hon. I.R. Causley)** took the chair at 9.40 a.m.

**STATEMENTS BY MEMBERS**

**Jagajaga Electorate: La Trobe University**

**Ms MACKLIN (Jagajaga)** (9.40 a.m.)—Today I want to talk about an issue that is very important in my electorate: the closure of the Department of Earth Sciences at La Trobe University in Bundoora. This department has been a part of La Trobe University for 30 years, providing professional training primarily leading to careers in geology, granite petrology, geophysics and fluid flow. Eighty-five per cent of its graduates find work within three months of graduating. This of course speaks volumes for the quality of teaching, the expertise of the students and the high demand for their skills. Closing this department means that up to 170 students will be affected, from first-year students right through to PhD students. They will not be able to study part time, and they cannot fail a unit, because if they do it is unlikely they will be able to finish their degree at La Trobe.

Australia is the highest spender on minerals exploration. In the year 2000 almost \$700 million was spent, making departments like the Department of Earth Sciences at La Trobe vital. It is the only undergraduate geology course in Victoria that offers extensive coverage of environmental subjects, particularly water geochemistry and hydrogeology. This closure also affects students in Mildura and Albury. Of course, the question is: where will these students go?

Last week I visited La Trobe to talk to the devastated earth sciences students and staff. Some students came to La Trobe specifically for the individual academics and their specialisation. I spoke to one new PhD student who has a supervisor in this department who is the only specialist in Australia, if not the world, teaching a particular area of hydrocarbon study. If this department closes, this student faces the question of where she will go. Will she follow her supervisor wherever he ends up? If he goes overseas, will she follow? Of course, this would contribute to something that I do not think that anyone in this parliament would want to see—that is, any further brain drain. These are very difficult questions and options facing these students.

Then there is the staff: one of the academic staff members thinks that he will be able to find another job and two of the administration staff will be redeployed within the university, which leaves at least 10 of the staff without jobs. Their options are not attractive. They could look for a job now, but that would mean abandoning their students. They could wait until the department has breathed its last and then face the insecurity of looking for work while unemployed. Most disappointingly, the corporate knowledge of these academics will be lost. (*Time expired*)

**Petrie Electorate: Community Aged Care Grant**

**Petrie Electorate: Domestic Violence Grant**

**Ms GAMBARO (Petrie)** (9.43 a.m.)—The Petrie electorate has recently received a boost to community aged care with an announcement of \$22,000 in funding to the Wesley Mission Brisbane at the Wheller Gardens settlement in Chermside. This money is a veteran and community grant and will assist the Wesley Mission Brisbane with the establishment of some community aged care packages. The funding will be used to alleviate the loneliness of clients,

to form a friendship club, which will involve trips and events, and to encourage that very much needed social interaction between people.

Last Friday I was absolutely delighted to officially present this grant to Wheller Gardens. It was a lovely afternoon, and I was encouraged by the words of someone who had at first really not believed that the program could help him. Jack was amazed at how valuable the service had become for him and his wife, and he demonstrates how important this funding is in making his life and the lives of other Australians much more fruitful. Veteran and community affairs grants are administered by the Department of Veterans' Affairs. They help develop projects, and they provide practical support to veterans and ex-service men and women across Australia. As a nation we owe an enormous amount of debt and gratitude to those veterans and service personnel, and the grant demonstrates the federal government's commitment to meeting the needs of people in both the Petrie and the Lilley electorates.

Domestic violence affects many lives right across the community, and families in the Redcliffe area have greater access to domestic violence services, particularly counselling, following the announcement of \$100,000 for the Redcliffe Domestic Violence Action Group. This funding from the Stronger Families and Community Strategy will enable a part-time counsellor to provide direct support to families experiencing domestic and family violence in the Redcliffe Peninsula region. This was an election commitment, and I am really happy to deliver on that commitment. In the past, many local sufferers of domestic violence, both men and women, have had to utilise services at Caboolture, which were a fair distance away from the electorate. That stopped them from getting help much sooner. This two-year project is in response to a high level of need in the Redcliffe Peninsula. In Redcliffe alone, there are up to 15 cases of reported domestic violence each week, and the work of a specialist counsellor will significantly boost the advocacy, information and referral services provided by the volunteers of the Redcliffe Domestic Violence Action Group. Families will be clearer on the range of support services available and will be empowered to make decisions about their future which will improve their safety and their ability to function as a family.

This funding is testimony to the federal government's commitment to creating and maintaining stronger and more supportive communities that will help parents, young people, older citizens and families.

#### **Employment: Employee Entitlements**

**Ms JACKSON (Hasluck)** (9.46 a.m.)—I would like to take the opportunity today to express my grave concern at the tunnel vision of this government concerning employee entitlements. We have a government—and a Minister for Employment and Workplace Relations in particular—which appears to have an unnatural obsession with the union movement. We have a minister who has no original policy thought, whose only contribution is a constant attack on working Australians and whose only ambition—or should I say crusade—appears to be the continued reduction of democracy and equity in the workplace. Instead of pretending to represent the interests of Australians in the workplace, the minister should face the facts. The only interest that the minister represents is that of stripping employee protections from the workplace. If the government were serious about protecting working Australians, it would address important issues such as the full protection of employee entitlements.

The government's own figures show how their two current employee entitlement schemes have failed dismally. Figures revealed in answers to questions asked by Labor during a recent



Senate estimates hearing show that the two schemes have failed to deliver workers anywhere near 100 per cent of their entitlements while, at the same time, costing taxpayers a fortune. Evidence given by the Department of Employment and Workplace Relations also showed the schemes are riddled with delays, shortfalls in payouts and cost overruns. The shortfall is due to the unrealistic caps placed by the government on the schemes. Under both schemes, redundancy entitlements are capped at eight weeks, even where an employee has served for more than 30 years. The real shortfall in entitlements is certainly higher, as these figures do not include unpaid superannuation contributions, because they are not covered by either scheme. This further highlights the need for a comprehensive national scheme to protect 100 per cent of employee entitlements. By failing to make employers accountable and allowing them to avoid their responsibilities, the government is failing hard-working Australians and their families. It is not at all serious about protecting employee entitlements. How many more corporate collapses do we need to see before the government gets serious about protecting employee entitlements?

Labor has proposed and does support a comprehensive scheme. A bill has been put before the parliament by the member for Prospect. This bill will see the creation of a national scheme to cover 100 per cent of employee entitlements. Under Labor's scheme, larger businesses—those with more than 20 employees—would be required to contribute to the fund and would ensure that 100 per cent of workers' entitlements were covered in the event of insolvency, and the federal government would make payment on behalf of small businesses. It is time for a scheme to comprehensively protect workers' entitlements. That is where this government and the union movement differ. The union movement, unlike the minister and the government, truly represent the interests of working Australians and their families. They do not pretend. *(Time expired)*

#### **Centrelink: Bereavement Payments**

**Mr FARMER (Macarthur)** (9.49 a.m.)—Today I would like to bring to the attention of this House an issue which is very close to my heart: a loophole in the social security system that has been overlooked until recently. It is an issue which I am working with my colleagues to see addressed. The current social security system makes allowances for a bereavement payment. This is made to the surviving partner of somebody who has passed away, in order to help them financially following their partner's death. This payment can be used to help meet the cost of providing a decent funeral service. However, there is no provision for a similar payment to be made to the children of a deceased person if the deceased is unmarried or divorced or does not have a partner with a legal responsibility for the children. Being a single parent myself, I think about what would happen to my children if something ever happened to me. This has given me an insight into, and an understanding of, how desperate some people can be when the time comes to bury their loved ones. Clearly, they are distraught and they have difficulty dealing with the emotional ramifications of the death, let alone the financial ones.

I ask the members of this House to consider a situation where a sole parent has relied on welfare benefits. Often there are no savings to pay for a funeral. While a state funded funeral can be applied for in these cases but is not always given, I ask you: what child deserves to have their parent buried in an unmarked grave without a fitting funeral service? This issue was brought home to me by some members of my community in Campbelltown, and I know of a family where orphaned children actually had to get an advance on their youth allowance

payments so that they could give their mother a loving funeral. I see it as my job as the representative of the people of Macarthur to bring this issue before the House and to see that this discrepancy in bereavement payments is corrected. That is why I am currently working through this issue with the Minister for Family and Community Services, and I ask all the members of this House to support me in this endeavour.

#### **Banking: Travel Agencies**

**Mr BYRNE (Holt)** (9.51 a.m.)—I rise in this place today to raise a concern on behalf of a local travel agency but also on behalf of the broader travel agency community. These are the little franchises that dot the landscape and provide an invaluable service to the community. The problem is that a number of these agencies have been in peril as a consequence of some interesting actions by the banks arising out of the collapse of Ansett and the collapse of the travel industry after September 11. I would like to raise the specific case of Arriba Arriba Travels, which is a franchise owned by Dr Romero. This was a very successful business. It was located in Springvale and then was relocated to the city in about August 2000.

What happened with Arriba Arriba was that, post the collapse of Ansett, a number of people who had purchased tickets through the travel agency requested that their money be refunded. These purchases had been made through Visa or Mastercard. When someone had been to a travel agent like Arriba Arriba Travels and purchased a ticket via Mastercard, that money had been passed on to Ansett Airlines. When the company could not get the money back from Ansett Airlines for the refunds, people sought their Mastercard or Visa refunds through their bank. What the banks have been doing to local travel agencies is automatically debiting that refund amount through the travel agent. Effectively, the travel agent has received the money, the money has been passed on to the airline, the flight has not been delivered and the person has gone back to the bank seeking a refund. The banks and the insurance companies have not paid the money; the travel agents have paid the money.

There are a lot of small franchise travel agents all over the country that have been almost bankrupted as a consequence of this action. It is interesting that when Arriba Arriba Travels were first discussing these sorts of transaction arrangements with the bank—in this case, it was the National Australia Bank—they were given a one-page document. They were not told that there may be difficulty in terms of the collapse of an airline. No-one had envisaged that. A one-page document was provided to Arriba Arriba Travels discussing the transaction arrangements. Lo and behold, when they made an inquiry concerning this matter, they received a three-page document which detailed the exact nature of the arrangements.

My contention to you is that this is an example of what is happening all over the country. Banks are great at taking money; they are lousy at taking social responsibility. The actions of banks like the National Australia Bank are imperilling a lot of good small businesses and travel agents across the country. They should develop a social conscience for a change and allow these people to continue to function without debiting money from their accounts.

#### **Ryan Electorate: Young Achievers**

**Mr JOHNSON (Ryan)** (9.54 a.m.)—I take this opportunity to lend my support to my friend and colleague the member for Macarthur for his previously mentioned words. It is a privilege for me to say a few words in our nation's parliament on a special young student in my electorate of Ryan. This young man's name is Mr Julian Simmonds. Young Julian, who lives in Moggill, has been selected to attend the Global Youth Leadership Conference in New York



and Washington. I am sure that all members of the House would agree that selection for such an honour is indeed very rare, and I compliment him on his selection. Julian, who is in his final year of school, was amongst only 10 young Australians to be selected to represent our nation at this conference. I think all members would also agree that the pressures of being at school are quite significant in today's world, but this young man is able to make a substantial contribution to his community and hence has been rewarded by this selection. It is not the first time that Julian has represented our country. He has also been to Japan. He was a participant in the Pacific Rim International Camp in Japan last year. Julian has a very strong interest in foreign affairs and the world of diplomacy—international relations—and seeks to represent our country in that arena sometime in the future.

Last week I had the opportunity of meeting with Julian and his mother, who is of course a very proud mum. I had the pleasure of presenting to Julian a certificate that acknowledges his selection and his inclusion in this wonderful opportunity. I gave Julian an Australian flag and a lot of information about our system of government and all the values of our country. He said he would promote our nation with great vigour and enthusiasm: he would be very proud to do so.

It is a wonderful opportunity for Julian: he gets to meet young people from around the world to discuss important issues facing youth. The theme of the Global Youth Leadership Conference in Washington and New York is 'Leaders of tomorrow preparing for global challenges and the responsibility of the future'. I know that young Julian will learn a lot. I think it is important that this House acknowledges the contribution of young people in all that they do, and I know that my friend and colleague the member for Macarthur also has a very strong interest in young people. I wish Julian the best of times during this wonderful opportunity to make some friends and some significant contacts as well. I have a very strong interest in promoting in my community young people and all their aspirations, and I say to the people of Ryan that they can count on my very strong enthusiasm for the interests of young people in Ryan. (*Time expired*)

### **APPROPRIATION BILL (No. 1) 2002-03**

#### **Consideration in Detail**

Consideration resumed from 19 June.

#### **Department of Health and Ageing**

Proposed expenditure, \$3,019,484,000.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—The proposed expenditure now before the committee is for the Department of Health and Ageing: \$3,019,484,000. The question is that the proposed expenditure be agreed to. I understand the minister will not be long in arriving.

**Mr ANDREN (Calare)** (9.58 a.m.)—I want to make some brief comments on this department's budget in [Appropriation Bill \(No. 1\) 2002-03](#). My views on changes to the Pharmaceutical Benefits Scheme have been recorded in debate elsewhere. I am sorry the minister is not here but I intend to have a meeting with him on Monday to ask him a few of these questions. I want to concentrate mainly on aged care but endorse the comments that my colleague the member for New England made in his contribution here yesterday on allocated provider numbers and differential Medicare payments. Some initiatives in this budget, such as addi-

tional resources for carers of older Australians particularly in dementia care, greater commitment to cancer treatment and more money for palliative care, are worthy of very strong support.

In the area of aged care provision there are increases in money set aside for aged care nurses, which is welcome, residential aged care subsidies and community aged care packages. But there is a growing crisis in the provision of aged care generally within my area of the central west. We are told that the region is overserviced in respect of the existing ratio of 100 aged care places per 1,000 people over the age of 70. It has been suggested that aged care bonds may be a way of attracting investment into that sector. We have an ageing population in regional areas and—to put it crudely—we have a resource in our aged population. It is not going to disappear in any sort of a hurry and it strikes me that it could be a very attractive investment option if such bonds could be structured and government guaranteed as an investment vehicle for the very scarce resources available—or not available—for the aged care sector. We have heard of the phantom beds and the licences being granted to aged care providers right around Australia but many of them, particularly in places like Lithgow, are really struggling to raise the capital necessary for the bricks and mortar.

Aged care assessment teams tell me that there is a continuing overdemand for nursing home places—demand is in constant excess of the supply of such places, despite the fact that we are told that the central west is overserviced in terms of that 100 per 1,000 ratio. Exacerbating the problem is the continuing pressure on the state hospital system from aged patients who by any judgment should be in a nursing home. Last week the son of an 84-year-old woman who is in Orange Base Hospital and seriously ill—in the terminal stages of her life—was angered that she is to be shifted as a public hospital patient to Eugowra, 70-odd kilometres away, because there is no bed available in the Orange area. The bed in the hospital is obviously needed for more urgent medical patients.

This lady is in addition to the 30 people assessed as needing nursing home accommodation in Orange, yet the recent announcement of nursing home places for the central west put out by the minister in the last week or two has no provision for aged care providers to apply for any high or low care places. All that is on offer are home based care community care packages with a chance for people to apply for 40 unallocated low care nursing home places. I commend the minister for detailing these allocations before aged care providers go to the trouble of preparing detailed submissions in the vain hope of winning some licences, but it is no good funding home care packages without providing more medium and high care nursing home places, because inevitably home care aged will need intensive nursing care for the remainder of their lives unless they choose to die in their own home and their family can support that wish. We have a situation in country Australia where the population is ageing and the policy of ageing in place does not offer the family care option as much as it perhaps might in the city. The kids are not there; they have headed for greener pastures, sometimes overseas, to the cities or to the coast. I contend that there is a greater need for aged accommodation in major regional centres like Bathurst, Dubbo and Tamworth than there is in more populated areas on the coast.

I know that the statistics say that 90 per cent of older people choose to stay in their own homes as long as they can. (*Extension of time granted*) Perhaps there has been a disproportionate concentration on bricks and mortar aged care as opposed to home care because 90 per cent of people do choose to stay in their own home. The government must be applauded for

extending the home and community care process but we must be careful that these packages are real care packages. We cannot afford to cut corners. I believe the care packages should include the bed and breakfast option—not in a food sense but the care should be provided at the beginning and the end of the day when the most need for that backup is required, and when the most comforting aspect of that service can be provided rather than a once-a-day visit. That is the lonely time and the period of the day when a person's wellbeing, comfort and loneliness in their own home is most obvious. I know that, having had my mother die in her own home, refusing to go anywhere else and causing great stress to the family, which was dispersed to all points of the compass, and feeling guilty that the pressure was on the neighbours to keep an eye on her. It was a very difficult situation.

I think the packages at this point are lacking in both their quantitative and qualitative component. The degree to which aged care providers take them up should not be the measure of their success. They are a much needed income stream for many nursing homes and some of them are converting—as is Wontama in Orange—some of their residential aged care beds into community care packages. They have good intent and they deliver a good service, as far as it goes, but I think that they need to be looked at in terms of greater quality of service delivery.

While there is a welcome allocation of an extra \$211 million for subsidies for residential aged care, the figures I have detailed on the allocation of places in the central west highlight the fact that not enough licences are coming through to areas of real need—areas which the formula says are not in need. I know things have improved significantly over the past five years since the aged care reforms but I also know there is a tremendous administrative load on staff of aged care facilities with the new compliance regime. There are precious few resources to cope with this. The member for New England also mentioned this in his delivery yesterday.

The allocation of increased funding for aged care administration is targeted at compliance investigation, community care program management and assistance to Indigenous and rural aged care. That is very welcome but I suggest that more will be needed to take the administrative burden off nursing and management staff, who are struggling to meet their compliance requirements over and above their care duties to their clients.

**Mr McGAURAN (Gippsland—Minister for Science)** (10.07 a.m.)—I stand in place of the Minister for Ageing, who represents the Minister for Health and Aging in the House of Representatives. He has been called away on urgent ministerial business. Without knowing exactly who they were or the content of their contributions, I wish to thank members for their involvement in this debate. I am sure the contributions varied. I suspect, although I cannot be entirely certain, that the contributions of members on the government side far outweighed the significance, capacity and intellectual rigour of the opposition members' contributions.

I hope that members on the other side addressed the government's budgetary measures in regard to the Pharmaceutical Benefits Scheme. I would be disappointed if they did not. I would not be surprised but I would be disappointed if they did not concede that the government's measures were balanced, reasonable and necessary. It has been an issue of much debate in the House of Representatives during question time, so I will not go over old ground. The argument of the government is simply that to make the Pharmaceutical Benefits Scheme viable and sustainable into the future for the benefit of many Australians, especially those in the low income area, it must be put on a more secure financial footing. The opposition are cowardly. You can call them reckless, negligent, craven or spineless—whatever word you

like. Their obstruction is deliberate despite their knowing the integrity and urgency of the government's reforms. It is very disappointing and I think it will come back to haunt the opposition, particularly should they ever, at some time in the future—as far away as it might be imaginable—win government.

The other aspect of the portfolio's business and responsibility is aged care. Here the new minister is taking to the job with great enthusiasm and dedication and already we are seeing a flow of new beds into the aged care sector and new standards of care. Consequently, I believe that even though this is the most pressing financial and social imperative the minister is well on top of his work, as is Senator Kay Patterson. They are two outstanding ministers doing very fine jobs. I will bring my remarks to a close and urge opposition members to come to their senses and support the brave and, above all, enlightened measures of the government.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—The question is that the proposed expenditure for the Department of Health and Ageing be agreed to.

Proposed expenditure agreed to.

**Mr McGAURAN (Gippsland—Minister for Science)** (10.10 a.m.)—If it suits the convenience of the chamber, I suggest that, after concluding consideration of the proposed expenditure for the Department of Health and Ageing, the order for the consideration of the proposed expenditures agreed to yesterday by the committee be varied by considering the proposed expenditure for the Department of Employment and Workplace Relations after the proposed expenditure for the Department of Education, Science and Training.

**The DEPUTY SPEAKER**—Is the suggestion of the minister agreed to? There being no objection, that course will be followed.

#### **Department of Foreign Affairs and Trade**

Proposed expenditure, \$2,658,605,000.

**Mr LAURIE FERGUSON (Reid)** (10.11 a.m.)—At the outset could I associate myself with the comments made earlier by the member for Macarthur regarding bereavement leave. In addition to me, the member for Dobell, the member for Macarthur, the member for Batman, the member for Stirling, the member for Prospect and Senator Kerry O'Brien—seven of us—have grown up in the Reid electorate. It seems that, if the Reid electorate produces nothing else, it certainly produces politicians.

Going to the question of foreign aid, I refer initially to a comment by the Minister for Foreign Affairs, Mr Downer, in May 2001 when he said:

Australians believe we should give aid to look after those less fortunate, for humanitarian and moral reasons, and because Australia is wealthy and can afford it.

Noble sentiments, but the comments of Mike Steketee in the *Australian* a year and a half previously were somewhat more accurate. He said:

Alexander Downer is particularly proud of Australia's foreign aid program. He shouldn't be. Not only has Australia's foreign aid budget failed to increase in line with our increased wealth, it has fallen by about 15% per head of population since 1967-68.

Whilst Australia's practice is symptomatic of many other nations, it is still nothing to be proud of. Only Denmark, Sweden, Norway, the Netherlands and Luxembourg today ascribe to 0.7 per cent of GDP that has been the aim—and which is the aim today—of ACFOA. In the budget lead-up, ACFOA called for a commitment of 0.35 per cent by 2003-04. Sadly, it re-

mains at 0.25 per cent. That represents a very real decline since this government came to power. In our own region we can talk of 800 million people living on less than a dollar a day. We can see that financial assistance overall from wealthy nations declined by 0.4 per cent in the year 1999-2000.

Perhaps Africa is not a focus of our foreign aid in a very real sense but its dramatic problems are possibly more in the minds of constituents of my electorate who frequently write to me about foreign aid. If we look at Zambia, for instance, we see a situation where, because of trade policy changes, it has shed 32,500 jobs in factories since 1990. In 1991, they had 140 factories in the textile sector employing over 300,000 people. Today they have eight. The situation is that the country has a debt of \$6.6 billion. The repayments are three times what the country spends on primary education. The reality is that illiteracy is growing and school drop-outs are forced to work in essentially a marginal economy. The full-time work force has basically disappeared. These days the textile industry is characterised by the sale of second-hand charity cast-offs from the First World.

US trade policy, which is having a dramatic effect in Africa, is typified in Burkina Faso. Many rural cotton farmers live on a dollar a day. If it were not distorted by US cotton subsidies, that situation could be improved so that basically half the population could get above the poverty line within six years. That is the reality. While the United States has finally increased its measly foreign aid performance from 0.1 per cent to 0.13 per cent in the last year, the \$10 billion in foreign aid pales into insignificance compared with the impact of the subsidisation of its products in Africa, basically impoverishing the farmers of that country.

We are also seeing in Australia a very real cut to multilateral aid work and to UN agencies. Quite frankly, the government can talk until the cows come home about the impact of the movement of people internationally but the reality is that, unless people have reasons to remain where they live and unless they have reasonable jobs, education and futures, they are going to press internationally. It is all right for the government to say, 'We're going to put up barriers; we're going to stop people coming.' Europe can say the same thing, and if they can reduce the problem then so be it. But the reality is that this international movement of the First World, the wealthy countries, to reduce their foreign aid commitment is part of a fundamental problem, and until it is arrested we will continue to have these aid issues.

It is also said that in Africa a quarter of the nations are unlikely to meet the target of all of their children being even in elementary school by 2015. This is the size of the international problem. It is all right for the Minister for Foreign Affairs to say a few nice words about our performance, but it is pathetic and it is internationally behind most of the OECD nations. It has declined and it is basically making a very small contribution internationally.

**Mr RUDD (Griffith)** (10.16 a.m.)—The International Criminal Court lies primarily within the Foreign Affairs portfolio and is a matter for which the Minister for Foreign Affairs, Mr Downer, has had principal carriage these last several years. In fact, it was Minister Downer who made a very clear statement in 1996 that the development, signing and ratification of an international criminal court would be a principal human rights objective of the Howard government. It has been a somewhat tortuous process since then. Based on today's media reports in the *Australian* newspaper and in other media outlets, it seems that at last the government's agony has been drawn to a conclusion. It is to be hoped that the government will now proceed to ratify the Rome statute, which establishes the International Criminal Court.

I am saddened that neither the foreign minister nor a representative of the foreign minister appears to be here in the Main Committee to respond to these matters just at the moment. I am sure his advisers are watching on the television monitor, and I send them a hearty cheerio as we proceed through this debate. But the key question, of course, is where Australia's long-term interests lie with the International Criminal Court and how the interests of the international community are best served by it.

The reasons for an international criminal court have been long established and are clear. First and foremost, what the world needs and what the world has needed since Nuremberg is a permanent, properly resourced, international criminal court capable of sending a clear message to any would-be perpetrator of crimes of genocide, war crimes and crimes against humanity that they will be apprehended and that this will not be an episodic exercise in which perhaps the international community, depending on the circumstances at the time, may establish an ad hoc tribunal with the intention of doing something about a particular set of war crimes in a particular environment; there is a permanent body which will not cherry pick and which will not be dependent on the prevailing international politics of the time. So the world at large will know that you will be got, you will be apprehended, you will be brought before a tribunal and justice will be meted out to you by the international community on behalf of our common humanity.

The world has been demanding for this to occur at least since Nuremberg. A commission was established by the United Nations, I believe in 1948, with a view to establishing an international criminal court. Fifty years of the ebb and flow of international diplomatic negotiations finally culminated in the agreement to the Rome Statute, which was signed by this country and more than 100 others in 1998. Not only does an international criminal court provide a long-term deterrent, a long-term capacity to deal with crimes of this magnitude across the international community; it is also, importantly, designed to create a deterrent against future such crimes occurring. It is not just the existence of a permanent body in The Hague that will do that; it is the fact that the statute requires the incorporation of the entire body of the statute into the national law of those parties that ratify the statute so that the crimes of genocide, crimes against humanity and war crimes are incorporated into the national statutory regimes of every participatory state, thereby establishing a second level of deterrence. So it is not just the existence of this body of law of an international character but that this body of law is incorporated and driven into the domestic statutes of all participating states; again, establishing a second line of deterrence.

If that fails and if in the future we have another Pol Pot, if we have another person of the type of Milosevic—given the nature of the accusations which have been made against him—if we have other perpetrators of crimes of such horrendous proportions and magnitude against our common humanity, then justice of a retributive and restorative nature will be meted out to them. Permanence is an important feature of this. We have had ad hoc tribunals, such as the one dealing with the former Yugoslavia and also with Rwanda. But we have had no such tribunal which has dealt with war crimes and crimes against humanity committed in Cambodia and in other parts of the world. This provides a powerful, fundamental argument as to why such a body is long overdue in the troubled history of humankind.

Those who oppose the International Criminal Court have raised a range of arguments. The principal argument among them is that it results in a limitation of Australian legal sovereignty. (*Extension of time granted*) The sovereignty argument is advanced along these lines: if we

establish an international body of this nature then, as a matter of logical fact, our legal sovereignty is diminished. There are two principal arguments against that. Firstly, the doctrine of complementarity is alive throughout the statute itself. What it says is that there is a complementary regime between the International Criminal Court in The Hague and the national regimes which will be established to complement it. If a person has a case brought against them in terms of the crimes which fall within the scope of the statute, then under those circumstances in the first instance it is the expectation requirement of participatory states to take those individuals through the domestic legal and judicial processes of that participatory state. It is only under the circumstances where those processes are not applied at any level that mechanisms exist within the statute for such a person to be brought before the international court in The Hague.

The doctrine of legal complementarity is a robust one. It is one which has been worked on in great detail with Australia's negotiators in Rome and with negotiators of other participating states as well. So the notion that, if an Australian here is accused of a crime against humanity there, automatically on the third day they will be hauled before the international court in The Hague, as a matter of some sort of automatic consequence, is a factual nonsense and those people who advance that proposition need to carefully read the provisions painstakingly drafted within the statute itself.

I said there were two arguments against the sovereignty approach. The second is this. It is a matter of axiomatic logic that, on each occasion this nation signs any form of international undertaking, as a result of that our sovereignty changes. It has ever been thus. The body of statutory law to which this country has become an adherent since the last war and prior to the last war causes us to enter into a form of shared sovereignty with the rest of the international community on each occasion. It is an axiom. If you have a treaty with another multilateral body, it follows as a consequence that your sovereignty, in small part or larger part, is shared with that international body. When it comes to the other treaties of a non-UN nature, shall we say, such as the ANZUS Treaty, perforce of the existence of the ANZUS Treaty our sovereignty is again shared under the terms of that treaty. We have a shared concept of security with our treaty partners in the United States. So a doctrine of international law, as a definitional concept, means that sovereignty is a shared phenomenon when specific treaty obligations are undertaken. There is nothing novel in that. If there were an objection to it by those who argue the sovereignty argument against the International Criminal Court because Australian sovereignty must be maintained at every level, as a matter of logic that is an argument against withdrawing from all of our international treaty obligations of both a UN nature and a non-UN nature. I have never heard that argument advanced by those who have sought to attack the International Criminal Court.

As I said before, it is heartening news that at last the Prime Minister, Mr Howard, has decided to save the foreign minister's bacon on this question. There has been intense dispute and disagreement within the coalition party room on this question. It has been amply reported in the media; there is no particular need to repeat it here at great length. What we have had, though, is a foreign minister who has been found wanting because of the extraordinary statements he has made to the international community and to the parliament of Australia about the automaticity of Australia's ratification of this instrument—that is, the Rome statute—without having first sewn together his own party room on it. The first and unqualified statements which the minister issued on the ratification of the International Criminal Court statute were made to the Australian parliament in the year 2000 on two occasions. These were

made to the Australian parliament in the year 2000 on two occasions. These were not qualified statements; they were unqualified statements.

What we have sought to do as an opposition in the period since then is hold this minister to his word. It was his solemn word to the parliament of the Commonwealth of Australia. His solemn word prior to that was given to the international community when he addressed the United Nations General Assembly, when he said not only that Australia would proceed towards the establishment of an International Criminal Court—which I think by that stage had already been established per force of the actual agreement itself—but that ratification would ensue as well.

These definitive statements to the parliament, to the international community and to the parliament of the international community—namely, the United Nations General Assembly itself—were clear-cut, unambiguous undertakings. What we have had since then is an 18-month long, drawn out process. (*Extension of time granted*). It has gone on and on and on, as the government at various levels has sought to bring on board this large phalanx of malcontents within its own ranks on this question.

This has been a failure of ministerial responsibility. You cannot make a solemn undertaking to the world, a solemn undertaking to the UN General Assembly or a solemn undertaking to the national parliament without having brought your own party room along with you. The Prime Minister's role in all of this raises the question as to what happened in 1998 when this statute was signed in the first place. I will address my question to the foreign minister's advisers. Was the Prime Minister himself consulted in 1998 when the foreign minister, Mr Downer, issued the authorising instructions in order to sign the statute in 1998 or was this some independent foreign policy frolic by the foreign minister himself?

My knowledge of the Department of Foreign Affairs and Trade processes—and I have worked in that department myself in the past—is that you do not proceed to sign any international instrument until ad minima it has been cleared by the Canberra based bureaucracy and ad maxima on questions of substantial international treaty law it has been cleared at the political level as well. It beggars belief and I would ask for the minister or the parliamentary secretary who will respond in this debate to provide some clarification to the House on this very question. When the thing was signed in 1998, did the Prime Minister give it the tick? In his absence did the head of the Department of the Prime Minister and Cabinet give it the tick? Or did both give it the tick?

If it was given the tick and approval by the Prime Minister and those representing him within the bureaucracy at the time, it follows as a matter of consistency that that is why the Prime Minister has gone from a position of belief to a position of agnosticism back to a position, it seems this morning, of grudging belief. That seems to be what has occurred. If the foreign minister engaged in a frolic of his own in 1998 then that needs to be a matter of substantive record and I would appreciate clarification from the parliamentary secretary at the table on that very specific point. But, if in order to save the foreign minister's bacon the Prime Minister has finally agreed that we can now proceed with ratification, that is a good thing for Australia's national interest. It is a good thing for the international interest as well.

The function which we as an opposition have performed throughout this has been to ensure that the foreign minister honoured his word to the international community and to the parliament of Australia. That is why we have raised question after question in this parliament for



the last several weeks. That is why we have sought to put the foreign minister on the spot. That is why we have sought to put the Prime Minister on the spot. That is why we have sought to put the Deputy Prime Minister on the spot. The Deputy Prime Minister, not just the Prime Minister, has issued statements himself in the past, lauding Australia's leadership in the development of the International Criminal Court statute—the Rome agreement of 1998. He said so in this parliament's millennium debate in the year 2000 about our broader obligations to the international community and Australia's commitment to multilateralism. We have the trifecta: a PM on the record in the same debate in the year 2000 lauding Australia's leadership on the ICC, the Deputy Prime Minister saying the same thing and the foreign minister making more statements than paper could be supplied by the entire national forest estate of the ACT about why Australia should proceed to ratification and signature.

Our job in this process has been a responsible one. Plainly those opposite have not liked the questions I and others have asked in the parliament in the course of the last several weeks, but the function we have performed—and I address this again to the minister, because he never seems to want to be in the chamber any time we seek to debate him—is to make the minister honour his commitments, to create sufficient political embarrassment for the minister in the House of Representatives in the Parliament of Australia to make the minister realise that there is no middle course out of it and, more importantly, to make the Prime Minister conclude that there are only two options in this: support your minister—that is, support the foreign minister in his early statements to the parliament and the international community that ratification would proceed; or, in the absence of that, utterly denigrate the standing of your foreign minister and leave him in an invidious position where the only alternative, in terms of one of honour, would be for him to resign as minister. That is the function we have performed. Those opposite have squirmed, they have not liked it, but we have actually acted as a responsible opposition in holding this government to account for its firm public, parliamentary and international undertakings on this important question of Australia's obligations under international law and our commitment to better global governance as a consequence. What we do not know is where it all goes to from here in terms of whether or not the government will issue some interpretive statement or interpretive declaration at the point at which government's ratification legislation is advanced. (*Extension of time granted*)

The question, of course, arises as to what sort of interpretive statement is inserted at the point at which the government's ratification legislation is advanced. This is a matter of continuing concern. Broadly in international law, there seem to be three types of declarations which can be made at the point at which ratification legislation is passed through a parliament and statements by the responsible ministers made. First, there are declarations which are broadly described as 'procedural'; that is, those which describe the vehicles and bodies which are nominated for cooperation within the statute in question—in this case, the ICC—and how in fact those bodies for cooperation and/or implementation are going to be used in the execution of the specific provisions contained within the statute. Second, there are what would be described as 'political declarations'; that is, the use of what I would describe as general political rhetoric to make a rhetorical point in order to provide comfort and solace to offended domestic constituencies while not in any fundamental sense affecting the legal content of the statute itself. In other words, a bit of political window-dressing to make those who have been rolled in the coalition party room process on this question feel a bit happier about it in the morning, but not in any substantive sense altering the real content of the statute itself in terms

of the provisions of the ratification legislation. The third type of declaration can broadly be described as 'interpretive'. An interpretive declaration can be of a type which has some substantive qualification of the provisions outlined in the statute itself. The key question here is whether any such substantive interpretive declaration varies as a matter of substance from a specific undertaking contained within the body of the statute itself. This is where we have to pay particular attention to what the foreign minister will come up with in order to provide himself, not with a face-saving device for the international community—that will lie in the actual act of ratification itself—but a face-saving device politically for those in his party room who have argued long and hard that he should not proceed with ratification.

The only provision for a substantive reservation from the provisions of the International Criminal Court statute are those outlined in article 124 of the statute, which says:

... a State, on becoming a party to this Statute, may declare that, for a period of seven years after the entry into force of this Statute for the State concerned, it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8—

that is, war crimes—

when a crime is alleged to have been committed by its nationals or on its territory. A declaration under this article may be withdrawn at any time.

That is a specific reservation articulated in article 124. Of those states which have proceeded to ratification, only one so far, I am advised, has actually exercised its options under article 124. The problems with states embarking upon article 124 are, firstly, that it does send out a message to the rest of the international community that for a seven-year period, as that is the maximum period of time stipulated, I am advised, for the period under which a reservation under 124 can operate, war crimes are off the agenda. If Australia was to do that, it would be sending a message to the international community that somehow we were establishing some moral hierarchy between war crimes, crimes against humanity and genocide and that war crimes were somehow regarded as a more problematic or lesser category from which Australia could remove itself from its obligations. I think that would be a very poor message indeed. Secondly and more troublingly, it would send a message out to the rest of the international community that this is an acceptable course of action. Of course, there is the overall problem that, if you were to do that, it conveys a subliminal message that this government believes that Australia has something to hide on this question.

We take our solace on this question from the Australian Defence Force, not only because of its 100-year long proud professional history in that it has discharged its professional functions in the absence of any charge against it of crimes against humanity, war crimes or genocide but also because of the substantive comment made by the Chief of the Australian Defence Force, where he says the ADF has nothing to fear from the statute in its entirety, not subject to this particular article of reservation being invoked.

Apart from 124, the other important article to draw attention to is 120, which says quite unequivocally that no reservations may be made to this statute. It actually completes the symmetry of the logic contained within the convention itself. If you are not doing 124, there is no other way you can go if you choose to have or are seeking to have a substantive reservation from the operational content of the statute itself. (*Extension of time granted.*) If the foreign minister is saying that the reservation which he has in mind or which the Prime Minister has in mind is something other than procedural, as I outlined earlier in my remarks, or other

than political, as I outlined earlier in my remarks—that is, a face-saving device—and is in fact substantially interpretive and at substantive variation from an operational obligation contained within the statute itself, if it is of that nature, this would be a matter of grave concern and we would need to examine with complete detail what precisely the minister was advancing.

If you start to cherry pick as far as this statute is concerned, there are large roll-on implications for the rest of the international community. If a country with Australia's historical standing on questions of international law were suddenly to wave in the air a substantive reservation which gutted in a substantive respect our obligations under the statute, what is the ripple-on effect in terms of those states which we are most concerned about around the world in terms of their obligations under this International Criminal Court statute? We have an obligation to the international community to own this statute as it stands, not to cherry pick parts of it from which we would seek to separate ourselves.

If a substantive reservation were entered, the statute provides areas where impermissible reservations under international law may have objections lodged against them. In fact, a state might invoke article 119(2) of the statute, which requires negotiations, followed by reference to the assembly of states parties and ultimately, it is possible, to the International Court of Justice. One would hope that things never get that far as far as the Commonwealth of Australia is concerned.

We wait with interest to see the definitive statement from the foreign minister, given that we have had a certain lack of definition from this foreign minister on this question for some time. We wait most particularly for the detailed text of the reservation statement, the interpretive statement, from the government. We wonder what its content will be—procedural, political window-dressing or something else. That must be subject to detailed scrutiny. I would be most grateful if the parliamentary secretary representing the minister in this debate were able to provide us some information as to the content of the government's proposed interpretive statement. We would be enormously grateful for that. I am sure the parliament and the country would be grateful to know where precisely the government intends to come out on this.

If it is not a substantive reservation, if it is purely political window-dressing, and if we have got through this tortuous process to the end point—whereby the minister has been humiliated into accepting a position whereby the Prime Minister has had to save him and as a consequence save the International Criminal Court statute—then my view on all of that at the end of the day is that all is well that ends well, because Australia's body of international law and our commitment to international humanitarian law will be enhanced as a consequence.

It is a profound pity that we have been through this ugly and sordid exercise on the way through, because the undertakings given originally to both the parliament and the international community should have been honoured and should have been cleared internally within the government's party room in the first instance. We have seen many ugly debates emerge as a consequence of this. The government has sought to somehow justify this in terms of the proper operation of the treaty process. The treaties committee has looked at this for 18 months. It has been a substantive, long-term investigatory exercise. If there were to be issues cleared within the coalition party room, surely that was the final and most appropriate opportunity for that to occur. Instead it has come down to five minutes to midnight.

It is my hope that we get to a stage where we can proceed with substantive legislation to ratify the statute in order to meet the 1 July deadline. I hope that will be the case. I would ap-

preciate clarification from the parliamentary secretary in this debate as to whether that will be the case and whether we will have ratification legislation introduced into this House so that it may be possible for it to be advanced through the Senate in time for ratification to occur. That is an important matter. As a precondition to that we need to have an opportunity to examine the content of the interpretive statement—that is a conditioned precedent.

Thank you, Deputy Speaker Price, for the opportunity to address this important matter. We hope that this will be resolved finally in the interests of the Australian community and the international community. We look forward to dealing with the government on the substance of this exercise as soon as possible. We await—and I address my final remarks to the minister's advisers watching on the monitor—an early copy of the interpretive statement so that we can make a considered judgment on it. (*Time expired*)

**Mrs GALLUS (Hindmarsh—Parliamentary Secretary to the Minister for Foreign Affairs)** (10.41 a.m.)—So far in the debate on the appropriation for the Department of Foreign Affairs and Trade in **Appropriation Bill (No. 1) 2002-03** we have heard the member for Reid and the member for Griffith. Firstly I will address some of the remarks made by the member for Reid, who unfortunately is not still present in the chamber. He expressed some concern about the level of Australia's aid program. He quoted a press release from ACFOA indicating that they would like Australia's aid program to reach 0.35 per cent of GDP. For the benefit of the member for Reid, who has indicated that he believes it is not high enough, I point out that Australia's aid as a percentage of GDP is still above the donor average of the world. Our current level is 0.25 per cent—although I must say that last year, with the Afghanistan issue and some other expenditure, we actually got to 0.26 per cent. In the budget papers it is 0.25 per cent of GDP. Maintaining 0.25 per cent this year is an increase of three per cent in real terms because, of course, GDP has increased in the meantime.

There has been an increase in Australia's aid budget and it has maintained its level of aid in terms of GDP. As I said, that is above the donor average, which is 0.22 per cent, but it is also considerably above that of the United States and Japan. It is quite interesting that we have seen articles recently in the papers, following the Financing for Development Conference in Monterrey, which congratulated the US for increasing its aid and, at the same time, criticised Australia for not doing the same. However, those articles failed to mention that the US is raising its percentage of GDP from an extremely low base of 0.11 per cent to 0.15 per cent, which is still, as members would agree, considerably below that of Australia's level of overseas aid.

There was also an implied criticism that Australia's aid is not as effective as it could be. This totally contradicts what has been printed and said about Australia's aid program not only by Australians and the bilateral countries that receive the aid from Australia but also by the OECD. In 1999, the OECD published a report examining the aid programs of various countries and Australia got an extremely good report as being one of the best deliverers of aid. This is because Australia concentrates its aid in the region it knows best, the Asia-Pacific, its own region. Australia has agreements with the countries in this region on the type of aid that they need to move forward. In this way, Australia's aid program has done much to reduce conflict situations in the region. Australia has worked in countries such as East Timor and Bougainville in post-conflict situations. I do not think there is anybody in Australia who has not got enormous pride in what we achieved in East Timor not only through our decision to

support independence in that country but also in the way we assisted and continue to assist that post-conflict country.

After talking about aid the member for Reid moved on to America's trade policy. On this, I could only agree with the member for Reid. The trade policies of many of the richer nations are impoverishing developing countries. The US farm bill has added to that existing problem. I would like to point out to the parliament today that, overall, \$360 billion is spent each year by rich countries in protection of their own agriculture. (*Extension of time granted*) That is almost \$1 billion a day—an enormous amount. It is seven times the amount that those same rich countries spend on their aid programs.

I would like to draw a parallel. As an aspirational goal for Australia, the member for Reid put the figure of 0.35 per cent—and that may relate to the European Union's aspirational goal of 0.35. I remind the member for Reid that that is still an aspirational goal. Even if they reach 0.35, which is highly unlikely, it is nowhere near enough to undo the damage that their agricultural policies are doing to developing countries. Developing countries tend to have most of their production in the agricultural sector. Unless they can export their agricultural products, they will never move to an economic base where they can relieve poverty in their own areas.

When attending the International Conference on Financing for Development in Monterrey, it was impressive to hear the developing countries themselves calling for a sensible trade policy and a removal of all those restrictions—subsidies, tariffs and quotas—that are keeping the developing countries out of the markets of the rich countries. These factors keep the developing countries out of the markets of the rich countries and there is also a problem when countries like the US subsidise their own products. This enables the rich countries to export cheaper products into developing countries and to overprice products in those developing countries so that, for instance, in a country like Bangladesh, when someone on a subsistence income buys their weekly supply of rice, they do it on a cost basis and not on a national interest basis. The trade policies of the richer countries are seriously affecting developing countries moving forward out of poverty.

The member for Griffith spoke on the ICC. It was very good that the member took so much time to give us his full knowledge of the ICC, and we are all very grateful. As he informed the parliament of many of the details of the ICC, there is no reason for me to go over ground that he has already covered. But I say to the member for Griffith that some of his comments were untoward and clearly not true.

He referred to an 'ugly and sordid' debate, which is hardly a description of democracy that I would like to put forward. Unlike the Labor Party, the coalition take very seriously their responsibility to the wider Australian public and to listen to all points of view. Of course, we do not have the tradition that they have in the Labor Party of a very small executive who make the decisions—and here I am talking about the party as a whole. In the coalition, we have a much broader church and a much greater willingness to listen to even the most—I do not want to say insignificant—uninvolved member at the branch level. We do not listen to just the heavies at the top; we listen to everybody. Because there was some concern, we felt we needed to air those concerns and, consequently, we had one of the more interesting debates that I have been a part of. I must congratulate my colleagues for the way in which they conducted that debate and for the seriousness with which they took the issue. I do not think it is any secret that I was extremely pleased with the outcome. But, even if the outcome had not

pleased me, at least I would have been glad to see that my party was willing to examine issues and not to take them as a fait accompli. I would like to congratulate both the Prime Minister and the Minister for Foreign Affairs for the way in which the whole exercise was conducted. (*Time expired*)

**Mr RUDD (Griffith)** (10.52 a.m.)—I thank the Parliamentary Secretary to the Minister for Foreign Affairs for her comments. I would like to make a couple of comments in response to her observations. Firstly, on the question of Australia's overseas development assistance, she represented the Australian government at the Monterrey conference. That was an important conference, which was attended by some 50 heads of state and by some 200 ministers of various governments from around the world. At various stages of the conference, I believe that there were representations from President Bush, Prime Minister Chretien of Canada and President Chirac of France. The parliamentary secretary would know better than I who was there. The fact that the parliamentary secretary was there representing the Australian government was of itself some concern. I make no reflection on her, because it is not her fault that she was sent to represent the government. My criticism goes to the government itself as to why at least the Minister for Foreign Affairs could not find the time of day to attend the conference himself and, had the benchmark been applied which was applied by other governments, why the Prime Minister himself could not have found time to have done so.

Symbols in international relations count. When we dispatch a person who is not even a junior minister but a parliamentary secretary to represent the Australian government at a major international conference on development, it sends a symbol to the rest of the world that we are not fundamentally serious about the task—and that is the problem. When it came to the substance of the Monterrey conference, there was a range of undertakings from various governments about what they would do in the future as far as their commitment to ODA was concerned. There was a commitment from the government of the United States that it would increase ODA by some \$5 billion—a remarkable commitment. There was also a commitment by the European Union to increasing the proportion of GNI, which the union and member states would be committed to in terms of their contribution to ODA as well. I am advised also that there was a commitment from the government of New Zealand to raise its current contribution to 0.7 depending on the availability of financial resources over time. The point I am making is simply this: the world community was represented at the most senior levels and our country was represented at the most junior levels. That of itself was of symbolic significance. But, on the substance, those represented at the Monterrey conference used the conference as an opportunity to pledge increased effort, by and large, in terms of their contributions to ODA. There were significant statements from the US, from the European Union, from New Zealand and from others. What did we have from Australia?

My question to the parliamentary secretary is: did you provide any commitment to the Monterrey conference about increasing Australia's ODA commitment? I take it from the parliamentary secretary's silence on that question—though she may answer in a subsequent reply—that we said nothing. That is the point. Symbolically we were represented at a junior level and, in terms of our increased commitment to ODA, there was nothing. That presumably is why the foreign minister could not find time to attend: because he had nothing to say about Australia's contribution or proposed future contribution. When we look at the numbers and deconstruct them, they are of some significance. Currently, as the parliamentary secretary said quite accurately, our ODA stands at 0.25 of GNI. At the height of contribution to ODA under

the previous Labor government, my recollection is that it reached 0.47 per cent of GDP—a slightly different measure but broadly comparable, I am advised.

What we have seen in the period of the Howard government is an incremental, decreasing effort in our contribution to this important area of international responsibility. When we apply it to the specifics of certain circumstances, it becomes even more acute. This is a government which has talked to us long and hard about the whole problem of asylum seekers in this country. This is a government which has caused every Australian citizen to become concerned about the problem of Afghan asylum seekers in particular. This is a government which has said that, when it comes to Afghan asylum seekers and the problem of boat people, Australians need to be very concerned indeed. If we were to take the government's rhetoric seriously and apply it to core components of a proper, considered and integrated policy response, what would those responses be? First and foremost it would be addressing the problem of Afghan asylum seekers at source. It goes to the question of the problems of radical underdevelopment and insecurity within Afghanistan itself. I visited Pakistan in December last year and spoke at length with representatives of UN agencies. (*Time expired*)

**Mr LATHAM (Werriwa)** (10.57 a.m.)—I want to address the issue of sovereignty, because one of the things that I resent in the parliament is the government's accusation that somehow Labor members are less patriotic, less nationalistic, than those on the other side of politics. I think we need to put this allegation to rest. We need to put it to one side, because basically it is untrue. I would argue that Labor members are more patriotic than those on the government side. In the broad history of this parliament, one incident stands out above all others. There has been only one serious threat to Australia's survival, and that was during World War II—a time when the conservative parties fell to pieces, a time when the Tories were unable to govern themselves, let alone govern the nation, and Australians had to turn to a Labor administration, led by John Curtin, to secure our future, to secure our borders, to secure our sovereignty.

In the context of Australian sovereignty, we have today, with the decision of the government to ratify the instrument for the ICC, half the government's own backbench believing that this is an administration that surrendered Australia's sovereignty. So even their own people are doubting this claim about the patriotic credentials of the Howard government. In terms of sovereignty, we have a Prime Minister who has just come back from the United States with a brown nose, a Prime Minister who has just come back from the United States with a lot of skin off his knees, a Prime Minister who has grovelled and agreed so rigorously with the American administration that he has proved himself to be more American than Australian. Because no Prime Minister who truly believed in our national interest would have so little to say before their Congress about the important issue of the farm bill, about the important issue of protecting Australian farmers, about the important issue of fair and reasonable free trade. So the Prime Minister's credentials in this regard have been damaged in recent times. I would also argue that the Minister for Employment and Workplace Relations is more British than Australian. He is, in his values and public statements, more British than Australian: born in Britain, a rigorous supporter of the British monarch—basically hanging out the backside of the British monarch whenever he can. He is more British than Australian in his values and attitudes.

On all these issues I stand up for Australian sovereignty, and I say to the people in my electorate that it is the Labor Party that is the patriotic party in this country. We will not sur-



render our interests in the United States by entering into a free trade agreement that allows for enormous farm subsidies in the United States. We will not tug our forelock to British institutions and think that British institutions do things better than we can do in this country. In the Australian Labor Party we will not surrender our islands and excise large tracts of Australian land in a surrender to people smugglers. This is what we have got in the parliament today—an act of appeasement to the people smugglers. Rather than a defence of our borders, we have got an act of surrender by the Howard government.

I reject out of hand the notion that somehow the government is more patriotic than the opposition. Australian history does not show that; the evidence in the parliament does not show that. On so many issues the government is willing to give away our sovereignty instead of defending it. On the question of border protection, I say to the people in my electorate that I am as solid as a rock. I despise people-smugglers. I despise people who break the rules. I despise people who want to subvert the rule of law in this country. As long as I am the member for Werriwa I will always stand up and defend the very strongest level of border protection, but it has to be effective—commonsense border protection: strong but with commonsense. There is no value in excising, in giving away, our islands to the people-smuggling rackets. We have to defend our borders, not rub them out.

I also say to the people in my electorate that, when it comes to mandatory detention, I fully support the Labor policy, which is an acknowledgment of the need for mandatory detention. Let us not have any claptrap from the government about this particular issue. After all, it was a Labor government, the Keating government, that established mandatory detention in this country; it was not a Liberal administration. This was one of the proud achievements of the Keating administration, and it is a policy that Labor maintains to this day. You do need mandatory detention for the checking and processing of asylum seekers to find out who is genuine and to find out who is not. So I reject totally these allegations from the government.

What we see on the issue before the parliament today, in particular, is the government playing politics. The government are not interested in national interests; they are interested in political interests. One needs only to look at the cold, callous, calculating nature of the immigration minister to see that he is interested only in political advantage, not advantage for the Australian people. I think it is shameful that the government play politics on this issue. If they were true patriots, they would not be playing politics on such an important issue as border protection; they would be standing up and defending Australia instead of surrendering our islands to the people smugglers.

**Mrs GALLUS (Hindmarsh—Parliamentary Secretary to the Minister for Foreign Affairs)** (11.02 a.m.)—I will not take up much of the chamber's time; I will quickly redress two remarks by the member for Griffith. First of all, he clearly does not understand the process of the FfD. Yes, the President of the United States and President Chirac of France did appear at the FfD and they gave set speeches. Most of the work at the FfD is actually done in the roundtables. I inform the member for Griffith that Australia was present at all those roundtables; in fact, our contribution was such that, at one stage, Venezuela, which was head of the G77, said that they had nothing to add to the debate because Australia had led it so well. In relation to the shadow minister's statement that he finds my presence at the FfD inadequate, I say to the member for Griffith that I in fact have responsibility for Australia's aid budget. Perhaps he would like to think about who is more appropriate to go to a conference on aid than somebody who has responsibility for Australia's aid budget. It was for that reason that I also

attended the conference in Tokyo on Afghanistan in relation to aid. The only other thing I want to do is simply put on the record where the shadow minister has misled the chamber.

**Mr Latham**—On a point of order, Mr Deputy Speaker: an allegation that a shadow minister or any member of the parliament has misled the chamber needs to be by way of a substantive motion.

**Mrs GALLUS**—Thank you to the member for Werriwa for that. The member for Griffith has not been quite as honest as he could be.

**Mr Latham**—On a point of order: I am asking for a withdrawal. You just cannot move on and restate it.

**Mrs GALLUS**—I will withdraw the misleading of the chamber. Mr Deputy Speaker, I have withdrawn that and I have suggested that the member for Griffith has not been as honest as he could be about Labor's aid budget. Since he made his statement about Labor's fantastic contribution to aid, I actually looked up its record on that. And indeed he was right: it was the first year that Labor came into office that it had such a good record. It is interesting that, out of 13 years, the member for Griffith quoted the first year in office and not the subsequent ones. Indeed, in their first year in office the Labor Party gave \$1.775 billion in real terms. By 1990 that had in fact dropped to \$1.4 billion. So the record is not as the member for Griffith suggested. It was in fact over that time a decrease of 16 per cent and it never went back up again. I just wanted to put that on the record. Thank you for allowing me these extra comments.

Proposed expenditure agreed to.

#### **Department of Industry, Tourism and Resources**

Proposed expenditure, \$853,143,000

**Mr FITZGIBBON (Hunter)** (11.05 a.m.)—The energy sector plays a critical role in the Australian economy. It heavily influences economic performance, international competitiveness and, therefore, Australian living standards. The development of a national energy policy is crucial to Australia's economic and social wellbeing—a policy that provides competitively priced, secure, diverse, sustainable and environmentally sound sources of energy in a manner which delivers maximum benefits to all Australians. The inherent complexities of the sector makes such policy directives extremely difficult to implement. A policy change in one area has important flow-on effects for the rest of the sector, the broader economy and the wider community. Moreover, it is not a static sector but continues to change and to develop in ways that have implications for all energy users, suppliers and stakeholders.

The energy policy debate is one marked by great conflict between economic output and the environment, conflict between fossil fuel dependence and the use of renewable energy sources, conflict between government revenue and investment incentives, conflict between regulation and market forces and their impact on investment. That is why, in my view, the government needs a broader, more overarching approach to energy policy development; not just a COAG review—which the opposition supports—but a more holistic approach to the national energy strategy. The key focus for any national energy strategy should be the development of a national gas market and a national gas pipeline and grid. The delivery of competitively priced natural gas both to the remote mining projects in our nation and to the na-

tion's major domestic markets is crucial to Australia's ongoing economic development and living standards.

I just want to say something very quickly about one particular aspect of gas that we are currently debating in this nation and give the parliamentary secretary an opportunity to share with the House information in relation to the ongoing debate about the gas in the Sunrise fields in the Bonaparte Basin. He could also explain where the government is in its attempts to ensure that that gas is brought onshore for both value adding in an LNG plant and the provision of domestic gas not only into the Northern Territory but also into the south-east gas markets. It would provide greater competition in those markets and, as a result, those markets would have more competitively priced fuel.

I would like to say something about that market itself. The future energy demand for gas will be heavily influenced by economic growth, population growth, falling energy intensities and fuel switching. Economic growth is poised to outstrip falling energy intensities, and therefore the net effect will be continued absolute growth in demand for energy, particularly gas. ABARE in its 2019 and 2020 projections predicts that Australian energy consumption will grow by over two per cent a year. Natural gas is expected to grow strongly—three-plus per cent each year—although coal and oil will continue to supply the bulk of our domestic energy needs. Renewables will grow moderately, reflecting recent policy measures.

Natural gas's share of the electricity generation mix is expected to grow from 10 per cent now to 12.1 per cent in 2009-10 and to 18.3 per cent by the year 2019-20. Australia's exposure to imported crude oil is expected to increase significantly. Although still bullish on natural gas and therefore positive for our national grid, ABARE's new figures are more conservative than their earlier forecast in 1999, which was for over four per cent. Gas demand growth has been driven primarily by stationary applications such as boilers and kilns in the manufacturing sector and cooking and heating appliances in the residential and commercial sectors. Strong growth now in the use of natural gas is also expected in the iron and steel and basic non-ferrous metal industries and in the use of gas and electricity generation. (*Extension of time granted*) Much of this will be in the north-east of Western Australia, so it may not add much impetus to the prospects of a national grid. Our gas market growth over recent years has been at a rate of 2.5 per cent per annum, comfortably above the growth rate of most other forms of energy. The national market demand now stands at over 880 petrajoules per annum, which equates to 18 per cent of the primary energy market. This is expected to rise up to 24 per cent by the year 2019-20. That is the picture of what is happening in the national market.

I want to turn to the Greater Sunrise field and the prospect of that field being brought onshore to Darwin. I want to share with the House some of the claims that the Chief Minister of the Northern Territory is making about the benefits of bringing that gas onshore not only to the Territory but also to the national economy generally. She claims, based on consulting work done by ASIL, that the project onshore would produce an additional 10,600 jobs nationally and \$15 billion in additional national wealth and, more importantly than that, boost gross state product in the Northern Territory by 40 per cent per annum in future years. This would mean a significant boost to the economy of a territory which has historically been and continues to be so economically dependent, including on subsidies by other states. So it will be a win-win situation for all concerned if we are able to get that great source of gas onshore into the Territory.

Some of the projects which hopefully will have the potential to come on stream as a result of that, of course, include the \$3 billion aluminium smelter and power station; the Compass and Mount Grace projects; a pipeline to Gove to allow the expansion of Nabalco's aluminium plant; and the proposed pipeline linking Sunrise gas to Moomba, therefore introducing competition to the eastern states.

I know that the government has not been entirely sitting on its hands on this issue. I understand through media reports that Minister Macfarlane did send a delegation to the Northern Territory to discuss these issues with the Northern Territory government and, hopefully, with the venture partners, including Shell, Woodside and Osaka Gas. I question whether enough has been done. I do accept that at the end of the day the development of the Sunrise field will be driven by market forces, and I do accept that Shell has undertaken significant marketing work in the domestic market to determine whether bringing Sunrise onshore will be economically viable. As is so often the case in these matters, we tend to get one side of the story. I hope and trust that the government has been using the resources available to it to cut through all that voluminous paperwork to determine whether it is true that there is not a domestic gas market for Sunrise. The timing of this is becoming fairly critical now. The Bayu Undan field is coming onshore to Darwin to an LNG facility, which is welcome news, but very soon a decision will need to be made on the capacity of that pipeline, which will take Bayu gas to Darwin. The proposal was for Sunrise gas to share that pipeline to Darwin. If the Bayu pipeline is constructed to such capacity so as not to be able to accommodate Sunrise, then we might indeed lose the opportunity to bring Sunrise gas onshore forever.

This morning I am inviting the parliamentary secretary to share with the House the government's views on these issues, the information the government have as a result of their inquiries in the Northern Territory and what attempts they have made to ensure that the gas from Sunrise comes onshore to Darwin for value adding in an LNG plant and for domestic gas purposes.

I acknowledge that exporting natural gas from a floating LNG facility is not such a bad thing for Australia. It is a good thing to be exporting our natural gas resources but the overarching responsibility of government is to ensure that that non-renewable resource is developed in such a way as to produce maximum benefit to all Australians. I hope that the government is doing all in its power to ensure that that is the case.

**Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources)** (11.15 a.m.)—In response to the honourable member for Hunter's queries about Sunrise gas coming onshore to Darwin, I can assure the honourable member that we are very aware, from a government perspective, of the financial benefits of the gas coming onshore. There has been considerable effort put into having discussions with the various proponents of this project. As the honourable member rightly said, at the end of the day it has to be commercially viable. They have to be able to justify the significant expenditure of bringing it onshore.

We are well aware that at the moment there are two different views within the partnerships. Shell, supported by Woodside, has concerns about the viability of it, whereas Phillips has been a very strong proponent of bringing it onshore. We had officials meeting in Darwin as recently as 9 May and I met with representatives of Shell, Woodside and Phillips in Darwin just after that. I do not have my diary, so I do not have the time—but it was about the same

time. At that time I reinforced that from an economic perspective it would be of immense benefit to Darwin and the Northern Territory in particular and to Australia generally if it were possible to have it brought onshore. I also acknowledged that there were economic concerns.

Subsequently, on 16 May, the Sunrise joint venture partners announced that they would be conducting an urgent review—they would be going back and having another look at it. We certainly welcome that. The review, I understand, will be completed in about October before a commercial decision is made about the preferred option. It was encouraging to see comments recently by MIM supporting an onshore option. The loss of the Methanex project to Western Australia was a bit of a blow.

You mentioned Nabalco and Gove: the Northern Territory Power and Water Authority were also expressing an interest in this gas. One of the things that came out in the discussions that I had with the representatives is that there are a lot of projects or claims of interest but unfortunately there is not a lot of ink on the paper at the moment. It would certainly help if some of the groups that were expressing a very strong interest went a little bit further in committing themselves to the project, because at the end of the day that is what is going to make that decision. I actually raised this with representatives of the Northern Territory, suggesting that maybe they could encourage some of those that have an interest in it to be a little bit more committal. Given that there is that review happening at the moment, I think there would be an opportunity for them to consider that within the commercial reality.

**Mr FITZGIBBON (Hunter)** (11.20 a.m.)—I am delighted that the Parliamentary Secretary to the Minister for Industry, Tourism and Resources agrees that the delivery of Sunrise gas onshore would be more beneficial to the Australian economy than a floating LNG facility, but I have to say that he was fairly vague in his responses. I welcome the fact that he met with the venture partners on 9 May, and I share with him the joy that Woodside and Shell had indicated their preparedness to review the situation and report back by October this year. I do wonder, though, what implications that has for the Bayu Undan pipeline, and if the parliamentary secretary has any information about that he might be able to share that with the House. I acknowledge too recent comments by MIM and the hope that it will bring Domgas onshore to provide that more competitively priced gas not only to MIM but to the wider market.

What I would like to hear, if I can, from the parliamentary secretary is whether the government has or will have any involvement in the review of the joint venture partner decision to go with the floating LNG facility. For example, has the government indicated that it might be prepared to give commercial support in some way to the project? For example, has the government been engaged in discussions about depreciation caps? For example, has the government partly delivered on depreciation caps in the context of Sunrise? If so, does he expect that Woodside and Shell and the other venture partners will be now factoring in any impact that caps would have on the viability of the project?

**Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources)** (11.22 a.m.)—I will deal firstly with the latter questions. With regard to what we are able to offer, I understand that some time ago Phillips were awarded a major infrastructure facility by the Commonwealth government. In doing this, of course, the Commonwealth opened options there, should they require them. There certainly have not been any additional requests from the partners. Certainly from the meeting that I had I am not aware of

anything in particular that they are seeking from us at this point in time, other than a need to have some firm contracts in place to justify bringing it onshore.

With regard to the depreciation of pipelines, I am sure the honourable member would be aware that the government decided that the statutory 20-year cap should be applied to gas transmission and distribution assets, with a statutory cap of 15 years for oil and gas production assets. That was welcomed very much by the industry. I am aware that there has been some suggestion that there is some opposition to that, and that would concern me. I know the honourable member has been very supportive of this initiative, and it is certainly needed to provide that incentive for what are huge amounts of investment in this industry.

I had to seek some advice with regard to the Bayu Undan project. The honourable member will be aware that on 20 May Australia and East Timor signed a Timor Sea treaty, an exchange of notes for provisional arrangements until entry into force of the treaty and the memorandum of understanding on an international utilisation agreement for the Greater Sunrise fields. These documents underpin the continued exploration and development of that area.

It is important for both nations that we continue to provide a climate that attracts investment, particularly in the Bayu Undan and the Greater Sunrise developments. Early stage development of the Bayu Undan field has commenced, with revenues expected to flow from 2003. The gas from the field will be processed onshore for export from Darwin, providing substantial downstream benefits for Australia and greater export revenue. I hope that answers some of your queries.

**Mr FITZGIBBON (Hunter)** (11.26 a.m.)—I thank the Parliamentary Secretary to the Minister for Industry, Tourism and Resources for that information. I can assure him that Labor's decision to refer to a Senate committee the government's position on the implementation of statutory caps on depreciation should not be read as opposition to that part of that bill but rather as an exercise in securing more information about the impact of that proposition on the Commonwealth budget. Even more particularly, we are seeking a sectoral breakdown of the impact of that initiative on the budget—for example, how much of that money by way of depreciation would go to the aviation sector and how much would go to the oil and gas sectors.

I am intrigued that the parliamentary secretary has shared with us the view that the venture partners in Sunrise feel that nothing more is required other than the establishment of a sound domestic market. I understand that this is a chicken and egg situation. You have people on one side saying, 'We would come if the gas were there,' and people on the gas side saying, 'We would come if we knew the industry was going to be there.'

Given that the government has costed its initiative on statutory depreciation effective life caps at something like \$400 million over five years and \$1.9 billion over 10 years, the government must have some view as to what would be the likely rate of additional investment—which would, of course, drive those costs—and whether the government had factored into those costs the possibility that the Sunrise field gas might come onshore.

**Mr ENTSCHE (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources)** (11.28 a.m.)—I am sorry; I do not have those figures on me.

**Dr EMERSON (Rankin)** (11.28 a.m.)—I have a number of questions in relation to key programs that have been cut or frozen in the portfolio. The first is in respect of the R&D Start program. I know the parliamentary secretary will not necessarily have the answers to all the



questions today, but I ask that he refer them to the department and, most importantly, to the minister and that he get back to us with responses.

In respect of the R&D Start program, I am very keen to know how many companies had applications in the pipeline at the time new applications under the R&D Start program were suspended. I would be keen to know whether there are any plans to compensate those businesses for the resources they put into their applications for the R&D Start program or at least whether it is contemplated that the government will put them in the front of the queue when the R&D Start freeze actually thaws.

I am keen to know why the decision was made to freeze the program and what alternatives to freezing it were considered. I would also like to know when AusIndustry was made aware of the freeze in the R&D Start program because there was a considerable period during which the minister was saying one thing and AusIndustry, to its clients, was saying another thing. There certainly seemed to be a disjunction there. Is it true, as we have been told by a number of companies, that AusIndustry was still encouraging applications in the weeks and months leading up to the suspension or to the freezing of the R&D Start program? Why would applications be encouraged when a decision was imminent or had already been taken to freeze it? I would like to know the extent of cost over-runs in the program and whether that was the basis for the freeze.

I am keen also to know whether applicants for the program were required to develop expenditure plans with milestones before they started receiving funding. If that is the case, and I believe it is, shouldn't these plans and milestones have provided some indication of the forthcoming funding requirements so that the government could look to fund those applications? There is a range of questions in relation to the R&D Start program. The parliamentary secretary may be able to help us with those. What I should do within the time is go on to a couple of other programs so we may be able to get a more comprehensive response.

I turn now to the Printing Industry Competitive Scheme and the Enhanced Printing Industry Competitive Scheme—PICS and EPICS—both of which were abolished in the budget. I would like to know when the minister decided to abolish the two schemes and what roles, if any, the department of finance and the minister for finance had in those decisions. Isn't it the case that EPICS had a key role in the government's action agenda for the printing industry, Print 21? Was EPICS part of the GST compensation package negotiated with the industry in 1999 when the government introduced a GST on books? Didn't PICS implement an election commitment from the 1998 election? What will be the impact of the abolition of these two schemes? How will the 64 companies with lapsed EPICS applications be affected? Are there any plans for compensation? And why is it that applications lodged under PICS before the budget announcement would be honoured but only applications that were approved under EPICS before the budget announcement would be honoured? What is the basis of the difference there? Finally, to summarise, isn't it true that these two schemes were solid election commitments in the case of PICS and, in the case of EPICS, compensation for the GST? How can the government justify breaking its promises in relation to those? I will come back to the strategic investment coordination program when we get some response on those two matters from the parliamentary secretary.

**Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources)** (11.33 a.m.)—As the honourable member for Rankin rightfully said, there is



quite a bit of detail that he requires on both of those questions. It is just not available to me at the moment, but we will of course take on board both issues. With R&D Start we will need to seek advice from both the department and the minister's office on the various questions he has asked with regard to the number of companies involved and why the decision was made. The same with PICS and EPICS—there is no way that I would have available to me at the moment information on how the companies will be impacted. That is information that I will seek. I will get back to the honourable member with the details on those various questions.

**Dr EMERSON (Rankin)** (11.34 a.m.)—I now move on to the strategic investment coordination program. I am interested in getting some information on the criteria against which applications for funding under the strategic investment coordination program are judged. What is the level of transparency in these criteria? Which applications have been approved and how many applications have been rejected? I do not necessarily seek the names of the project proponents for applications that have been rejected, but I would like to know how many have been rejected. I would also be interested in knowing whether there were applications that were supported by the strategic investment coordinator but ultimately rejected by the government. Again, I am more interested in knowing the number of applications, not necessarily the names of the applicants.

In relation to the strategic investment coordinator and the coordination program, when the Ralph review came down, the government removed accelerated depreciation but indicated that for companies that regarded accelerated depreciation as important to future ventures there could be scope under the strategic investment coordination program either to restore accelerated depreciation or to compensate those particular companies for the loss of accelerated depreciation. I would like to know whether any companies have applied under the strategic investment coordination program for either the restoration of accelerated depreciation or compensation for the loss of accelerated depreciation, and what outcomes have emerged as a result of any such applications. Obviously, I would be keen to know the number of such applications.

I will now move on to the South Australian project called SAMAG. Can we get some information as to why the AMC proposal in Queensland was supported? I am happy to say that I was pleased with the decision to support the AMC proposal in Queensland, but the SAMAG proposal in South Australia was for a similar plant, as we understand it, for Port Pirie, and it was not supported. It was rejected by the government. Again, we understand the government has said that there is room for two magnesium plants in Australia. If that is the government's position, why did it reject the South Australian project? Could we get some indication of what advice may be provided to the South Australian project proponents of any other assistance schemes? I would like to know the basis of the rejection and where those proponents might go from here.

My final question is in relation to the freeze on the R&D Start program. It raises the question as to whether there are any other departmental or AusIndustry programs subject to slowing down or freezing, like that experience for the R&D Start program. In particular, is the COMET program subject to some sort of slowing down of processing activity or some sort of freeze?

**Mr ENTSCHE (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources)** (11.37 a.m.)—Again, the honourable member for Rankin is seeking very spe-

cific advice with regard to the number of applications to the strategic investment coordination program that have been successful, the numbers that have been rejected and other specific information about those that may well have been supported by one and rejected by the other. Again, I will have to seek that advice on notice, as I will with the SAMAG issues that you raised. It is just not available to me at the moment. As for the other programs, again, I will seek that advice from the department. I will get back to you in a timely manner and provide you with the details you require.

**Mr CIOBO (Moncrieff)** (11.38 a.m.)—I seek to take advantage of the opportunity to consider in detail the [Appropriation Bill \(No. 1\) 2002-03](#) and to seek a response from the Parliamentary Secretary to the Minister for Industry, Tourism and Resources. I want to highlight, coming from Moncrieff, Australia's premier tourist destination of the Gold Coast, the significant benefits the Gold Coast region has been able to take advantage of as a result of a very good budget. There are two principal elements. The first is the general emphasis in the budget on the advantages of having Australia recognised as a safe destination.

The second key element in this budget that has benefited the Gold Coast directly is the focus on increased funding that has been made available to the tourism industry and in particular the \$50 million that will be spent over the next five years on a number of key tourism initiatives. These include the additional expenditure of \$24 million for the Australian Tourist Commission, \$8 million for the See Australia program and \$8 million for the Regional Tourism Program. I seek from the parliamentary secretary some outline, in particular for the See Australia program and the Regional Tourism Program, of how the Gold Coast and tourism operators on the Gold Coast may seek to benefit directly as a result of this additional expenditure.

I can say that the seat of Moncrieff—and Surfers Paradise on the Gold Coast, in particular—really is the focal point of the tourism industry in Australia. As a result of the success that we have had, the Gold Coast enjoys over five million visitors each year and on average they stay for four nights. This injects some \$3.1 billion directly into our local economy and represents some 25 per cent of our local GDP. It employs directly some 36,000 people and indirectly a much higher number than that. It is little wonder that the Gold Coast really is rapidly growing—and we have seen, as a result of the latest census, that the Gold Coast is the fastest growing region in the country. It is expected that by the year 2011 there will be over 550,000 people living in the city.

Today I seek to take advantage of a response from the parliamentary secretary on a number of key areas that the tourism industry would like some additional focus on. The Gold Coast's tourism industry is heavily reliant on inbound tourism. Although it has benefited from a budget that has helped deliver Australia, in terms of perception, as a safe destination, the Gold Coast tourism industry remains very reliant on a long-term sustained increase in inbound tourism. I seek the parliamentary secretary's comments on the approved destination scheme and the way in which it operates and will benefit the Gold Coast.

There are two major inhibitors to continued growth for the tourism industry on the Gold Coast. Those two principal inhibitors are airline capacity and investment in infrastructure. I would like to raise for the parliamentary secretary's consideration the first issue of airline capacity. The Gold Coast suffers as a result of a very limited capacity in and out of the Gold Coast Airport and Brisbane Airport. It would seek to have an increase in capacity and, al-

though these types of decisions are commercially driven, and should be driven by the marketplace, there may be opportunities for the federal government to directly assist to make it either more commercial or more attractive for airlines to operate additional airline capacity into Gold Coast Airport and into Brisbane Airport.

The other issue is the requirement for greater investment in infrastructure. I use the term 'investment' very deliberately. Unlike other regions in Australia, it is important to recognise that any investment in infrastructure in tourist areas really does reap dividends for the Commonwealth. I would like to bring to the parliamentary secretary's attention the direct benefits that flow from government spending that is an investment in infrastructure. It is important to recognise that one of the primary drivers of tourism—and especially inbound tourism—is the need for a destination to have a constant rejuvenation of its supply side services, a constant rejuvenation of those various activities, services and attractions that flow as a result of increased infrastructure investment and also, especially, a good public transport system and investment in roads. I would seek the parliamentary secretary's response on that.

Finally, I would just like to raise the issue of the 10-year plan. I commend the parliamentary secretary and the minister for bringing together the fourth white paper that this government has issued since it was elected in 1996 and for its strong focus on developing a coherent and very clear plan in consultation with the tourism industry about the future direction of tourism. I would be most interested in the parliamentary secretary's response to how the Gold Coast in particular—but more broadly, the Australian tourism industry—is responding to and moving with government to develop good public policy in relation to the 10-year plan. Thank you. (*Time expired*)

**Mr KING (Wentworth)** (11.44 a.m.)—I wish to speak only briefly on one aspect of the [Appropriation Bill \(No. 1\) 2002-03](#), and it particularly concerns the area of tourism. My concern can be expressed this way: whilst we of course must, in relation to the appropriations and the performance of the government programs, at all times be concerned to ensure that we promote tourism and encourage overseas and internal tourism wherever possible, we also should be alive to the costs and have regard to the infrastructure strains that sometimes do arise. I am particularly concerned in respect of my electorate at recent stresses that have been placed on the infrastructure in terms of roads, public transport and more mundane issues, such as parking, the availability of public facilities, the cleanliness of streets and associated street crime in the area of Bondi Beach and the suburb of Bondi. The infrastructure costs arising from the promotion of, and increase in, tourism in some parts of Australia—and Manly and other places have been mentioned as well—do need to be addressed when we are putting forward a thoroughgoing tourism program.

I ask the minister—and I am grateful that the parliamentary secretary is present and I ask him to have regard to this issue—to ensure that those infrastructure issues are addressed when we put into place the tourism program that will be part of the appropriations. However, the states and local government must not ignore their responsibilities. Leadership can be shown by the Commonwealth but, at the end of the day, the various infrastructure programs that need to be put in place are very much part of the responsibilities of state and local governments. They cannot seek to deflect those responsibilities by blaming the Commonwealth. All three levels of government need to work together but, critically, the state governments—and in particular the New South Wales government—need to address the major concerns that I have raised. I support the appropriations and commend them to the parliament.

**Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources)** (11.47 a.m.)—I welcome the comments of the member for Moncrieff and the member for Wentworth with regard to tourism and tourism initiatives. They are quite understandable, in both members' cases. The Gold Coast is certainly a premier tourism destination in Australia known by all. To address some of the issues that the member for Moncrieff raised, the See Australia program has been extremely successful and is something that we need to continue to focus on, given that 75 per cent of all tourism in this country is domestic. A very large portion of those domestic tourists travel regularly to the Gold Coast. The See Australia program is something that we see as a means of continuing to encourage domestic tourism. We need to encourage more, because 30 per cent of Australians still do not take a holiday. If we can encourage a greater percentage of such people to take one, that is certainly an opportunity to increase domestic tourism. There has been an additional \$8 million allocated through the budget over the next four years to continue to promote the See Australia campaign.

As for what we can do, the Regional Tourism Program is something in which I am sure some of the constituents in your region could be involved. We had the first announcements only last week. There were 29 successful applicants. Between them, \$2 million in Commonwealth funding was allocated to assist in the development of a diverse range of product to accommodate the increased numbers that will be coming in as the tourism industry continues to go from strength to strength. Funding for the Regional Tourism Program will be over a four-year period, and I would encourage your constituents to apply to this program. While it is competitive, it is spread right around the country and there is good opportunity there to access some support. It is quite unprecedented for that sort of Commonwealth funding to go into individual destination projects, and so I would encourage your constituents to get involved.

You are right when you raise issues regarding the need for constant rejuvenation of product so that it does not get tired. You are also very right about the aviation issues: if they are not functioning properly, regional aviation in areas like Coolangatta in particular will suffer badly. So this is something we need to make sure we have in place. Of course, you have an international destination there as well.

You mentioned the 10-year plan. I think a lot of the questions you were asking are being asked by the industry itself. With regard to the 10-year plan and the 202 questions that have been asked, I will refer some of my response to the member for Wentworth, because this is going to deal with a lot of those issues. These questions are specifically being asked. You talked about investment and about what government can do. The question is in there: what can government do? That 10-year plan has been embraced overwhelmingly by industry. We will have the first submissions finalised by the 28th of this month. It will then be considered and a green paper will come out in about September. That will then go back to industry and will come out as a white paper. It will be only the fourth white paper from this government and, certainly, the first one for tourism. There are great opportunities there.

We will also identify a range of opportunities, particularly with regard to investment in infrastructure. This has been a major problem. (*Extension of time granted*) One of the areas of opportunity identified for infrastructure is superannuation funds. At the moment, there is something like one per cent of superannuation funds—and we are talking in the vicinity of something like \$600 billion in superannuation funds. These funds are growing very significantly and very quickly and are looking for opportunities for investment. So the minister is

very much of the view that there would be great opportunities. For example, if we were to increase the investment in tourism infrastructure through these superannuation funds to an equivalent amount of our GDP, close to five per cent, we would be looking at an automatic increase of something like \$28 billion becoming available for investment in tourism infrastructure.

So there is some serious work being done on that at the moment. I know that some of the large banking and superannuation organisations are looking at putting in a submission. There are issues such as security of investment and returns et cetera, but a lot of these funds are now looking at what they call the triple bottom line: it is not just an economic return; it is a social return and it is an environmental return. I think this may well put ecotourism and the development of product in that area in a very good position. You talked about encouraging overseas visitors to Australia, and a major role is being played by our inbound tourism operators who have, again, embraced this very enthusiastically. They will be dealing with a range of issues, including visas et cetera.

Also, the 10-year strategic plan does not have just industry, tourism and resources involvement. There are 16 various departments involved in this, right through the whole spectrum. In my own area, a number of these submissions are almost completed. I know that would also be the case from a national perspective. I am sure both the member for Moncrieff and the member for Wentworth would be actively involved in encouraging tourism groups within their own electorates to put in these submissions. I am pleased to see that they are both playing a very active role in making this happen. I believe this is the biggest thing that has ever happened in the tourism industry. It is presenting a great amount of opportunity. It gives us, as a government, an opportunity to be totally focused and to work in partnership with industry. As the member for Wentworth rightfully said: when we talk about infrastructure like roads et cetera, it is not just a Commonwealth responsibility; it is also a state government, a local government and an industry responsibility. It is a matter of us working together. I think this will give us the opportunity to do that.

Proposed expenditure agreed to.

#### **Attorney-General's Department**

Proposed expenditure, \$1,779,689,000.

**Mr MURPHY (Lowe)** (11.56 a.m.)—I would like to go to question No. 555, which I placed on yesterday's *Notice Paper*, because it goes to the heart of a serious matter in terms of the public interest. That question relates to a number of recent media reports that appeared in the *Courier Mail* and to a series of questions that I have run on the *Notice Paper* over the past two years concerning the current state of health of former Senator Malcolm Arthur Colston.

This is a very serious issue. In 1999, the Director of Public Prosecutions determined that there was a *prima facie* case that former senator Malcolm Colston should stand trial on 28 charges of defrauding the Commonwealth through travel rorts. This caused great public outrage at the time. It gives all members of parliament a very bad name because of the serious nature of the issues associated with these charges. If protecting public revenue is not in the public interest, I do not know what is. It is a fact that, in May 1999, I was able to establish that former Senator Colston was examined by two so-called expert medical specialists. From my questions on the *Notice Paper*, I was able to establish from the reports by the specialists that former Senator Colston had, at best, only months to live. He was clearly terminally ill.

The fact remains that three years on there have been a number of media reports about the activities of former Senator Colston, and certainly former Senator Colston is alive. I do not know how well he is, and I do not wish ill of former Senator Colston, but I think it is in the public interest that he be examined at the earliest opportunity to establish the truth of his medical condition and of his capacity to stand trial. The so-called eminent expert medical specialists who examined him in May 1999 concluded that he would never be fit to stand trial. Those specialists were either lying or they were incompetent, or perhaps they should be nominated for the Nobel prize for medical science because Dr Colston, three years and one month down the track, is still alive. You would think, because of Dr Colston's protestations through his family that he is terminally ill, that he would want to clear the record and make himself available to new specialists who have never previously examined him to establish the veracity of his state of health.

I draw to the Attorney-General's attention question No. 555. It is a serious matter in the public interest, because it is all about protecting public revenue and it also reflects on the integrity of all members of the federal parliament. If you have a look at the history of this particular case, you see that the charges relating to Senator Alston—sorry; to former Senator Colston—

*Opposition members interjecting—*

**Mr MURPHY**—That was a Freudian slip.

**Mr Sidebottom**—Did you say a 'fraudian' slip?

**Mr MURPHY**—I have other matters I want to raise with Senator Alston, about his determination to change cross-media ownership laws and allow newspaper proprietors to own newspapers, television stations and radio stations in the one market. I know the member for Hinkler, who is sitting here at the table, understands that well. But we will get to that next week.

I want to get back to this very serious issue. It is important in the public interest to establish the true state of health of former Senator Malcolm Colston. As I said, if he were well enough, I am sure that he would be very happy to make himself available to independent specialists who have never previously examined him—and that is the nature of my question No. 555—to establish his state of health at this point in time. I call on the Attorney-General to prosecute this matter at the earliest opportunity and have the DPP arrange for former Senator Colston to be examined as soon as possible to settle this matter once and for all, because it is giving us all a bad reputation. (*Extension of time granted*) Are there any officers of the Attorney-General's office here this morning to take up my concerns? If no officer is here, I would ask that a request be made to the Attorney-General to come into the House and explain why the DPP is not prosecuting this matter.

As I said, it is germane to the public interest because, quite plainly, the doctors—the so-called eminent medical specialists who examined him three years ago—are either lying or incompetent, or else they should be given the Nobel prize for medical science, because Dr Colston has certainly defied medical science if he was expected not to survive more than a few months and it is now more than three years later. Clearly there is something wrong, and this matter should be looked at as a matter of urgency.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (12.03 p.m.)—I am representing on short notice the Attorney-General, who I under-



stand is participating in a media conference at this point in time. I am very pleased to be able, on his behalf, to sum up. I thank honourable members for their contributions to the debate. The Attorney is a particularly diligent minister and likes personally to be present at events such as this, because he takes a very keen and close interest in all that happens in relation to the Attorney-General's portfolio. I suspect that that is broadly accepted and broadly appreciated right across the chamber amongst political parties represented in this place.

In the 2002-03 budget, the government announced that it will provide \$789.3 million over four years for initiatives in the Attorney-General and Justice portfolios. Funding of \$184.2 million for 2002-03 for these initiatives is included in Appropriation Bill (No. 1) 2002-03 and Appropriation Bill (No. 2) 2002-03. This major funding boost will greatly strengthen national security and the protection of Australians from terrorist attacks. It will also enhance our border protection and law enforcement capabilities and continue to encourage better use of our courts and alternative methods of dispute resolution.

Following the September 11 terrorist attacks in the United States, the government has acted quickly to bolster Australia's counter-terrorism arrangements. Building on a range of previously announced measures, the 2002-03 budget provides new funding of \$426.6 million over four years in the Attorney-General and Justice portfolios to strengthen Australia's ability to combat terrorism. In the 2002-03 budget, the government has also fully delivered on its election commitments to make Australia a safer, more secure place for all; to further strengthen the protection of our coastlines, ports and airports; to continue the fight against drugs; and to pursue innovative ways to make it easier for Australians to solve their legal problems. We will continue to build a safer, more secure Australia by providing an extra \$124.2 million over four years to the Australian Federal Police. This will be used to protect Australia from transnational crime such as terrorism, people-smuggling and drug trafficking and to expand the AFP's research and development capabilities. We will provide \$11 million over four years for the Australian Bureau of Criminal Intelligence to enhance its analytical and predictive crime capability. We will also provide \$1 million extra funding over four years to the Attorney-General's Department to support the highly successful National Crime Stoppers Network.

To strengthen the protection of our coastline, ports and airports, the Australian Customs Service will receive an extra \$175.8 million over four years to double its National Marine Unit's surveillance and response capacity and to purchase additional container and pallet X-ray machines. Coastwatch surveillance flights monitoring Australia's approach routes will be expanded, and communication capability will be enhanced. The AFP will acquire five small boats to allow the Indonesian National Police to patrol extensive areas within the Indonesian archipelago, with particular focus on areas identified as havens for people-smuggling activities. An extra \$1.5 million will be provided over four years.

To strengthen the Prime Minister's Tough on Drugs initiative, the AFP will receive \$4.7 million over four years to extend the National Heroin Signature Program to include tracking the origins of cocaine and amphetamines.

To make it easier for Australians to solve their legal problems, the 2002-03 budget provides \$27.2 million to fund ongoing community based counselling and mediation services, \$5.3 million to continue to support community legal services in rural and regional areas and \$1.3 million to continue the operation of Australian Law Online. (*Extension of time granted*) In addition, an extra \$9.8 million will be provided to the royal commission into the failure of the



HIH Insurance Group, to take into account the extension of the completion date from 30 June 2002 to 28 February 2003. The High Court of Australia will receive \$900,000 to fund activities celebrating the centenary of its first sitting. On behalf of the Attorney-General, I would like to thank members who participated in this debate, and I commend the bill to the House.

**Mr MURPHY (Lowe)** (12.09 p.m.)—Mr Deputy Speaker, I am grateful that the Parliamentary Secretary to the Minister for Finance and Administration has arrived here in time to represent the Attorney-General. The parliamentary secretary, with great respect, would not be aware of the matter that I was raising, which I would ask him to take back to the Attorney-General. It relates to my question No. 555, which appeared yesterday on the *Notice Paper*. It is a matter that is germane to the public interest because it is all about protecting public revenue; specifically, it relates to the state of health of former Senator Malcolm Arthur Colston.

I was saying in this chamber just a moment ago that two so-called eminent expert medical specialists examined Dr Colston in May 1999 and determined that he had only months to live and was not fit to stand trial on 28 charges of defrauding the Commonwealth through travel rorts. I want to make it quite clear that I do not wish ill of Dr Colston, but it is plain from the media reports and from some of the utterances of his family that clearly he is not capable of standing trial. But the doctors who examined him in May 1999 determined that he was possibly capable of surviving for another three months. Those so-called eminent expert medical specialists were lying or incompetent, or they deserve the Nobel prize for medical science for keeping Dr Colston alive. This gives all of us in this House a bad reputation because the nature of those charges—and I am talking about charges, not allegations—are such that Dr Colston never left Queensland in relation to some of those charges and claimed thousands of dollars of travel allowance. He should be given his day in court in the public interest to have his name cleared if he believes he is innocent and if he is capable of standing trial, because all the anecdotal evidence suggests that he is. He and his family are insisting that he is innocent. If that is the case, and if he is not just relying on those so-called expert independent medical specialists who examined him three years ago, you would think he would make himself available. The thrust of my question, arising from reports in last weekend's *Courier-Mail*, was to the effect that in the public interest he should be given that opportunity.

All I am asking the Attorney-General to do is to crack the whip with the Director of Public Prosecutions to have Dr Colston rounded up and have him examined by two new independent expert medical specialists who have had nothing to do with his case in the past, so that once and for all we can settle this grave matter in the public interest and put it to bed. It is a very serious matter which has been going on and on, and the *Courier-Mail*, as late as last Monday, had an editorial making it quite plain that this matter should be settled. If you could take that back to the Attorney-General and ask him to answer my question and get the DPP cracking on this one straightaway, I am sure that the public of Australia will greatly appreciate that.

**Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration)** (12.13 p.m.)—Thank you, Mr Deputy Speaker, and I thank the member for Lowe for his question. The Minister for Education, Science and Training is here and, as he would well know, medicine is not always an exact science or art.

**Mr Murphy**—I don't know. He might like to examine former Senator Colston. I reckon we would get a better opinion.

**Mr SLIPPER**—I will concede that when the minister for education was practising medicine, it was indeed a very precise and accurate art. The member for Lowe mentioned that Dr Colston is the subject of charges, not allegations. As a person who has practised law, I should point out that, under our system of justice, everyone is innocent until proven guilty. Charges are, in fact, allegations that are usually tested in the court. No-one can suggest that anyone is guilty until such time as a court of law has determined that.

I heard earlier that the member for Lowe had raised the question of Dr Colston's fitness to stand trial. In response, I am pleased to be able to advise him of the circumstances as I understand them. The DPP discontinued the prosecution of Dr Colston because, in the light of medical evidence, there was no prospect of this matter being able to proceed to trial. The Director of Public Prosecutions advised the Attorney-General that in March 2001 he reviewed the position, which confirmed that Dr Colston was still unfit to stand trial and that there was no prospect that he would become fit to stand trial. Dr Colston's health, the Attorney is advised, has deteriorated since the prosecution was discontinued and this deterioration is expected to continue. The DPP has previously indicated that he would, if necessary, review the matter in the future.

I also want to reassure the honourable member for Lowe that, as with any prosecution, this matter has been dealt with independently by the Director of Public Prosecutions in accordance with the prosecution policy of the Commonwealth. So it is not a political decision; it is a decision that has been arrived at independently by the Director of Public Prosecutions exercising his duty. I am happy to pass the honourable member's comments on to the Attorney-General personally, but the situation as I have advised him is the situation as we understand it to be.

**Mr MURPHY (Lowe)** (12.15 p.m.)—I have just one quick point in response to what the parliamentary secretary just said. Back in May 1999 Dr Colston was given only a few months to live by the so-called 'eminent expert medical specialist' and he has been deteriorating and deteriorating ever since. In the public interest, in terms of the issues that I have raised, we should have that opinion tested by other experts who have never examined him previously.

**Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration)** (12.16 p.m.)—Very briefly, if that is the point of view that the honourable member for Lowe has, then maybe he should communicate with the Director of Public Prosecutions.

Proposed expenditure agreed to.

#### **Department of Education, Science and Training**

Proposed expenditure, \$2,095,139,000.

**Mr COX (Kingston)** (12.17 p.m.)—I raise with the minister at the table, the Minister for Education, Science and Training, the revelations that were in the *Sunday Herald Sun* newspaper about the Geelong Football Club's access to \$4,400 grants under the New Apprenticeships scheme for some of its players, including players who, we are advised by the paper, have annual salaries of \$400,000 a year. The minister's media adviser made some comments in response to me on Sunday and Monday, suggesting that I was simply trying to deny a legitimate employer access to the New Apprenticeships scheme and that there had been no allegations about any misbehaviour by the Geelong Football Club.

I take this opportunity to ask the minister whether he thinks that somebody who has obtained employment and is so highly skilled that they are paid a salary of \$400,000 a year

really should fit within the definition of a new apprentice. I am aware that there are many young Australians who miss out on training opportunities at TAFE because there are not sufficient funds available for them to get into entry level courses for trades and occupations. There is quite a queue for those things. I wonder whether it would not be advisable to put some kinds of guidelines around this scheme that would stop it being used for people who are highly skilled and have salaries of \$400,000.

The article also raised some issues which I thought were dubious and did bear some investigation by the minister or his department. The Geelong Cats' chief executive, Brian Cook, said the club would benefit from a sponsorship arrangement with Corpfit—which I understand is the training provider for these players—and in return had to provide a set number of trainees. That leaves me wondering whether an organisation that is paying a club's sponsorship and then receiving a certain number of trainees and support from Commonwealth grants for those trainees is doing that for the purpose of providing training or for the purpose of providing sponsorship and having it paid for by the Commonwealth. I would be most grateful if the minister would respond to that. It seems to me that this is an area where definitions need to be tightened up in relation to what is an eligible trainee. There ought to be some kind of guidelines to deal with inappropriate arrangements between employers and training organisations where the actual purpose of the commercial arrangement between the two is something other than providing training.

The other issue that I wanted to test the minister on is the budget decision to stop Commonwealth funding for state ITABs. Considerable effort was expended in estimates committees to get an explanation from officials of ANTA as to what the policy motivation for that was. I have seen some correspondence, from various people involved in training and state ITABs, that suggested that this decision was taken against ANTA advice. The minister might like to clarify that point. The ANTA officials that were questioned on it at estimates simply said that it was a budget decision. They did not comment on it further. I do not know whether a budget decision means that it is a decision that defies sensible explanation or not. I would welcome the minister's clarification on that point.

**Mr SIDEBOTTOM (Braddon)** (12.22 p.m.)—Thank you for being here, Minister. I thank you for the \$360,000 committed to the establishment of a graduate diploma in Environment and Planning at the University of Tasmania. There was little else in this 40-year vision budget that I thought would give anyone great cause for joy in terms of education. I am particularly concerned at the moment about the whole issue of the deregulation of university fees and payments, because of an issue that I have mentioned to you before. That is the whole question of incentives for people to go on to further education. The cost to people of being educated is rising. If we look at the support mechanisms that exist to allow people to get into higher education and to continue education, the income threshold benchmarks are so low that you really have to be on a very low income in order to get that support. The whole question of benchmarks in terms of income should be looked at. The whole question of independence by around the age of 25 but being at home and dependent on your parents is another issue that we need to look at.

Minister, the issue I would like to raise specifically with you is one I have raised in the House several times. How do we go about supporting people who receive no financial support from the Commonwealth nor any other financial support for their education but who must live away from home in order to study? I specifically mention people who must leave the north-

west coast, where I come from, and go and study in Hobart, Launceston, Melbourne or anywhere else, because they cannot do their courses where they live. It strikes me that the inequity here is based on geography and a lack of access to education. That could represent a \$10,000 differential between those people who have the same economic circumstances in Hobart, Launceston, Melbourne or Sydney and those people who come from my regional area. I believe that \$10,000 differential is an important inequity in our system. I believe that, in terms of fairness, we should at least look at somehow supporting those families and those students by some form of recognition of that differential, even if it is in the form of a tax rebate or a claim on accommodation.

If it is a \$10,000 differential based on geography, I believe that is totally unfair. We do this for isolated students. I noticed that in their media release on the budget they claim the government basically neglected them again, particularly in light of increased costs for education and accommodation. Minister, I am particularly interested in your response to that. I believe it is a question of equity, not of giving a handout to anyone. I believe that that differential, based on geography and a lack of access to further education, should be redressed in some way or another. I would like to leave you some time to deal with these issues.

**Dr NELSON (Bradfield—Minister for Education, Science and Training)** (12.25 p.m.)—Mr Deputy Speaker Mossfield, I congratulate you and acknowledge the supremely high quality of the clerks working with you today. In the 4½ minutes remaining, I would like to respond to some of the specifics that have been raised. The member for Kingston raised some issues in relation to members of Australian football clubs undertaking training. As I understand it, there are about 73 individuals engaged in new apprenticeships associated with football clubs. They are footballers and people who work in administration. The three areas in particular in which they are training are IT, management/administration and fitness. I point out to the member for Kingston that this was an initiative of the Labor government, announced by the then Minister for Employment, Education and Training, Mr Simon Crean, in a press release in August 1994 entitled ‘Government endorses plan for 1,200 AFL trainees’.

I think it is important that we in this country recognise that all Australians, irrespective of their occupation or circumstances, are entitled to receive training. I confess a potential conflict of interest—I strongly support the Swans, but when I am in Melbourne I do not mind backing the Saints if they are not playing the Swans. I think it is important that we make sure that those people who work for football clubs—not all of which have enjoyed a sound reputation at all times for the best financial management—are appropriately trained to an industry standard. Also we need to recognise that those who undertake sporting activities, in football or anything else, have a limited working life. Part of this government’s program—and, I understand, that of the previous Labor government—is to see that people are able to recognise the need for training and reskilling for life beyond whatever occupation they are currently undertaking, including in the area of football.

In terms of the specifics, I would be very happy to ask the department if there are some issues in relation to sponsorship. The government are not in the business of trying to limit the opportunities for reputable organisations to support admirable sporting activities like Australian rules football; nonetheless we will examine the specifics of the nature of the sponsorship.

The member for Kingston might be interested to know that there are currently 123 state industry training advisory bodies. There are 18 alone in Tasmania—six more than the number of

senators that Tasmania sends to Canberra. We also have 23 national industry training advisory bodies, and my department has also been funding another six recognised training bodies throughout the country. The industry training advisory program has served Australia well in developing vocational education and training packages, but it became clear to me in my movements throughout the country that the intrastate ITABs provide specific industry training advice to state and territory governments. Those who have written to me about this issue have emphasised that very point.

The Commonwealth had been providing \$10½ million a year to state and territory ITABs and the states between them had been providing around \$8½ million. I have put it to the states that we need to streamline our processes for industry training advice. We also need to put to the states and territories that, in the process of streamlining, they will be able to decide what kind of industry training advice in particular they would like. Whilst I did canvass with the Australian National Training Authority board and its officers the general nature of industry training advice, they were not asked for specific advice in relation to state and territory ITABs. I can confirm that their advice to the Senate estimates committee was accurate.

Debate interrupted; adjournment proposed and negatived.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (12.30 p.m.)—I move:

That further proceedings on this bill be conducted in the House.

**Mr Andren**—Can I have some indication as to whether consideration in detail of the appropriations for other departments will continue on another date?

**Mr Slipper**—That is a matter for the House, but I am not convinced that there will be further consideration of the appropriations for other departments. There was an allocation of time for it. It is something that I am quite happy to take up with the Leader of the House, and I will come back personally to the member for Calare and advise him.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—Under the standing orders, we really cannot have a debate on this question.

Question agreed to.

### **APPROPRIATION BILL (No. 2) 2002-03**

#### **Second Reading**

Debate resumed from 14 May, on motion by **Mr Slipper**:

That this bill be now read a second time.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (12.31 p.m.)—I move:

That further proceedings on this bill be conducted in the House.

Question agreed to.

### **APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2002-03**

#### **Second Reading**

Debate resumed from 14 May, on motion by **Mr Slipper**:

That this bill be now read a second time.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (12.31 p.m.)—I move:

That further proceedings on this bill be conducted in the House.

Question agreed to.

#### ADJOURNMENT

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (12.32 p.m.)—I move:

That the Main Committee do now adjourn.

#### Banking: Branch Closures

**Mr HATTON** (Blaxland) (12.32 p.m.)—One of my constituents, Mr Jack Macdonald from Sefton, got a fairly big no from a number of banks in my electorate in April. He rang my office to indicate his displeasure at the manner in which he had been treated and the manner in which he saw a lot of other people being treated by the local banks. It is a fairly ordinary story; unfortunately, it is also a fairly typical story of what is happening particularly to elderly people in our society.

Being from Sefton, he went to the Commonwealth Bank at Chester Hill. There had been a fire there and it had not reopened, so he went to three different banks to draw out money to pay his bills. At each of the banks, queues stretched out into the street. He waited for some time but never got to the counter and walked away in disgust. There were no chairs for the aged or the feeble, nor for young mothers carrying babies. He made the further comment that many people in the queues were complaining—just as he had problems, so did they have problems, because so many of them were aged and in discomfort because of the conditions.

This, unfortunately, is not unusual. I suppose the correction to that statement is that the unusual thing is he had three other banks to choose from around the place. If he had been in Greenacre, he would have had zero, because there are no banking institutions left in the shopping centre of Greenacre. One after the other, they have been pulled out. The argument from the Commonwealth Bank, Westpac and the other banks is that there is plenty of provision around the area of Bankstown and all people have to do is make their way down to Bankstown Square and they will be able to get service there. We know from the experience in both Greenacre and Yagoona that, when people have been forced to go to Bankstown Square, they join queues which are already long at each of the banks in Bankstown Square. People who are aged and dependent upon a social security pension have also got the problem that it costs them a lot of money, relative to their income, to go to the bank and take their money out to do the rest of what they need to do—shopping and so on.

Mr Macdonald was extremely upset. He went back to his club—he is active in both the Bass Hill and Bankstown RSL clubs—and he found that not only he but everyone to whom he spoke was fed up with the lack of customer service by all the banks. Everyone complained about bank closures and the difficulties they encountered when seeking over-the-counter withdrawals. Mr Macdonald stated that in protest the people he was talking to decided not to pay their bills until such time as the banks (a) stopped closures, (b) reopened closed branches and (c) improved their service. Mr Macdonald stated that, when the creditors came chasing their money, he would refer the creditors to me, their member of parliament.



I can only advise Mr Macdonald to pay his bills, because (a) I do not see that, in the short or medium term, there is a prospect of the banks stopping the closures—although that tide seems to have been stemmed a bit—(b) the banks have not moved to reopen closed branches and (c) given that the banks have taken away so many services, there has not been a great move to improve service provision. For Mr Macdonald and my other constituents this is a fact of life which is very difficult to accept.

The two shining lights are that the Punchbowl Credit Union has opened up in Greenacre and that the Bankstown City Credit Union exists—and has existed for decades—in Bankstown. Mr Macdonald would find, if he signed up with the Bankstown City Credit Union, that there are very few queues there, that the service is open and friendly and that the staff do all they can to assist their customers. So there is another way of addressing this problem; that is, through the credit union movement. To those of my constituents who are not familiar with the credit union movement, who are looking for real alternatives when banks are not providing the service that they should—when there are queues and when there is not enough concern about people who cannot access the Internet and cannot find all the quick and easy ways of doing things that the younger people of the population use—and who need direct help across the counter, I suggest the Bankstown City Credit Union or the Punchbowl Credit Union can fill the gap that has been left by the banks. The banks need to be rapped over the knuckles. They need to be made to reintroduce service and become customer driven organisations. *(Time expired)*

#### **Budget: Disability Support Pension**

**Mr NEVILLE (Hinkler)** (12.37 p.m.)—Today I want to talk about a technique that some of my opposition colleagues have been employing in the debate on the budget. I exempt some of those opposite, and I am not in any way disparaging what a former speaker said in illustrating his point with a case in his electorate. But I do object to the use of the names of people who supposedly are not getting proper medication, who have three young children and this, that and the other, without an examination of what drugs they are taking. A lot of the drugs that were under the old level of \$22.40—drugs that cost \$14, \$15 or \$17—will not go up in price, nor under the new regime will drugs that fall between \$22.40 and \$28.60 go up in price. It is interesting that a whole range of drugs that are used by families are being mentioned in the cases cited by the opposition, drugs like Ventolin, \$19; Panadol, \$7.75; Panadeine Forte, \$9.43; and Amoxil, an antibiotic which is commonly used by families, \$10.46. None of those drugs will change in price, and yet we have these bleeding heart stories trumpeted in the parliament. A lot of opposition speakers are very careless in saying that everyone will have to pay \$6.24 extra for their scripts. This simply is not true. In fact, the drugs which will cost \$28.60 or more are those drugs that are immensely more expensive. Some of them cost in the range of \$200, some cost up to \$1,000 and one particular course of 30 tablets costs up to \$1,200.

Another thing I would like to speak about briefly is disabilities. In 1981, 13.2 per cent of the population self-assessed themselves for the pension as being disabled; in 1988 it was 15.7 per cent; in 1993 it was 16.6 per cent; and from 1998 and since it has been over 19 per cent. Clearly, there are not that many disabled people in Australia. In fact, since June 1992 the number of disabled people has nearly doubled—it has gone up 72 per cent, from 378,000 to 652,000. In that time not that many Australians were disabled. Workplace health and safety was a lot tougher than it was and we have had quality control and workshops, many more



safety signs on beaches and around swimming pools and so on. The causes of disability have also been reduced dramatically in that period.

Last year, 77,000 people applied for the disability pension and in future years it is estimated to increase to 80,000 a year or more. If you use that progression, within 4½ years a million Australians will be seeking disability pensions. That is clearly unsustainable. I have no objections at all to people who are genuinely injured, genuinely disabled—in fact, I have a disabled son myself—receiving pensions. What I do object to is the idea of, ‘Poor old Jack is not doing too well. We will put him on the disability pension.’ I have mentioned cases cited by the opposition before, such as Mr So-and-so, who has a disabled son, is worried about who will look after him when he dies.

Four categories of people will not be affected by these measures: the severely disabled; the blind; those who cannot work 15 hours a week; and those working in sheltered workshops and receiving less than the award wages. With assistance from the government—that assistance will cost more over the next two years than will be saved in pension savings—we are trying to get people back into the work force with dignity and make them productive and motivated members of the Australian community.

**Budget: Disability Support Pension**

**Ms HALL (Shortland)** (12.43 p.m.)—I have a few words to add to those of the previous speaker, the member for Hinkler, Mr Neville. I have been working with people with disabilities for 13 years and have been trying to help them find employment. I suggest that the member for Hinkler has a look at this issue as he does not understand the issues associated with disability. I say that in the nicest way. I am not being critical or saying that he is a person who wants to do people over with disabilities. There are a lot more issues that need to be fixed rather than the simplistic fix that is outlined in this piece of legislation.

Mr Dean Papworth, a young man with a disability, has written to both Simon Crean and the Prime Minister. In the letter to the Prime Minister, he states:

... I'm a 31 year old Intellectually Disabled Man from Lake Macquarie in NSW. I'm writing you this letter in absolute Disgust at what you and your Government are doing to this absolutely wonderful country of ours. You & your government are destroying everything that you put your hands on at the moment.

... ..

It would horrify me & many other Australians like me who have got a disability for the rest of their lives that wanted to work in open employment that you would have the guts to want to do away with their disability support pension just because they just want to be like everyone else and earn a decent wage packet like everyone else.

Dean is a young man I have known for many years. He actually featured in an article in the *Newcastle Herald*. The article highlighted the fact that there is a number of people who are unemployed. In the Hunter area there is an unemployment rate of 11.1 per cent, which is 5.1 per cent above the state average.

I strongly implore the government to employ some labour market programs that look at addressing this need. We need infrastructure programs, job creation and a system for a person like Dean, who is so desperate to work and who has held open employment. Unfortunately, he injured his back whilst working as a gardener at a local nursing home, and that has further prevented him from finding a job. He is so motivated. He applies for jobs each and every day.

He has rung me on so many occasions begging for assistance and asking the government to do something for someone like him. He pointed out that the paper had reported 55,000 full-time workers had lost their jobs last month, while only 11,600 part-time jobs were created to replace them.

Dean is like so many other people in the area that I come from. He is a person who can see that, if the government creates job opportunities for him and for people like him, overall it will be better for our community and for our economy and it will make a better lifestyle for everybody. It is not a good country where some people have and some people have not. Dean is ready to get married, and that is creating even more anxiety for him.

The other person I quickly want to mention is a lady called Gae Frost. Gae Frost is unemployed and just three months away from receiving the age pension. She has been sent a letter from Centrelink and has been told that she must go along and do an intensive assistance program—three months before she gets the pension. We have contacted Centrelink. They have said, 'It was generated by the system. We've got to work out what we can do about it.' The staff can see that it is wrong. They have been in touch with the policy section. This was over a week ago and the policy section in Centrelink is still trying to work out how to deal with it. My office spoke to Gae today; she still has not heard anything from Centrelink. Despite the best efforts of everyone associated with it, it seems that it is the government's policy to punish people rather than help them find work—and that is the real problem.

**Popovic, Mr Tomislav**

**Mrs DRAPER (Makin)** (12.47 p.m.)—For the benefit of the previous speaker, the member for Shortland, it is clearly in the budget papers that anybody within five years of retirement age or reaching age pension age would not be required to do intensive assistance, nor would their pension be changed. I can send you a copy of the budget papers if you so wish.

**Ms Hall**—Maybe you should send it to Centrelink. They are the ones who do not know.

**Mrs DRAPER**—I do have the right to be heard in silence.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—Order!

**Mrs DRAPER**—I would like to pay tribute to a constituent from my electorate of Makin, Mr Tomislav Popovic. Tomislav Popovic has had a very adventurous life, although much of it was not of his own choosing and has resulted from events in war torn Europe. Born in Yugoslavia, Tomislav was arrested at the age of 16 for opposing the new communist regime that took power at the end of World War II. It must have been a terrifying experience, particularly for one so young. In Tomislav's own words:

Human life meant nothing to the Communists in those days.

In a dramatic and successful rescue attempt, a friend broke down the door of the room in which Tomislav had been interrogated and they both fled from the communist authorities and their beloved home town. Tomislav escaped across the border to Greece, where he spent 2½ years, and then to Italy, where he spent another 1½ years in a displaced person's camp.

When officials from an international refugee organisation visited his camp, he applied to come to Australia. All he knew about our country, at that time, was that it was very big with millions of sheep and cattle. He does not recall ever having heard of kangaroos before coming here, so we can only imagine the shock he got when he first saw one of our most celebrated native animals bounding up and down in the Australian bush.

Arriving in Melbourne in 1950, Tomislav was taken to a camp where people were allocated different places to work. For a time he picked grapes and fruit along the Murray River, with Berri as his base. Eventually Tomislav came to Adelaide and lived at the Finsbury Hostel for a while.

Like so many of our migrant population, Tomislav was determined to succeed in his new country and succeed he did. But he also has a strong sense of community and genuinely cares for his fellow man. For six years, Tomislav served tirelessly and with dedication as the President of the Serbian Community in South Australia. More recent political events in his country of origin have not always made his role an easy one, but Tomislav is a very tolerant man.

With his wife, Jelena, his two sons and a daughter and eight grandchildren, Tomislav can take pride in the fact that he has lived a good life and made a wonderful contribution to his adopted country. Recently this country was able to show its gratitude to Tomislav by awarding him the Medal of the Order of Australia in the Queen's Birthday Honours List. It is a fitting tribute to a man who has served his community well and provided a fine example for other new arrivals to our shores. The last word should go to the man himself, Tomislav Popovic. He gives credit to his family and to Australia, which he says 'gave me freedom, for which I am immensely grateful'.

#### **Banking: Credit Cards**

**Mr GRIFFIN (Bruce)** (12.51 p.m.)—I rise today to talk briefly to the Main Committee about the issue of burgeoning credit card debt in Australian society. Reserve Bank of Australia figures released in the last several days show that in the month of April the average credit card debt for Australian consumers was over \$2,150. That is the highest on record. Total credit card debt, again in April, was \$20,316 million, which was up slightly from \$20,305 million in March. That is, in fact, the second highest figure on record for overall debt. Total card limits—that is, the total available amount of credit—was at \$58,992 million. That is the third highest monthly figure on record. And the average limit on a credit card for an individual in society was up to \$6,244-plus, which is again the highest on record.

Those are the circumstances that we face today in terms of apparently increasing interest rates and in a situation where the Reserve Bank has suggested that those rates are still to go higher. Although we are moving from historical lows the fact is that, with this debt growing to such a great degree, there are some real dangers for a lot of people in society with respect to that debt getting out of control. It is interesting to look at how that debt has grown in recent years. I will on this occasion compare that with the circumstances under Labor and give you an example of this issue.

Credit card debt increased by 45.3 per cent between February 1993 through to February 1996, and available credit limits increased by some 28 per cent. But let us look at what has happened from February 1996 through to the early part of 2002. Total credit card debt in February 1996 was \$6.7 billion. The figure is now, as I mentioned earlier, over \$20.3 billion. That is an increase in excess of 200 per cent during the time of the Howard-Costello government, and credit limits have increased by well over 170 per cent during the same period.

When we look at the question of debt per account, what we can see is that figure I mentioned earlier—\$2,150-plus, which is the highest on record. Back in February 1996, the figure was some \$964. So in the period from 1996 to 2002 we have seen an increase of more than 123 per cent. This issue poses real problems for many Australians in society in terms of man-

aging that debt. It has the potential to lead to greater personal bankruptcy, particularly in younger people, who will tend to rely on credit card debt to provide them with the capacity for smaller loans. Something has to be done about this, and this government has to take some action. At the last election, Labor's policy was to:

... work to ensure that financial institutions provide credit in a responsible way. In co-operation with the States, Labor will seek to reform the Uniform Credit Code to:

require that a credit card provider can only increase a credit card limit if the credit card holder has made a request for an increase;

prohibit unsolicited promotional material with pre-approved credit limits; and

require that credit card statements have a warning about how long it will take to repay debt at the minimum level of repayment.

Credit card debt is here and it is here to stay, but the fact of the matter is that we have to make sure that information is provided to consumers to ensure that they are better able to manage it and that they are in a situation where they do not get themselves too far into hock in circumstances where they will not be able to deal with it.

The state governments and the federal government need to take a lead in order to ensure the reform of the Uniform Consumer Credit Code so as to take some of the pressure off and some of the circumstances away that are creating greater levels of credit card debt into the future. This government has to take a lead. The government says much about its role in economic management—well, here is an issue which, in concert with the states, it can do something positive about. I urge the government to look at this before it gets worse for many people in Australian society.

#### **Pollies for Small Business Day**

**Mr BAIRD (Cook)** (12.56 p.m.)—I recently had a tremendous opportunity to participate in the Pollies for Small Business Day. This initiative was brought into being by the New South Wales State Chamber of Commerce and it allowed federal and state politicians to enter a small business and work for a day. Small business is the essential driving force of the Australian economy and is vital for healthy figures on a national level. This is why the Howard government has made such a big effort with reforms in this area. Nationally there are some 1.2 million registered small businesses, and small business accounts for one-third of the economy—a very significant proportion.

I had the opportunity to work at the Yowie Bay General Store. The store is owned by Mr Peter Michaels and he is assisted by his wife and an excellent staff. During my time with his small business I was required to undertake a number of tasks, including serving customers, bringing in the fruit, stacking vegetables et cetera. It gave me a first-hand appreciation of what it is like in small businesses. The No. 1 issue that I was impressed by was the length of hours that these people work—15-hour days are the norm. It is the crack of dawn as they go into the markets to pick up the vegetables and fruit, they are there until 10 o'clock at night, and it starts all over again the next day. There are no holidays—they work through public holidays. It is a tough existence. The quality of the fruit and the goods that are brought into the store are important.

I talked to Mr Michaels about how government policy impacted on him and what some of the issues were. One of the things I asked was how he found the GST. He said that, yes, there were some problems with it at first. The categorisation of products to which GST applied was

a significant problem. If a product was 100 per cent orange juice it was exempt, but if it had any other content such as water, so that it was less than 90 per cent juice, it was subject to GST. If chocolate chips were in a cake they were exempt but, if used as confectionery, they were not. He said that, over time, they did get used to it. He managed to introduce the MYOB program. He told me that in all honesty it had assisted in terms of their cash flow planning. He now believes that, in terms of the overall implementation of the GST, it has been a plus for him as an individual and for the store.

Of other issues that affected him, he said the No. 1 issue was crime. Twice in 15 years he has been held up at gunpoint. He said it is a real issue and a real concern, particularly when his wife is serving in the store by herself at night. The second issue that he raised was public liability. He told me that someone fell into a ditch that had been dug by Telstra outside his store. Now that person is suing him for damages, even though there is a question as to whether they sustained any injury at all. So the threat of public liability is also an issue, especially when it has to be resolved with state governments.

A third issue was problems he faced with the unfair dismissal bill. He is a lovely guy, his wife is a tremendous person—they are wonderful people—and the staff they employ are very friendly. He said that in the past if you employed someone who was not suitable you used to be able to say, ‘I don’t think things are working out,’ but now you have to go through a complex procedure if you want to terminate someone and it makes you reluctant to hire extra staff. He said, ‘I would like to employ my wife less in the shop, but the problem with bringing on staff is that you have difficulties if things do not work out.’

Overall, it was a great learning experience for me to see small business first hand. Being the son of a shopkeeper, it was not entirely new to me, but dealing with fruit and vegetables was a little different from dealing with shoes. Of course, some of the issues have changed as well. I think all of us can take advantage of the Pollies for Small Business Day. It is a great initiative by the chamber of commerce. I congratulate the Michaels family for being such great citizens of the Sutherland Shire and for their contribution to the community.

**Main Committee adjourned at 1.02 p.m.**

### QUESTIONS ON NOTICE

The following answers to questions were circulated:

#### **Hasluck Electorate: Work for the Dole Programs**

##### **(Question No. 361)**

**Ms Jackson** asked the Minister for Employment Services, upon notice, on 15 May 2002:

How many Work for the Dole programs operate in the electoral division of Hasluck.

- (1) How many programs are operating in the postcode areas of (a) 6056, (b) 6055, (c) 6108, (d) 6058, (e) 6076, (f) 6110, (g) 6057, (h) 6109 and (i) 6107.
- (2) What is the nature of each program.
- (3) What are participants required to do on each program.
- (4) How many participants are there in each program.
- (5) Which agency is responsible for each program.
- (6) What sum of Commonwealth funding is provided for each program.
- (7) How many participants from completed Work for the Dole programs conducted in the electoral division of Hasluck have gained ongoing employment.

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

- (1) There are 24 current Work for the Dole activities approved in the electoral division of Hasluck.
- (2) For the following postcodes activities may be counted more than once as some activities operate in more than one location.
  - a. 13 activities in postcode 6056
  - b. 2 activities in postcode 6055
  - c. No activities in postcode 6108
  - d. 2 activities in postcode 6058
  - e. 2 activities in postcode 6076
  - f. 6 activities in postcode 6110
  - g. No activities in postcode 6057
  - h. 2 activities in postcode 6109
  - i. 2 activities in postcode 6107
- (3) A description of each activity in the Hasluck electorate is included in table 1.
- (4) A description of each activity including tasks undertaken by participants is included in table 1.
- (5) The number of approved places for each activity for which funding is available is included in table 1.
- (6) Under the Work for the Dole 2000 Services contract, a Community Work Coordinator (CWC) is contracted by the Commonwealth to develop and manage activities. They may, with the agreement of the department, subcontract the management of an activity to a sponsor organisation. Where this is the case the name of both the CWC and sponsor is provided in table 1.
- (7) The funding for current activities in the Hasluck electorate is \$295,123.81. Funding details of individual activities cannot be provided as the information is classified as commercial-in-confidence.
 

In some instances, the activities may take place in part outside the electorate of Hasluck. In such instances the funding included in the figure \$295,123.81 represents only a portion of the funding for the activity.

CWCs are also paid a management fee in respect of all of their contracted places.
- (8) This information is not available.

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Table 1

Activity Title	CWC Name	Sponsor Name	Activity Description	Places Approved	Location	Activity Start Date	Activity End Date
Artlink	Anglicare	North East Regional Youth Council	Participants are assisting the local art centre in the production of a free local magazine for young people.	2	Midland	9/10/2001	3/10/2002
1ST Stage Midland Wetlands Rehabilitation Project	Anglican Health and Welfare Services	Midland Frogs Inc	The rehabilitation of Blackadder Creek and associated wetlands of the 100 year flood-plain.	5	Midland	14/01/2002	14/07/2002
Drug Arm Stage 4	COMMUNICARE (JNM)	Drug Arm WA	Participants provide customer service assistance, carrying out general tidying and maintaining orderliness in the store, cash handling, sorting clothing, stocking shelves, stock taking etc. Tasks are undertaken at either a recycled clothing outlet or mini supermarket. .	10	Kelmscott, Armadale, Maddington	14/01/2002	14/07/2002
Gosnells Women's Health Service General Support	COMMUNICARE (JNM)	Gosnells Women's Health Services	Participant/s are undertaking garden maintenance and cleaning providing support to the health service	1	Gosnells	14/01/2002	14/07/2002



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Activity Title	CWC Name	Sponsor Name	Activity Description	Places Approved	Location	Activity Start Date	Activity End Date
Office Skills 4	Anglican Health and Welfare Services	North East Regional Youth Council	Participants are learning or updating their skills in office administration area.	1	Midland	21/01/2002	21/07/2002
W.I.N. 4' - Work Initiative Now	Anglican Health and Welfare Services	North East Regional Youth Council (NERYC)	General building maintenance work at mec heritage building & NERYC building and the repair/ renovation of bicycles.	32	Midland	21/01/2002	4/08/2002
Camp Site General Up Grade	COMMUNICARE (JNM)	Keswick Convention Centre	Maintenance of buildings and grounds participants are required to carry out minor repairs and assist in the general up keep of gardens and grounds.	2	Wattle grove	28/01/2002	28/07/2002
Bennett Brook - Research and Seed Collection	AMA Services (WA) Pty Ltd (JNM)	Creative Links Foundation Inc	Fauna survey and seed collection in Bennett Brook.	20	Caversham	4/02/2002	4/08/2002
Retails Skills 4 - GSI'	Anglican Health and Welfare Services	Good Samaritan Industries (GSI)	'Participants learn or update their retail skills in GSI'S retail outlet in Midland	2	Midland	4/02/2002	4/08/2002

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Activity Title	CWC Name	Sponsor Name	Activity Description	Places Approved	Location	Activity Start Date	Activity End Date
St Vincent De Paul Stage 5	COMMUNICARE (JNM)	St Vincent De Paul	Participants gain work experience through being placed in one of St Vincent De Pauls discounted food centres or clothing shops. duties include stocking shelves and customer service.	10	Beckenham, Armadale, Gosnells	4/02/2002	4/08/2002
Restoring Life	Mercy Community Services Incorporated	Restoration Inc	Participants assist in repairing damaged furniture and other household items for distribution and modifying building to assist with better storage.	23	Maddington	10/02/2002	10/08/2002
KULJAK Admin Project 3	WESTNET Employment Services	Kuljak Aboriginal Training And Cultural Centre Inc	Participants assist in providing secretarial, administration, and clerical support at 2 locations to enhance the services to Aboriginal people in the region.	4	Midland, Caversham	11/02/2002	11/08/2002
Youth Work Skills	Communicare (JNM)	Anglicare WA	Participants assist with the day to day running of the YMCA Mobile Youth Team which prepares and encourages activities such as use of bike ramps, skate boarding, computer games and board games. they also operate the shop selling light refreshments and maintain the cleaning of the facilities.	1	Gosnells, Forrestfield, Kalamunda, Parkwood, Willagee	11/02/2002	11/08/2002

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Activity Title	CWC Name	Sponsor Name	Activity Description	Places Approved	Location	Activity Start Date	Activity End Date
Cecil Andrews Senior High School Urban Renewal Program	Conservation Volunteers Australia	Conservation Volunteers Australia	Participants help revegetate significant sections of the school grounds, creating an urban bushland, permaculture garden and wetland nursery	4	Gosnells	18/02/2002	18/08/2002
Starworks 5	Perth Fremantle Education Centre	Fremantle Education Centre	Participants undertake duties across the operations of the school to assist teachers, administrators, ancillary staff in the extra tasks normally undertaken by parent volunteers. positions identified include, but are not limited to the following: classroom assistants, at risk youth support, canteen assistants, art, music and drama department assistants, science, society and the environment and design and technology assistants, pe, gardening, library and technology assistants.	70	Ocean Reef, Clarkson, Connolly, Heathridge, Joondalup, Doubleview, Mindarie, Wanneroo, Westminster, Como, Embleton, North Perth, Subiaco, Beeliar, Beaconsfield, Hamilton Hill, Coolbellup, East Fremantle, Medina, Parmelia, Gosnells, Middle Swan, Midland, Koongamia, Bateman, Fremantle, Mosman Park, Attadale, Kardinya, Palmyra, Bentley, Nedlands, Redcliffe, South Perth, Craigie; Edgewater, Kinross, Lancelin, Balga, Woodvale, Yokine, Innaloo, Armadale, Kelmscott, Lynwood, Lesmurdie, Roleystone, Port Kennedy, Warnbro, Leda, Kwinana, Safety Bay, Beechboro; Sorrento; Applecross	19/02/2002	18/11/2002
Opportunity Knocks'	Anglican Health and Welfare Services	Anglicare WA	Participants learn or update their retail skills at the OP shops in Midland & Belmont with Anglicare WA	4	Midland, Belmont	18/02/2002	15/09/2002

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Activity Title	CWC Name	Sponsor Name	Activity Description	Places Approved	Location	Activity Start Date	Activity End Date
Maylands Community Home Help Project	Lady Gowrie Centre WA Inc	SERBO Australian Information And Welfare Centre Inc	Building refurbishment, painting, cleaning, gardening, small renovations and carpentry.	9	Bayswater, Swan View, Victoria Park, Stirling, Maylands	4/03/2002	1/09/2002
Occupational Therapy Assistants	AMA Services (WA) Pty Ltd (JNM)	Sunshine Park Hostel	Participants assist the occupational therapist with group activities in the nursing home and grounds including art, craft, gardening, cooking, visits to parks and libraries etc. possibly type memoirs.	2	Lesmurdie	4/03/2002	1/09/2002
WINCLEAN 4'	Anglican Health and Welfare Services	North East Regional Youth Council (NERYC)	Cleaning of neryc office, amenities areas, windows and general grounds.	2	Midland	18/03/2002	15/09/2002
Hillside Permaculture Development Stage 2	Communicare (JNM)	Permaculture Association Of WA Inc	Participants assist in growing and propagating organic herbs and vegetables using permaculture principles	20	Martin	19/03/2002	16/09/2002
Midland Historical Project	WESTNET Employment Services	Westnet Employment Services	Participants carry out minor repairs to existing external features and undertake a range of outdoor maintenance that optimise the presentation of the grounds.	30	Midland	25/03/2002	22/09/2002

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Activity Title	CWC Name	Sponsor Name	Activity Description	Places Approved	Location	Activity Start Date	Activity End Date
Midvale Child Care and Maintenance	AMA Services (WA) Pty Ltd (JNM)	Shire Of Mundaring Children's Services	Participants assist with keeping the gardens and playgrounds in order, perform minor maintenance repairs and handiwork around the centre, including difficult cleaning (ceiling fans and grilles). as a child care assistant the participant assists centre staff involved in the supervision of children and the provision of learning experiences.	2	Midvale	25/03/2002	22/09/2002
At One with Nature 5	Anglican Health and Welfare Services	Forrestfield Bible Fellowship	Gardening and building maintenance in aged persons retirement village.	2	Forrestfield	15/04/2002	13/10/2002
PCYC 5 - Midland	Anglican Health and Welfare Services	Kensington Police & Citizens	Office duties, support club activities, children's holiday program and maintenance of buildings and grounds.	3	Midland	29/04/2002	3/11/2002

**Child Care: Funding**  
**(Question No. 382)**

**Ms Burke** asked the Minister for Children and Youth Services, upon notice, on 16 May 2002:

- (1) How many community based child care centres are there in the electoral division of Chisholm.
- (2) Who is the managing authority for each centre.
- (3) What is the name and address of each centre.
- (4) What sum of Commonwealth funding in real dollars did each centre receive in (a) 1995-96, (b) 1996-97, (c) 1997-98, (d) 1998-99, (e) 1999-2000 and (f) 2000-2001.

**Mr Anthony**—The answer to the honourable member's question is as follows:

- (1) There are 33 community based child care centres in the electoral division of Chisholm. A breakdown of all approved centres is provided in the table below.

Chisholm Electoral Division					
Active services by service type and sector					
Service type	Sector				Total
	Community	Private	Local Govt.	State Govt.	
After school hours care	14	1	1	9	25
Before school hours care	8	0	0	6	14
Long day care	8	20	3	0	31
Occasional care	0	0	1	0	1
Vacation care	3	0	2	5	10
Total	33	21	7	20	81

Source: Strip file dated 05-04-02.

- (2) The managing authority of each community based child care centre in the electoral division of Chisholm is listed in the answer to question (3) below.
- (3) The names and addresses of each community based child care centre in the electoral division of Chisholm is listed in the table below.

Chisholm Electoral Division					
Active Services By Service Type And Sector					
Name	Address	Sector	Service type	Sponsor name	
Ashwood Children's Centre	6-8 Yooralla St	COM	LDC	Ashwood Children's Centre Inc.	
Box Hill North Primary School After School Program	Box Hill North Primary School, Elizabeth Street	COM	ASC	Box Hill North Primary School council	
Deakin And Community Childcare Co-Operative Ltd	Burwood Campus 221 Burwood Road	COM	LDC	University Child Care CO-OP Ltd	
Glendal Primary Combined OSHC	Glendal Primary School Medina Road	COM	ASC	Glendal Primary School Council	
Holmesglen Institute Of Tafe Child Care Centre	1 Batesford Road	COM	LDC	Holmesglen Institute of TAFE	
Holy Family Primary As	250 Stephensons Rd	COM	ASC	Holy Family Primary BS	

## Chisholm Electoral Division

## Active Services By Service Type And Sector

Name	Address	Sector	Service type	Sponsor name
Holy Family Primary Before School Program	250 Stephensons Rd	COM	BSC	Holy Family Primary BS
Kanooka Child Care Centre	29-31 Kanooka Grove	COM	LDC	Kanooka Child Care Centre Inc.
Monash Children's Centre Co-Operative Ltd	62-64 Beddoe Avenue	COM	LDC	Monash Student Creche CO-OP Ltd
Monash Community Family Co-Operative Ltd	74-78 Beddoe Ave	COM	LDC	Monash Community Family Co-Operative Ltd
Mont Albert Primary School After School Program	Mont Albert Primary School 2 Barloa Road	COM	ASC	Mont Albert Primary School Council
Mont Albert Primary School Before School Program	Mont Albert Primary School 2 Barloa Road	COM	BSC	Mont Albert Primary School Council
Mont Albert Primary School Vacation Care Program	2 Barloa Road	COM	VAC	Mont Albert Primary School Council
Mt Waverley North Primary School After School Program	Marcus Avenue	COM	ASC	Mt Waverley North Primary School
Mt Waverley North Primary School Before School Program	Marcus Avenue	COM	BSC	Mt Waverley North Primary School
Mt Waverley North Primary School Vacation Care	Mt Waverley North Primary School Marcus Avenue	COM	VAC	Mt Waverley North Primary School
Pinewood Primary	Pinewood Primary School Pinewood Drive	COM	VAC	Pinewood Primary School Council
Pinewood Primary School After School Hours Program	Pinewood Primary School Pinewood Drive	COM	ASC	Pinewood Primary School Council
Pinewood Primary School Before School Hours Program	Pinewood Primary School Pinewood Drive	COM	BSC	Pinewood Primary School Council
St Benedict's Parish (AS) Outside School Hours Care	St Benedict's Parish 3-9 Central Avenue	COM	ASC	St Benedict's Parish
St Benedict's Parish (BS) Outside School Hours Care	St Benedict's Parish 3-9 Central Avenue	COM	BSC	St Benedict's Parish
St Dominic Savio Child Care Centre	19 Donald St	COM	LDC	The Trustees of the Daughters of Maryhelp of Christians Inc
St Francis Xavier Parish After School Program	1087 Whitehorse Road	COM	ASC	St Francis Xavier Parish
St Scholasticas Primary As	Starling St	COM	ASC	St Scholasticas Primary AS
Surrey Hills Baptist Church Children's Centre	281 Elgar Road	COM	LDC	Surrey Hills Baptist Church
Surrey Hills Primary School After School Program	Surrey Hills Primary School Beatrice Ave	COM	ASC	Surrey Hills Primary School
Surrey Hills Primary School Before School Care	Beatrice Avenue	COM	BSC	Surrey Hills Primary School
Sussex Heights Primary School After School Program	Solomon Street	COM	ASC	Sussex Heights Primary School Council
Sussex Heights Primary School - Before School Care	Solomon St	COM	BSC	Sussex Heights Primary School Council



## Chisholm Electoral Division

## Active Services By Service Type And Sector

Name	Address	Sector	Service type	Sponsor name
Syndal After School Hours Care Program Inc	St Christopher's Primary School, 5 Doon Avenue	COM	ASC	Syndal OSHC Program Incorporated
Syndal South Primary School After School Program	Syndal Sth P.S. OSHC Montgomery Ave	COM	ASC	Syndal South Primary School After School Program
Syndal South Primary School Before School Program	South Building Montgomery Avenue	COM	BSC	Syndal South Primary School After School Program
Wattle Park Primary Combined OSHC	155 Warrigal Road	COM	ASC	Wattle Park Primary School Council

Source: Strip File Dated 05-04-02.

Service Type:	Sector
ASC: After School Hours Care	COM: Community
BSC: Before School Hours Care	
FDC: Family Day Care	
LDC: Long Day Care	
OCC: Occasional Care	
VAC: Vacation Care	

- (4) The amount of funding received by each community based child care centre in the electoral division of Chisholm is listed in the table below. The amount of funding includes funding paid as Operational Subsidy, Special Needs Subsidy, Establishment Grants and Block Grant Assistance (transitional assistance). The reason the expenditure has dropped over the last six financial years is the withdrawal of Operational Subsidy from six Long Day Care Centres and six Outside School Hours Care Services.

Name	1995/1996	1996/1997	1997/1998	1998/1999	1999/2000	2000/2001
Ashwood Children's Centre	\$38,378	\$39,421	\$5,800		\$3,190	\$6,390
Box Hill North Primary School After School Program			\$1,486	\$26	\$350	
Deakin And Community Childcare Co-Operative Ltd						
Glendal Primary Combined OSHC	\$14,293	\$14,083	\$13,117	\$340	\$350	
Holmesglen Institute of TAFE Child Care Centre					\$13,494	\$4,696
Holy Family Primary After School Program				\$1,060	\$5,342	\$1,872
Holy Family Primary Before School Program				\$2,604		
Kanooka Child Care Centre	\$52,187	\$54,397	\$4,395		\$7,630	\$11,417
Monash Children's Centre Co-Operative Ltd	\$56,824	\$60,717	\$4,060	\$1,755	\$7,734	\$1,872
Monash Community Family Co-Operative Ltd	\$47,216	\$48,496	\$3,000		\$350	
Mont Albert Primary School After School Program			\$2,822	\$844	\$819	\$1,664
Mont Albert Primary School Before School Program			\$884		\$350	
Mont Albert Primary School Vacation Care Program						
Mt Waverley North Primary School After School Program	\$6,826	\$7,281	\$6,789	\$814	\$350	
Mt Waverley North Primary School Before School Program	\$10,628	\$10,780	\$9,810	\$63		
Mt Waverley North Primary School Vacation Care	\$12,474	\$10,615	\$10,843			
Pinewood Primary School Vacation Care Program			\$2,163	\$2,000	\$350	
Pinewood Primary School After School Hours Program				\$528		
Pinewood Primary School Before School Hours Program						
St Benedict's Parish (AS) Outside School Hours Care				\$2,075	\$452	
St Benedict's Parish (BS) Outside School Hours Care				\$864	\$1,435	
St Dominic Savio Child Care Centre	\$69,191	\$71,032	\$18,802	\$12,705	\$350	
St Francis Xavier Parish After School Program	\$8,875	\$9,154	\$8,503	\$26	\$350	
St Scholasticas Primary After School Care Program					\$350	

Name	1995/1996	1996/1997	1997/1998	1998/1999	1999/2000	2000/2001
Surrey Hills Baptist Church Children's Centre					\$350	
Surrey Hills Primary School After School Program					\$328	
Surrey Hills Primary School Before School Care					\$350	
Sussex Heights Primary School After School Program			\$8,498	\$26	\$350	\$117
Sussex Heights Primary School Before School Care	\$8,904	\$9,366				
Syndal After School Hours Care Program Inc			\$1,784		\$350	
Syndal South Primary School After School Program			\$2,141	\$457	\$350	
Syndal South Primary School Before School Program						
Wattle Park Primary Combined OSHC Program			\$4,763		\$2,543	
TOTAL	\$325,796	\$335,342	\$109,660	\$26,187	\$47,867	\$28,028

**Foreign Affairs: Australian-made Pianos**  
(Question No. 429)

**Mr Murphy** asked the Minister for Foreign Affairs, upon notice, on 28 May 2002:

Further to the reply to question no. 212 (Hansard, 14 May 2002, page 2089), is he able to provide the number, make and models of all pianos located at Australia's overseas missions, agencies and residences of our overseas representatives; if not, why not.

**Mr Downer**—The answer to the honourable member's question is as follows:

Unfortunately, the information necessary to answer the question in the terms it has been framed would involve a very substantial commitment of resources that cannot be justified in light of other significant competing demands.