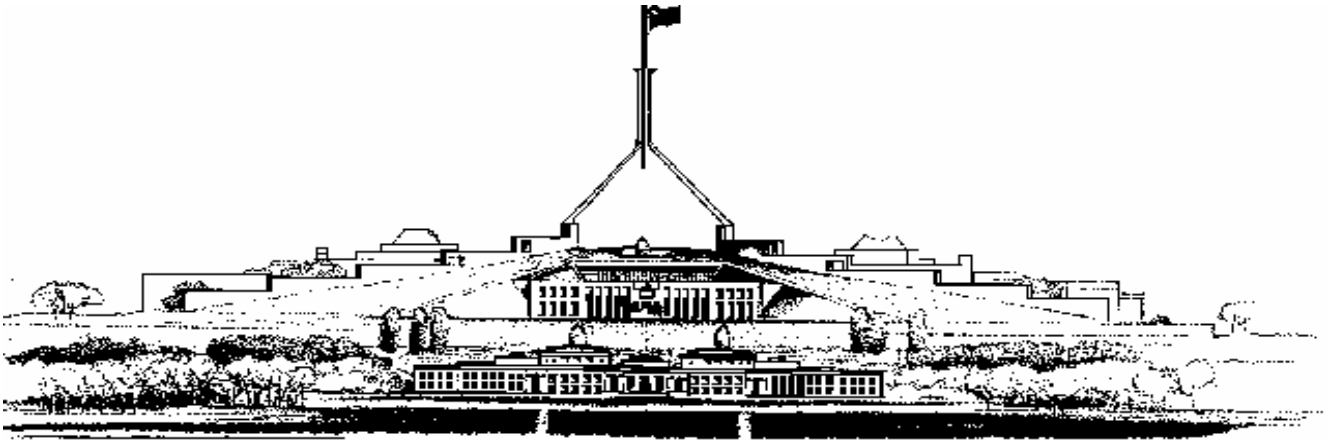




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 5, 2005

Monday, 14 February 2005

FORTY-FIRST PARLIAMENT
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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SITTING DAYS—2005

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

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FORTY-FIRST PARLIAMENT
FIRST SESSION—SECOND PERIOD

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

House of Representatives Officeholders

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Deputy Speaker—The Hon. Ian Raymond Causley MP

Second Deputy Speaker—Mr Harry Alfred Jenkins MP

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Baldwin, the Hon. Bronwyn Kathleen Bishop, Mr Michael John Hatton, Mr Peter John Lind-
say, Mr Robert Francis McMullan, Mr Harry Vernon Quick, the Hon. Bruce Craig Scott, the
Hon. Alexander Michael Somlyay, Mr Kimberley William Wilkie

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

Manager of Opposition Business—Ms Julia Eileen Gillard MP

Deputy Manager of Opposition Business—Mr Anthony Norman Albanese MP

Party Leaders and Whips

Liberal Party of Australia

Leader—The Hon. John Winston Howard MP

Deputy Leader—The Hon. Peter Howard Costello MP

Chief Government Whip—Mr Kerry Joseph Bartlett MP

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

The Nationals

Leader—The Hon. John Duncan Anderson MP

Deputy Leader—The Hon. Mark Anthony James Vaile MP

Whip—Mr John Alexander Forrest MP

Assistant Whip—Mr Paul Christopher Neville MP

Australian Labor Party

Leader—The Hon. Kim Christian Beazley MP

Deputy Leader—Ms Jennifer Louise Macklin MP

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

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

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

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

Members of the House of Representatives

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

Members of the House of Representatives

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

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

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

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

(The above ministers constitute the cabinet)

HOWARD MINISTRY—*continued*

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

SHADOW MINISTRY

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

(The above are shadow cabinet ministers)

SHADOW MINISTRY—*continued*

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

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Monday, 14 February 2005

The SPEAKER (Mr David Hawker) took the chair at 12.30 p.m. and read prayers.

PERSONAL EXPLANATIONS

Ms GILLARD (Lalor) (12.31 p.m.)—Mr Speaker, I wish to make a personal explanation under standing order 68.

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

Ms GILLARD—Yes, I do.

The SPEAKER—Please proceed.

Ms GILLARD—Yesterday on Channel 10's *Meet the Press* program, the Minister for Education, Science and Training said that I had written to him pleading with him to make money available to fund the international baccalaureate in Victorian state schools, contrary to the position of the Victorian government. His statement clearly implies that I sought widespread funding and that I had a personal position on this matter.

The truth of this matter is that on 22 December I wrote to the minister on behalf of Werribee Secondary College, which is a school in my electorate. The college is considering a pilot program of 20 students in an international baccalaureate program. The school had asked me to ascertain from the minister whether there was any point in the school seeking funding for such a program under the Howard government's Investing in our Schools program or whether such a program would be seen to be outside the funding guidelines and, consequently, the application a waste of time. The letter I wrote to the minister expressly notes that, even for the pilot program to proceed, the state government would need to agree. I feel it is a great pity that constituent correspondence is misused in this way, and I note the minister has not given me the courtesy of a substantive reply.

COMMITTEES
Treaties Committee
Report

Dr SOUTHCOTT (Boothby) (12.32 p.m.)—On behalf of the Joint Standing Committee on Treaties, I present the committee's report entitled *Report 63: Treaties tabled on 7 December 2004*, together with the minutes of proceedings.

Ordered that the report be made a parliamentary paper.

Dr SOUTHCOTT—Report 63 contains the findings of the inquiry conducted by the Joint Standing Committee on Treaties into nine treaty actions tabled in the parliament on 7 December 2004, relating to the matters identified in the title of the report. Report 63 includes a treaty with France concerning maritime areas in the Southern Ocean, the Thailand-Australia Free Trade Agreement, the Air Services Agreement with the United Arab Emirates, the agreement concerning police and other assistance to Nauru, the Agreement on Mutual Acceptance of Oenological Practices, Amendments to the Constitution of the Asia Pacific Telecommunity, the optional protocol concerning the involvement of children in armed conflict, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

The treaty with France concerning maritime areas in the Southern Ocean will create a framework to enhance cooperative surveillance of fishing vessels and encourage scientific research on marine living resources in the area of cooperation in the Southern Ocean. Both Australia and France have an interest in cooperating in this area. Illegal fishing in the Southern Ocean, particularly of the patagonian toothfish, has increased in the last decade.

The committee also supports the Australian-Thai free trade agreement, which will liberalise and facilitate trade and investment

between Australia and Thailand. The agreement includes provisions concerning the protection of intellectual property, customs procedures, electronic commerce, competition policy and government procurement. The committee notes that the Thailand-Australia Free Trade Agreement entered into force on 1 January 2005 and that its provisions are already in effect.

The Air Services Agreement with the United Arab Emirates provides a legal framework for the designated airlines from Australia and the United Arab Emirates to operate scheduled routes between the two countries. This will facilitate trade and tourism through freight and passenger transportation. Emirates, Gulf Air and Australian carriers have been operating under aviation agreements of less than treaty status since December 1995. The air services agreement provides much broader coverage.

Among the proposed treaty actions tabled on 7 December was the agreement concerning police and other assistance to Nauru. This agreement enables Australia to deploy police and other personnel to Nauru to work in partnership with the government of Nauru to address core issues in the areas of governance, law and order, justice and financial management. DFAT, in evidence to the committee, stated:

Nauru's governance problems are so serious that Nauru could have been said to be on the verge of state failure.

This agreement is similar to agreements with the Solomon Islands and Papua New Guinea.

The committee also supports the Agreement on Mutual Acceptance of Oenological Practices, which facilitates trade in wine among the state parties to the agreement. The parties to this agreement are the new world wine countries, including Argentina, Australia, Canada, Chile, New Zealand and the United States of America. This agreement is

expected to benefit the Australian wine industry by giving greater security of access for Australian exports to overseas wine markets. Different winemaking practices cannot be used as a barrier to trade under this agreement.

The treaty action concerning Amendments to the Constitution of the Asia Pacific Telecommunity will assist the Asia Pacific Telecommunity to become a stronger, more effective and influential regional telecommunications body.

The committee also supports the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict. The recruitment and use of children in armed conflict continues to be a problem for the international community. The United Nations Children's Fund estimates that 300,000 children are involved in 30 conflicts worldwide. The optional protocol is intended to establish minimum safeguards to prevent the involvement of children in armed conflict. Australia is in compliance with the optional protocol, as the minimum voluntary age of recruitment is 17. However, the committee did make some recommendations—for example, that the defence instruction be available on the web site and also that recruitment be genuinely voluntary and fully informed and that parents give informed consent in light of a submission by HREOC to the committee.

Lastly, the World Intellectual Property Organisation Copyright Treaty and the Performances and Phonograms Treaty both serve to expand the rights of copyright owners in works, films and sound recordings and for performers in the online environment. These treaties improve international copyright standards to meet the challenges posed by digital technology. I commend the report to the House. (*Time expired*)

Mr WILKIE (Swan) (12.37 p.m.)—The Joint Standing Committee on Treaties supports the nine proposed treaty actions which form the substance of *Report 63: Treaties tabled on 7 December 2004*. However, during the review some interesting issues were raised which provide additional insights into the complex business of treaty making. For example, in relation to the committee's review of the treaty with France concerning the cooperation of maritime areas in the Southern Ocean—which will create a framework to enhance cooperative surveillance of fishing vessels and encourage scientific research on marine living resources in the area of cooperation in the Southern Ocean—a discrepancy was discovered between the official treaty text provided by Australia and France. As it happened, some additional words in the French version reflected the original intention of the treaty and the matter was easily resolved. However, this is illustrative of the care that must be taken when developing binding arrangements. In that case the matter was sorted out. This is a very important agreement between Australia and France, particularly given the level of poaching that takes place in the Southern Ocean. As a Western Australian, knowing that many of our fleets operate out of Western Australia, it is exceptionally important that we get this right.

I do not intend to comment on all the treaties in the report, but I will make some specific comments about a number of them. With regard to the Thailand-Australia Free Trade Agreement, the committee states at paragraph 1.6:

The committee notes that, once again, legislation giving effect to treaty obligations has been introduced into the Parliament prior to the conclusion of the committee's review of a proposed treaty action. The committee has expressed its concern about this practice in reports tabled during the

40th Parliament and has made comments and recommendations accordingly.

At paragraph 1.7, the committee states:

Nonetheless, in relation to the Australia-Thailand Free Trade Agreement, legislation was introduced into the House on 17 November 2004 and passed by the Senate the following day. This was prior to the committee being formed in the 41st parliament and completing its inquiry.

At paragraph 1.8, the committee makes the comment:

While the committee recognises that the expected entry into force of the Free Trade Agreement on 1 January 2005 imposed strict deadlines, the committee reiterates that the practice of introducing enabling legislation prior to the completion of any of the committee's reviews could undermine its work.

This agreement was over 1,000 pages long—almost as large as the United States-Australia Free Trade Agreement. It needed to be examined very carefully, with proper scrutiny and comment by the public. Unfortunately, because of the time frame that we were forced to fit in with, that did not occur. I think the whole process of the committee reviewing treaties is undermined when we find that enabling legislation has gone through the parliament—in fact, bringing these agreements into force—before the committee can even comment. It is understandable that occasionally this will occur, particularly when you have an election in the way and a time frame to work to, but it should not be happening as a matter of course and, wherever possible, we need to ensure that it does not.

The SPEAKER—Order! The time allotted for statements on this report has expired. Does the member for Boothby wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Dr SOUTHCOTT (Boothby) (12.41 p.m.)—I move:

That the House take note of the report.

The SPEAKER—In accordance with standing order 39(c), the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting, and the member will have leave to continue speaking when the debate is resumed.

GREAT BARRIER REEF MARINE PARK (PROTECTING THE GREAT BARRIER REEF FROM OIL DRILLING AND EXPLORATION) AMENDMENT BILL 2005

First Reading

Bill presented by **Mr Albanese**.

Mr ALBANESE (Grayndler) (12.41 p.m.)—It is with great pleasure that I present the Great Barrier Reef Marine Park (Protecting the Great Barrier Reef from Oil Drilling and Exploration) Amendment Bill 2005. This legislation will extend the boundary of the Great Barrier Reef Marine Park region to the exclusive economic zone. Under the Great Barrier Reef Marine Park Act 1975, any oil drilling or prospecting in the Great Barrier Reef region is prohibited. The purpose of this piece of legislation is to extend the region so that oil drilling and prospecting in the Great Barrier Reef region—that region east of the boundary of the current marine park to the exclusive economic zone—will therefore be prohibited. It is extremely important to note that the adoption of this legislation will have no other effect than ruling out oil prospecting and, subsequently, drilling—no effect on any fishing, commercial or recreational interests, and no effect on visitation, whether it be private or through tourist operators.

When it became evident in 2000 that a company called TGS-NOPEC was considering oil drilling in that area, the Labor Party expressed strong concern. We called on the government and the Minister for the Environment at that time, Senator Hill, to rule out once and for all oil drilling east of the Great Barrier Reef Marine Park area. Senator Hill,

and his successors, Dr Kemp and Senator Campbell, have not done so. The response of these ministers is that, under the Environment Protection and Biodiversity Conservation Act, any process would have to go through scrutiny and of course nothing would ever occur.

Therefore, it was with alarm that I noted that the Liberal Party's 2004 election energy policy, *Securing Australia's Energy Future*, contained a map which outlined the offshore frontier basins. These frontier basins included the Queensland and Marion Plateaus, the Townsville and Cato Troughs and the Capricorn Basin, all of which lie to the east of the Great Barrier Reef Marine Park. The policy highlighted their potential for petroleum exploration. As the minister stated, 'of course nothing will ever occur'. Well, of course, there was never going to be a GST. And, of course, the Prime Minister supported ratifying Kyoto from 1997 until 2001.

Clearly, mining on or near the Great Barrier Reef is still on the government's agenda. That is just not good enough for the people of Queensland and it is not good enough for the Labor Party. The purpose of this legislation is to do what the government will not do—ensure that oil drilling cannot occur near the Great Barrier Reef. Let us get this straight: TGS-NOPEC is a company which sought approval to undertake some seismic testing in an area near Lihou Reef and Marion Reef in the Townsville Trough. This was of course subject to an EIS under the EPBC Act, which they chose not to proceed with at that stage; but that is not to say that it cannot occur in the future.

All of the community in North Queensland are opposed to any potential oil drilling on the Great Barrier Reef, including commercial and recreational fishers. The tourism industry in particular is outraged that the Howard government would compromise a

\$4.6 billion industry for the state of Queensland by allowing oil drilling. Conservationists and the science community are opposed to any oil drilling, along with the broader community. Tourism is an industry dependent on perceptions. Oil rigs, even 50 kilometres from the marine park boundary, do not promote a perception to potential visitors of a pristine ecosystem that is valued by its community and its government. The tourism industry is opposed to oil exploration or drilling. Queensland tourism operators want to see a permanent ban on exploration. The seafood industry has similar views. The Queensland Seafood Industry Association has stated:

It would be ridiculous for the Federal Government to give the go ahead for a seismic survey—

that is, the seismic survey required for the EIA—

that if oil was discovered, would inevitably lead to full-scale drilling.

The Queensland seafood industry can work it out. Why can't the government? The Queensland government supports banning oil exploration or drilling on or near the Great Barrier Reef. Industry leaders and the broader community can see the sense in protecting the reef from oil exploration and drilling, so why can't this government. Labor has consistently opposed oil prospecting. The ongoing desire of the oil industry to explore in areas adjacent to the Great Barrier Reef such as the Townsville Trough is not going to be averted until a clear direction by government is established.

This bill provides the government with a practical, no-cost mechanism to provide that direction to rule out oil exploration and mining for good. We need to take all steps possible to protect the reef and it is appropriate that I will be presenting the Avoiding Dangerous Climate Change (Kyoto Protocol

Ratification) Bill 2005 immediately after this, because just last Saturday the *Age* reported that Professor Hoegh-Guldberg of Queensland university has found that coral bleaching due to global warming could destroy the reef in 20 years. I invite the government to take up the opportunity and support the bill.

Bill read a first time.

The SPEAKER—In accordance with standing order 41(d), the second reading will be made an order of the day for the next sitting.

AVOIDING DANGEROUS CLIMATE CHANGE (KYOTO PROTOCOL RATIFICATION) BILL 2005

First Reading

Bill presented by **Mr Albanese**.

Mr ALBANESE (Grayndler) (12.46 p.m.)—It is timely that today, St Valentine's Day, I introduce the Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2005, because, as important as human relationships are, so too is our collective relationship with our natural environment. If this bill is passed, the Australian government will be required to ratify the Kyoto protocol and become part of the international solution to climate change.

Climate change is happening right now. Average global temperatures have risen by 0.6 degrees over the past century. The 10 hottest years on record have all been in the last 14 years. Glaciers that have not retreated since the last ice age 12,000 years ago are now doing so. Australians can already see the kinds of impacts that will only get worse as warming advances: the long-term drought in New South Wales, the drop in rainfall in Western Australia, Kakadu being flooded by salt water, and coral bleaching of the Great Barrier Reef. If for no other reason, Australia's self-interest dictates we immediately

ratify the protocol and engage with the global effort to avoid dangerous climate change.

If passed, this bill will require the Australian government to do several things. First, it must ratify the Kyoto protocol within 60 days of the commencement of the act. Second, it must ensure Australia meets its greenhouse emission target set out in the protocol. This is 108 per cent of 1990 levels; only Iceland has a higher target. Third, the Minister for the Environment and Heritage must develop a national climate change action plan setting out our national strategy for meeting our greenhouse emission target. Fourth, the minister must establish an annual greenhouse gas inventory and publish these results. Fifth, the minister must also develop a framework for involvement in the international trading of carbon. This would include emissions trading but also clean development mechanism projects in developing nations.

The Kyoto protocol essentially has a carrot and stick approach. The stick is reaching the target of greenhouse gas emissions; the carrot is gaining access to the economic benefits of the global trading market. Given that Australia is on track to meet our emission target, there is absolutely no downside in Australia ratifying Kyoto, which harnesses the power of the market.

If passed, the bill will enable Australia to enjoy the benefits that flow. The bill sends a clear message to all Australians that we must start working actively on climate change because it is an issue affecting Australia's future prosperity. It signals to business we are taking a planned approach to shifting Australia towards a modern, clean-energy economy. Just as science and technology have given us tools to measure and understand the dangers of climate change, so too can they help us deal with them. The potential for innovation and therefore business investment and

growth is immense. With the right policy framework, it has the potential to unleash new commercial forces and unforeseen economic opportunities. By not ratifying, Australia is giving the world a jump-start in entry to a dynamic driving force of 21st century economies.

Australian companies and our economy will be disadvantaged if we exclude ourselves from carbon markets and the developing renewable energy technology markets. The investment will simply go elsewhere. Our isolation on this issue will become even more apparent after this Wednesday. This agreement was hailed by the Prime Minister back in 1997 as a 'win for the environment and a win for Australian jobs'. The PM was right then and he is wrong now. Despite signing the agreement at the time, the Howard government has had a change of heart, claiming it is flawed, even though 140 countries plus the EU have subsequently ratified the protocol. Of industrialised nations only Australia and the United States remain on the outside looking in.

This is illogical. The nature of such agreements is that they are a product of compromise and, like almost every international agreement Australia is part of, we do not say it is perfect. But Kyoto remains the only game in town. Australia must join the coalition of the willing when it comes to tackling climate change. On the one hand, the government says it supports a stricter treaty after 2012 when Kyoto finishes and a target of reducing greenhouse gas emissions by 50 to 60 per cent by 2050. However, on the other hand, it suggests Kyoto's minimal first steps will hurt our economy.

It cannot have it both ways. If it says Kyoto hurts the Australian economy, why is it calling for even stronger emission limits? Labor takes a more sensible, practical approach on this issue. We believe the Kyoto

protocol is important for the economy, for jobs and for the environment. Kyoto harnesses the power of the market by putting a price on the use of carbon. This trading market will be worth billions of dollars. We also need to think beyond 2012, but by not ratifying Kyoto we are excluding ourselves from the negotiating table of future agreements. Labor believes Australia is missing out on significant opportunities. We should ratify Kyoto immediately. I present the explanatory memorandum to the House.

Bill read a first time.

The SPEAKER—In accordance with standing order 41(d), the second reading will be made an order of the day for the next sitting.

PRIVATE MEMBERS' BUSINESS

Parents Raising Disabled Children

Mr NEVILLE (Hinkler) (12.52 p.m.)—I move:

That this House:

- (1) recognises the role of parents raising profoundly disabled children;
- (2) acknowledges the challenges faced by these parents in respect of caring, respite and funding of special equipment and services;
- (3) calls for a comprehensive re-assessment of the eligibility of parents (generally, though not exclusively, the mother) to a Carer's Allowance or Payment according to the level of disability and dependence; and
- (4) requests an examination of respite services and medical requisites available to parents and their disabled charges.

Last year I met 12 fathers who with their wives truly deserve the accolade of 'unsung heroes'. Let me tell their story, the focus of today's motion. It is about children who experience uncontrolled rage, incontinence, and fine and gross motor disabilities, who sleep only three hours a day, or who need constant care, medication or oxygen. Imagine a constantly hyperactive child so power-

ful that it can kick in a plaster wall, that needs to be held down while mum and dad change a nappy. Imagine the chaos when that child runs loose around the house and just imagine the impact on the rest of the family. Or take the case of David and Georgina Bates, whose child has Smith-Megenis syndrome—a condition of self-mutilation and a tendency to sleep only three hours a day—where respite is becoming an ever-increasing need.

Once many of these children would have been institutionalised at considerable cost to government, but today they are left in the care of their parents. This is not a normal life for these families. The disabled child is the focus of the family; parents are stretched emotionally and financially; siblings lose a degree of parental attention and support. But these families cope as best they can. They love their children no matter what the disability is and want to give them the best possible care. But they face a relentless slog of up to 16 hours a day. The latest study of the Australian Institute of Health and Welfare reports that there are around 144,300 Australian children who are profoundly or severely disabled. That is more than the population of Darwin or Townsville.

We should applaud parents who are willing to take on full-time carer roles and, although government already extends many support services to such people, I believe we can do more. For example, there are recurrent and non-recurrent assistance packages. Parents generally applaud the non-recurrent ones—for example, for a new wheelchair—but the recurrent packages of ongoing financial assistance extend to only 24 families out of the 257 who applied in the Wide Bay region. That is only one in 11. Another area that needs review is the supply of nappies and incontinence aids. Parents tell me that a six-month quota runs out in four months,

adding to their financial burden in the remaining two months.

I believe there is also need to review the assessment process for receiving the carer allowance or payment which provides alternative income to the paid positions they have sacrificed in favour of a full-time carer's role. We should remember that many of these parents have given up promising careers. If these children suffered from a form of immobility or respiratory condition, the payment would be much easier to source. But it appears that there is no mechanism for those who suffer from dysfunctional or erratic mobility or for children who are sometimes more medically or intellectually disabled than children with respiratory problems. There must be a searching reassessment in this area, because current rules are inequitable. Ideally, assessors would 'walk in the shoes' of the parents by visiting their homes and seeing the individual cases in much the same way as aged care assessment teams visit the homes of the elderly and assesses their care.

This year in the Bundaberg district alone there are 586 children who have been identified with a disability and there is only one respite centre to cater for them. One day all 586 children will be adults—a very challenging thought—and I am sure most regions are very similar to Wide Bay. I am indebted to a parent of one of these disabled children, Peter Edwards, for bringing this matter to my attention. His and his colleagues' stories moved me profoundly. For his sake and that of the other 11 families who are representative of a broad cross-section of caring parents we should have a searching review into the carer allowance and payment, respite services and the recurrent expenditure program as well as the supply of incontinence aids. While in no way criticising those currently delivering disability services, we need

to sharpen our focus and help lift the burden on struggling families.

Mr HARTSUYKER (Cowper) (12.57 p.m.)—I second the motion and reserve my right to speak.

Ms HALL (Shortland) (12.57 p.m.)—I begin by thanking the member for Hinkler for bringing this matter to parliament. It is a matter of great importance and a matter of humanity. It is a matter that relates to people and to caring and compassion. This is an issue that I previously raised in this parliament, an issue that concerns me greatly because of the impact that a disability has not only on the children that have the disabilities but also upon the families of those children. The amount of care, love and devotion those parents give to their children never fails to make an impact on me. Nothing at all is too much for them.

I raised this issue in an adjournment debate back in September 2002. At that time I had visited and met with some parents at Camp Breakaway on the Central Coast. All of the parents who attended the barbecue that day had children with very severe and profound disabilities. They had very high support needs. Every parent at that barbecue told me just how difficult it was for them to cope in their daily lives, how the bureaucracy made it even more difficult and how they had difficulty accessing the aids, the equipment, the incontinence pads—all the things that they needed to provide a decent quality of life for their child and to help them survive.

The dedication of these parents was shown in circumstances of extreme adversity every day, but they loved and cared for their children and they overcame phenomenal hurdles to ensure that they could look after their children and that their children had a decent quality of life. There was one lady that attended the barbecue whose story overwhelmed me. She had a child that suf-

ferred from muscular dystrophy. She managed to have three hours' sleep a night. She had to constantly resuscitate her child and she had very little respite.

That brings me to the issue of respite. Sometimes the only thing that keeps parents of children with disabilities sane is the ability to have an hour or two break and a little bit of time to themselves. Quite often families have other children and they need some time with their parents. Members of government and members of this House of parliament have, I truly believe, a special obligation to these parents. We have an obligation to see that they have a decent standard of living and an obligation to support them in their choice to care for their children.

The member for Hinkler's motion also mentions carer payment and carer allowance. That is an area which, quite often, families have great difficulty in accessing. As the previous speaker said, often one member of the family has to give up their job, quite often a highly paid job, and yet they still have to survive. Accessing the carer allowance can be quite difficult. One person told me how her child had a very severe disability and a tracheotomy. She had applied for carer allowance and been knocked back numerous times by Centrelink. It was only when she took her child to the Centrelink office that Centrelink immediately granted that family a carer allowance.

I truly believe that, as a parliament, we have to be very mindful of children with disabilities and their parents. As a parliament, we have to enact legislation that gives the support that the families need and that allows them to access the entitlements that will enable them to care for their child in the way that they would like to. We should be a compassionate society and care for those that need our help. (*Time expired*)

Mr HARTSUYKER (Cowper) (1.02 p.m.)—There are few groups that contribute more to our community than carers do. I commend the member for Hinkler for the motion as it appears in the *Notice Paper*. He raised the fact that, in his view, carers were our unsung heroes. I think that there would be no member in this House who would disagree with that proposition. They certainly are unsung heroes who give up so much to provide care for their loved ones. It is often a sacrifice that is made not over a day or a week but over years. I have received quite a deal of correspondence and phone calls from carers over my time as a member of this House and the one factor that all of the correspondence and phone calls have in common is that the concern is not about themselves but about the person who is receiving the care. The way that carers tend not to be concerned with their own wellbeing but to be principally concerned with the person for whom they are caring goes to show the selfless nature of carers.

Of particular importance to me is the role of carers of profoundly disabled children. I thank the member for Hinkler for raising this issue. Certainly state and federal governments provide assistance to carers. The federal government provides assistance through the carer payment and the carer allowance. In 1998 the carer payment was extended to those people caring for a child under the age of 16 with a profound disability or those caring for two or more children with disabilities where the combined workload was equivalent to or greater than caring for a child with a profound disability.

The current definition of profound disability is tightly targeted to ensure that resources go to those most in need. However, I believe that the definition, as currently phrased, does tend to exclude some children whom most would regard as profoundly disabled. I would like to focus for a moment on one

aspect of the test of profound disability, and that relates to the issue of mobility. One issue that does contribute to disability, we would all agree, is the issue of mobility. Under the current test, as it is worded, if a child over the age of two cannot stand without support, or a child under the age of two if it is reasonably expected he will be unable to stand without support by the age of two, then this contributes to eligibility for carer payment.

But there is an anomaly here insofar as some children with disabilities are highly mobile and it is that very mobility which contributes to the burden of care. The fact that the children may have to be restrained to prevent them from injuring themselves or damaging household effects poses a very heavy workload for some carers. That is something we should reflect on: the fact that a child is immobile can contribute to the level of disability but there is also the fact that a high level of mobility can also contribute to the measure of disability as experienced by the carer. That is something that we should be focused on. I think that many carers of disabled children would welcome the review of those guidelines for profound disability.

I also want to focus for a moment on the issue of respite. Carers, as earlier speakers have said, may be caring for their loved ones for up to 16 hours a day. It is relentless, day in and day out. It is important for the government to ensure that those carers for profoundly disabled children in particular have adequate access to respite so that they can continue the great work that they do. Provision of adequate respite is vitally important to ensure that the role of the carer can continue.

As a government we strive to support carers, and some consideration of those criteria on which we assess the level of disability will be of great benefit to the carers, the care

recipients and the community. The Australian government have done a great deal to support carers. In the recent budget we provided additional support: some \$461 million for the 2004-05 financial year, including the carer bonus for recipients of the carer payment and the carer allowance. I am sure that was welcome. But I am certain that carers of profoundly disabled children would welcome that we revisit those criteria and that we look again at the burden of caring, both financial and emotional, that is placed on many of them. (*Time expired*)

Ms BURKE (Chisholm) (1.08 p.m.)—I am grateful for the opportunity today to call for more support for parents of disabled children—people who, in the words of one advocacy group, make up ‘the most hidden, ignored and unrepresented community in Australia’. I am wary of speaking in platitudes about these parents because I know that is not what they want. They do not want us to sing their praises and then go on ignoring their pleas for a decent level of assistance. What they want from us—what I have been told time and again by anguished parents—is for us to take some time to consider things from their perspective. They want us to spend just a bit of time thinking about the reality of their lives and the lives of their children, and then they want us to act in their best interests.

Parent Helen Johnson asked some poignant questions in an open letter to Senator Kay Patterson and her state counterparts in a recent newsletter of the Australian Association for Families of Children with Disability. Among other questions, she asked: ‘Do you know what it is like to have someone fully dependent on you 24 hours a day, seven days a week, 365 days a year? Do you know what it is like to have to dress someone every day of their life? Do you know how time consuming and physically exhausting it is to leave your home when you have to take your

physically challenged person with you and organise him or her to get into the vehicle, along with all the necessary equipment and supplies required for the time you are away from home? Do you know what it is like to have to give up your career and your financial stability to care for your son with a disability for the rest of your lifetime? Do you know how hard it is to care for someone who cannot express their feelings of pain, anger, sadness, hurt or love?

The truth is we do not know. However, as elected representatives, surely we can all make a far better attempt at understanding the everyday experiences of these parents. Surely we can commit ourselves to becoming more aware of the human impact of government action—or inaction, as it may be. I support the call in this motion for a comprehensive reassessment of the eligibility of parents for a carer allowance or payment. The narrow definition of profound disability used for children under 16 years of age is heartless. Parents who have no option but to leave paid employment to care for their child should not have to jump through hoop after hoop to prove they need financial assistance. As one parent recently said to me: ‘My child had Down’s yesterday, he is going to have Down’s tomorrow and he will have Down’s the day after that. I am not sure why we have to keep completing this paperwork.’

On a related front, I acknowledge that the government has made some progress recently in extending eligibility for the carer allowance to carers who do not live with the person for whom they are providing care, but much more needs to be done. Aspects of last year’s budget were unjust for parents of disabled children. After all, the government provided a one-off payment of \$1,000 to recipients of the carer payment and a one-off payment of \$600 to those receiving carer allowance but chose to make its \$600 extra payment to recipients of the family tax bene-

fit recurrent. How would most parents of disabled children feel about that unfair distinction? How do younger parents of disabled children cope after their needs for adequate respite care are ignored?

I welcome the government’s commitment to working with the state and territory governments to ensure that parents over 70 years of age who are caring for a son or daughter with a disability are eligible for up to four weeks respite each year. I also welcome its commitment that parents aged 65 to 69 who care for a son or daughter with a disability and need to spend time in hospital will be eligible for up to two weeks respite care. These are small steps in the right direction. But what of younger parents? There are so many young parents with young children who have disabilities. Why hasn’t the government set a national target for how much respite care they should receive each year? We cannot keep turning a blind eye to their struggles. Hence, I strongly support the motion’s request for an examination of respite services and medical requisites available to parents and their disabled charges.

In the past few months I have been contacted by at least five local parents devastated because their disabled child had not received an adequate level of funding to properly attend school. This was a state government initiative that had recently seen funding to their children reduced. But, thankfully, a public outcry has led to the state government abandoning this change. I am very pleased to say that the children I have been representing have seen their funding increase, but not before they were caused unnecessary pain and anguish. I appreciate that the government has faced funding challenges as an increasing number of children are diagnosed with disabilities. It is not alone in this predicament as it is a worldwide trend. However, I am in fierce agreement with Parents Victoria’s President, Gail McHardy, who

said last week: 'All children have a right to reach their full potential. It's not the fault of the school or the families that more children have been identified as having special needs.' I commend the Victorian state government for its change of heart, but I ask that, if programs are to be changed, parents and children are consulted before actions are taken.

Mrs GASH (Gilmore) (1.13 p.m.)—I rise to speak in support of the motion in the hope that this debate will draw attention to the plight of the many families in Australia and in particular in my Gilmore electorate who care for a disabled child. The parents of a disabled child are unique and special people who have trawled the depths of their hearts to find love that is perhaps not reciprocated in the way that you and I know. These parents require character, endurance, compassion, understanding and humanity in bucket loads. They love their children and want to do everything possible to give them a good quality of life. They spend most of their day and night hours caring for them, but get virtually no help. They are at the bottom of the list for services, and every day is a struggle for them.

To best describe the challenges faced by these parents, I have drawn on the real life experience of a family in my electorate. Mr Deputy Speaker, so people can gain an insight into their lives, let me quote their words:

Our son is very mobile. He has Cornelia de Lange syndrome and causes a lot of damage around the home but we just keep going. We repair, we repaint, we rebuild, and it all costs money. He doesn't talk, he doesn't understand the concept of wrong or danger, so we always have to keep an eye on him. He is 13 years old, and my wife worked for eight years but is now a full-time carer. We have two other children and we try to do as much as possible for them, so when our son is in respite we try to get away to be a normal family. Holidays are very rare for us. Respite has

always been a major issue and you have to fight and sometimes lie to get offered a service. With respite you have to book three months in advance and highlight one special request, such as a birthday or weddings or planned holidays. But, many times, unfortunate situations arise and a service cannot be given. My wife had to work and care for the children and me, as I am unable to walk. She had to split her working hours from 5 a.m. to 8 a.m. to come home and get the children ready for school, take them there then come back and do the housework and all those things necessary to keep the household going. DADHC—

a state government agency—

wouldn't offer us any emergency respite care when we asked. DADHC has no compassion—

and one size does not fit all—

I am not saying this about the staff on the ground in Nowra. I am talking about management, regional directors, even the minister. As a parent, I am angered at the way they treat us and all the other families. This same state government will pay a foster family about \$600 a week to care for a child. They will give a van, specialists services, respite, holidays but they won't do the same for us.

Why is this?

Do they want us to give up our child to their care? Sometimes to get a service you have to dump your child literally on the doorstep of DOCS so you don't go mad and to keep part of your family together. Reading a book or watching a movie is impossible as we can never relax. We are always checking on him to make sure he's not destroying something or throwing our stuff over the fence. All our bedrooms have to be locked or Dylan gets in and wrecks the kids school work and possessions. Yet we love him.

Another measure is the cost of nappies for a child with incontinence—\$1.30 each at, say, three a day, translates to \$27.30 each week or \$1,419.60 per year. If you rely on social benefits or a pension, that alone is an onerous burden. Add to that the emotional and psychological pressure 24 hours a day, and the frustrations experienced with the lack of services or dispassionate government

agencies, and you can begin to appreciate the pressure these families have to live under. There definitely needs to be a reappraisal of the way recipients of carer allowance are determined, particularly with regard to mobility. Children, being mobile, can be a lot harder to care for.

I support unreservedly the member for Hinkler's call. Most particularly, the New South Wales government needs to do some serious soul-searching in its attitude to disabled children. Respite care for some 65 families in Gilmore is a five-bedroom house and those who can prove the greatest need get the beds. How can you be asked to compete with your friends or other needy families for this precious respite space at least once every six months? Can you imagine one weekend of respite per year if you are lucky? Try obtaining a wheelchair; it took one family 12 months before funding became available. Then imagine the horror of having to go through it all again when the child grows out of it. Community transport in most cases does a great job of taking the children to and from school. I well remember my days as a taxidriver for Pollie Day. My first call was to take a young disabled man to his special school. I tried hard to imagine what his family must go through every day, seven days a week.

There is no doubt in my mind that disabled children are a forgotten race—that is, 'out of sight, out of mind'. These children and their parents have a huge role to play in our society and it is high time that state and federal governments did more to assist. What actually happens to these children when they grow up? Fortunately, in Gilmore we have Shoalhaven Advanced Industries and Mullala in Ulladulla, but we could do with double the number of places. Being a pollie hardens you to most of the things you see and do. Yet I will never forget the day North Nowra Public School and Havenlee Special School pre-

sented their speech day. The way our young students integrated and looked after these special students blew me away. I thank the member for Hinkler for his motion, as it will certainly make me more conscious of continuing to lobby for better services and conditions. (*Time expired*)

Mr QUICK (Franklin) (1.18 p.m.)—Like other speakers, I welcome the opportunity to speak briefly on the issue of children with disabilities—a vexed and ongoing problem for many families in each of our electorates. Unless you have a child with a disability, you can never imagine the stress, anguish, frustration and tension that operate in your household. With advances in medical science, more and more children with disabilities survive, and greater strain is thereby placed on society to come up with services to cater for them. Sadly, society cannot cope.

Despite their colourful brochures and departmental guidelines, state departments of health, human services and education are failing the parents who strive to have their children catered for, nurtured and educated. With the demise of so many special schools, and with the advent of the policy of inclusion, the frustration of parents has increased to a level where families are failing to cope, marriages are suffering and the wellbeing of other children in the family is being threatened.

Access to proper disability transport is so sparse that families are forced into debt in order to purchase vans to carry wheelchairs and assorted disability equipment for when they take their children out. The provision of respite places for children is so inadequate as to be totally useless. State governments sit idly by and mouth the usual platitudes about government strategic plans addressing the shortfalls in disability services.

In my state of Tasmania, parents speak of threatening to harm their children, as this is

the only way they are guaranteed of accessing the small number of respite beds for their children—an appalling state of affairs. Promises of new respite homes are slow to be fulfilled, whilst \$12 million is being spent on upgrading Hobart's racecourse and close to \$60 million is being spent on a new jail at Risdon. They even found \$650,000 to pay Richard Butler to leave the state for good. I am sure that honourable members from other states and territories can relate stories of similar skewed funding priorities in their areas.

The policy of inclusion in our state education system is fine in theory and worthy of pursuit. However, when implemented, there must be adequate funding so that full-time aides are available to cater for the needs of the children five days a week, not the current part-time situation. Presently, classroom teachers, principals, parents and all children are unnecessarily being put under great pressure in the school environment. I cite the example of an 8-year-old autistic boy who composes his own music, plays Beethoven and Mozart beautifully and paints beautifully in oils. Sitting in the music lesson whilst his classmates were being taught basic rhythm frustrated him, and his behaviour challenged the teachers. His exclusion from the class—and eventually from the school—for several days made a mockery of catering for a child's individual differences and of the policy of inclusion. Expecting the state health system to cope with caring for your profoundly disabled children? Think again.

The front page of the Hobart *Mercury* recently featured families whose children suffer from cerebral palsy. The article affirmed that the lack of sufficient specialists in Tasmania, due to the inadequate resourcing of the Royal Hobart Hospital, saw parents of these children contemplating moving to Victoria, where there was access to far better

resourced services. Once again, what an appalling situation.

Another problem facing Tasmanian parents with disabled children is the need to travel interstate. Just imagine the emotional and financial stress placed on these families—and they have to do it themselves. I recently attended a fundraising event for such a family; \$8,000 was collected to enable the payment of costs associated with such an interstate operation.

As other speakers have said, it is great here in the House to raise the issue of properly addressing the problems faced by parents with severely disabled children. We, as members, can provide a voice for these seemingly forgotten folk. Today's newspapers see another election issue being raised in Western Australia—that of law and order. Wouldn't it be pleasing for all parties to put the issue of disabilities to the forefront and promise real financial solutions to this vexed and serious question? (*Time expired*)

The DEPUTY SPEAKER (Hon. I.R. Causley)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Kyoto Protocol

Ms GEORGE (Throsby) (1.23 p.m.)—I move:

That this House:

- (1) recognises that global warming is one of the greatest threats to the health of the planet, requiring international action to safeguard the environment for future generations;
- (2) recognises that Australia is exposed to a range of negative social, economic and environmental impacts due to climate change;
- (3) notes the Government's claim that Australia is on track to achieving its target of limiting greenhouse emissions;
- (4) recognises the Kyoto Protocol provides Australia with future economic opportunities

through carbon trading schemes and new markets for 'green' technologies; and

- (5) urges the Government, on both environmental and economic grounds, to ratify the Kyoto Protocol which comes into force on 16 February 2005.

In two days time, on 16 February, the Kyoto protocol finally comes into force. In two days time Australia and the United States will stand alone among the 140 industrialised nations committed to the first international effort to combat global warming and climate change. In two days time Australia will be a spectator rather than a signatory to the first international efforts to deal with a problem that has no definable boundaries. The protocol is the result of 15 years of effort. It is a modest start; we acknowledge that it has its flaws, but, as my colleague the shadow minister said in the debate this morning, it is the only game in town.

In two days time Australian companies will be excluded from the economic benefits that would flow from the ratification of the protocol. In two days time Australia will be locked out of carbon trading schemes and the new markets that will emerge for green technologies and green goods and services that come with the instruments contained in the protocol. In two days time the Australian community will be looking for answers from this government. They will want to know the reasons for the decisions we have taken not to ratify the Kyoto protocol.

Why has the Prime Minister changed his mind on this very important issue? Back in 1997 John Howard proclaimed that the protocol was 'a win for the environment and a win for Australian jobs'. Even when the Bush administration initially made known its refusal to ratify the protocol the Prime Minister was busy assuring the nation that his government remained committed to it. What has changed in that time and why are we receiving such contradictory messages from

the government? The Prime Minister is now saying that it is not in Australia's national interest to sign and that it would have a negative consequence on jobs and some industries. The Minister for the Environment and Heritage said not long ago that it was a paltry effort and that the end result was hardly worth the effort of ratification. He proceeded to say that the five per cent reduction was nowhere near what was needed to stem the impact of global warming.

It is really hard to get a line on the government's position on this very vital issue. What is their justification for adopting such an isolationist position? Is it only another example of our government tagging behind the United States in its decision to refuse to ratify? Why is it that this government cannot comprehend the carrot and stick approach contained in the protocol? Why are we as a nation happy to take the pain without the gain? Why is this government prepared to expose Australia and its citizens to greater risks due to the impacts of climate change? None of this makes sense to me and I am sure it does not make sense to the Australian community. It certainly does not make sense when late last year the now environment minister in the Howard government actually affirmed that Australia was on track to meeting its internationally agreed targets constraining greenhouse emissions to 108 per cent of their 1990 levels. There might be some debate about what is causing the reduction in emissions, nevertheless analysis shows that ratifying Kyoto would not place any additional financial burdens on industry, nor impede the capacity of our economy to create jobs. There is simply no rational reason for nonratification.

Australians know that climate change is happening. They know that as temperatures rise, natural disasters, droughts and water shortages will become more commonplace, with national icons like the Great Barrier

Reef coming under threat. Delaying action is no longer an option. I urge the Howard government to support Labor's Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2005 introduced into this chamber by my colleague today. As I said, delaying action is no longer an option. The Australian community will want answers, as will the business community, as to why this government persists in burying its head in the sand and refusing to ratify the protocol. (*Time expired*)

The DEPUTY SPEAKER (Hon. I.R. Causley)—Is the motion seconded?

Mr Garrett—I second the motion and reserve my right to speak.

Dr WASHER (Moore) (1.28 p.m.)—I would like to thank the member for Throsby for raising the vital debate on global warming or greenhouse effect. This is a natural phenomenon where sunlight passes through the atmosphere warming the troposphere—the layer up to 12 kilometres above the earth's surface. The earth's surface, land and sea, reflect infrared radiation back into space, balancing the incoming light energy. Water vapour, carbon dioxide, methane, nitrous oxide and the new, synthetic CFCs act as a blanket impeding infrared radiation into space. This blanket keeps earth's temperature at plus 15 degrees Celsius; without the blanket we would have a temperature of minus 18 degrees Celsius.

Over the last 200 years since the industrial revolution and agricultural expansion, the chemical energy of stored sunlight in coal, petroleum and natural gas has been consumed, releasing greenhouse gases. The level of CO₂ alone has increased from 280 parts per million to 360 parts per million. Methane and nitrous oxide levels have also increased and ozone levels in the lower atmosphere, particularly over the Northern Hemisphere, have increased.

CFCs did not exist 200 years ago. Fortunately they are now being dramatically reduced, thanks to the cessation of manufacture by developed countries like Australia. CO₂, nitrous oxide and CFCs last more than a century, and methane lasts approximately 11 years. Molecule for molecule, methane, CFCs and nitrous oxide are more potent greenhouse gases than CO₂.

Multiple factors affect climate: the ozone layer; the 11-year fusion energy solar cycle of the sun; volcanoes, whose sulfuric aerosols cool the globe when they erupt and reach the stratosphere; and mineral dusts over deserts that reflect the heat from the planet. Water vapour from the warming and expanding seas increases the blanket but, conversely, forms reflective clouds to the infrared. Also, CO₂ will improve sea and land plant growth and increase more CO₂ uptake.

However, CO₂ released from the burning of fossil fuels may trigger a snowball effect, releasing billions of tonnes of CO₂ from the world's peat bogs. Reduction in Amazonian rainfall would cause tree death, and the rotting vegetation would emit vast quantities of CO₂. Gas-filled ice, called methane clathrates, deep in the Siberian permafrost and ocean floor sediments, if released, would contribute 10 to 11 trillion tonnes of carbon—that is, 20 times the known reserves of natural gas. The reflective snow and ice on the Tibetan plateau, in the Arctic and in the Antarctic would act like a giant mirror, reflecting infrared back into space. If they were to melt, we would look like Venus, the second planet from the sun—a greenhouse hell.

Obviously global sea currents and the Earth's wobble on its axis greatly influence climate. Australia needs to be focused and committed. The Prime Minister's white paper on energy has committed \$1.8 billion to

combating climate change. Australia is on track with Kyoto, with greenhouse gas emissions projected to rise by only eight per cent for the period between 2008 and 2012, compared with 1990 levels. This still allows a strong growing economy to almost double over the 20 years from 1990.

To ratify the Kyoto protocol would not deliver equity for Australia and would deliver only a one per cent reduction in world growth of greenhouse emissions. Only four countries in the EU, the great driver of Kyoto, with a large nuclear power base are on track to meet their Kyoto targets, to their credit. They are France, Germany, Sweden and the UK, but the other 11 countries are very wide of the mark.

Australia has \$300 million for grant, equity and rebate programs for renewable energy, complemented by a world-first mandatory renewable energy target expected to leverage greater than \$2 billion worth of extra investment in renewable energy by 2010. The target places a legal liability on electricity retailers and liable parties to source an additional 9½ million megawatt hours per year of electricity from renewable energy. There is \$75 million for the solar cities trials, reinforcing the exceptional work Australia has done with photovoltaic and other solar energy research. Another \$500 million is available to support industry-led demonstration projects with technologies to reduce greenhouse gas emissions. Among these, importantly, is geosequestration of CO₂. Currently this is not recognised by 1997 Kyoto as a carbon credit, but it offers a very reasonable chance of reducing by up to 25 per cent Australia's annual emissions from coal and fossil fuel powered electricity stations and natural gas production, trapping CO₂ in deep saline saturated reservoir rocks and lasting more than 1,000 years. The CO₂ is compressed into a super critical state and will be injected into these formations, and it

can also be used to enhance oil and coal bed methane production. (*Time expired*)

Mr GARRETT (Kingsford Smith) (1.33 p.m.)—I support the motion moved by the member for Throsby. Global warming is one of the most profound challenges of our time; there is no question about that. It is in our national and international interests to respond comprehensively and vigorously. Global warming is a challenge that requires decisive and far-sighted national government action. The Howard government has been missing in action.

The impacts of climate change are real, something which has been gainsaid by this government for years, and the consequences to Australia of failing to act are real. Farmers are affected by climate change, tourism operators are affected by climate change and those living in our cities and suburbs are affected by climate change, and there is an interconnect: climate change affects us at the local, at the national and at the global levels. In a country like Australia, where climate variability is greater than most, the impacts are even more extreme.

The government's position is a nonsense. It claims that we can meet the targets but that at the same time the economy will be damaged, yet the economy has survived as we have moved towards meeting those targets. It beggars belief that we would stay out of an international framework that will allow companies to participate in reducing greenhouse emissions and to benefit, a framework in which we succeeded in influencing to our own benefit. It gives me no pleasure to say that Australia is a pariah on pollution. Our pollution rate, if we take away land clearing, compares with developed countries that have much higher populations than ours. There is a crisis in this country in relation to our greenhouse emissions and it is one that the

Australian population has a great concern about.

Let us review quickly the policy response of this government. It began by trying to refute the science. It sees conspiracy theories where there are facts—just listen to the comments of members opposite. It then constructs straw men to prevent us considering the protocol seriously: what will happen to developing countries? It will damage our economy. In the process of leading up to the protocol it then tries to frustrate the negotiations. It seeks its advantage: we have our own ‘Australia clause’, negotiated by Senator Hill, which allows the consideration of land clearing and gives us one of the most generous targets of all, and then we refused to make it law.

This is the do nothing response. We have walked away from it altogether and produced a white paper on energy of no consequence. It may be true that the economic strength of the United States will permit it to develop carbon trading institutions off its own bat, but that gift does not come to Australia. The policy response has been condemned by most in the community. The Australian Medical Association’s 16 June 2004 statement said of the government’s white paper:

The failure of the Government to set out a long-term target to cut greenhouse emissions and to boost Australia’s renewable energy production is disappointing, especially its implication for human health.

The AMA repeated the calls that had been made for the ratification and implementation of the Kyoto protocol. They said that on 16 June 2004—2004 having been dubbed by the media as the year of greenhouse, which saw the fourth hottest day since records were kept.

This is an international crisis that affects us all and it requires leadership. In this instance, leadership is offered by the opposi-

tion through this motion and by the private member’s bill introduced into the House today—the Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2005—by the member for Grayndler. Under this government there is no genuine response. The member for Groom has said that Australia is not going to jeopardise our economic growth on ‘a bureaucratic process that doesn’t actually reduce emissions’. Then what is he going to do? What is the government going to do? We are missing the opportunities to innovate and build clean industries that could create a sustainable industry foundation for Australia into the 21st century and the opportunities to secure a healthy future for our children. I commend the motion to the House.

Dr JENSEN (Tangney) (1.38 p.m.)—I would like to discuss some of the evidence for global warming and question whether the evidence is as real as might be perceived. The evidence put up by the Intergovernmental Panel on Climate Change is predominantly based on ground based temperature measurements, which are affected by urban heat islands. This warming trend has not been observed with satellite data or aerostat balloons, which measure the whole of the envelope. Nor have these trends been seen in the Antarctic where all of the global warming models predict that the maximum heating should occur.

We have seen sensationalist models and sensationalist results in the media of late about what is happening with the climate. There was a recent report from Britain which stated that, instead of increasing five degrees in the next 100 years, temperatures are going to increase 10 degrees. They spouted the fact that their computer models are so complicated that they have required PCs around the world to be used for months in order to crunch the numbers. The problem is: junk in, junk out and the models are not very good at

predicting past climate. You would expect that the first port of call would be for the models to be able to predict the historical climate record. Unfortunately, these models do not do that.

Some may remember the paranoia in the 1970s about the oncoming ice age. There were headlines saying: 'We're one-sixth of the way to a global ice age. We need to do something about it.' Serious models were put up that we should have been putting soot on the arctic cap in order to increase the warming of the atmosphere. In fact, the scientist Stephen Schneider—one of the people who are very strongly pushing the global warming theory at the moment—interestingly enough, was a very strong proponent of the oncoming ice age theory in the 1970s. In a paper at that time, he said that aerosols are far stronger in their effect on the atmosphere than greenhouse gases. He also proposed reductions in aerosols to reduce the onset of the oncoming ice age, which was of course because global temperatures cooled between 1945 and 1975 when there was a massive increase in industrialisation and when you would have expected increases in global temperatures.

Another model that has been put up is Mann's 'hockey stick', which has been very strongly pushed by the IPCC. It shows a stable climate for the last thousand years with a sudden kick-up of increasing temperature over the last 30 years. The problem with this is that it does not agree with the historical record. Neither the little ice age in the 1500s to the 1700s, which is very well documented historically, nor the medieval warm period are reflected in Mann's hockey stick model.

Despite all this, I believe it is still a good idea to reduce emissions. However, global warming is not the reason to reduce emissions. We should reduce emissions in order to improve the environment and not through

a greenhouse warming model that has been found wanting in many regards. As was pointed out by the member for Moore, Australia is one of the very few countries that are actually going to meet Kyoto targets. Many of the European nations that have signed Kyoto are struggling to meet their targets. So what is the point of signing the agreement? (*Time expired*)

Mrs ELLIOT (Richmond) (1.43 p.m.)—I support the motion moved by the member for Throsby: Australia must ratify the Kyoto protocol immediately. It comes into force in just two days time, and it is appalling that Australia has not yet ratified it. Per capita, Australia is the highest emitter of greenhouse gases, yet Australia remains one of only two developed countries that have not adopted the protocol. Addressing the problem of climate change makes good sense for Australia environmentally, economically and socially. Burning fossil fuels and deforestation are increasing greenhouse gas emissions to unacceptable levels. We know that as a consequence the climate is changing and the world is heating up.

The evidence is real and indisputable and paints a frightening picture: oceans are warming; snow and ice coverage are decreasing; sea levels are rising, placing coastal communities like mine at risk; droughts are becoming more frequent and more severe; the risk of natural disasters, such as bushfires, is increasing; and the world's coral reefs are at risk of collapse in a few decades. According to the CSIRO, Australia is already hotter and drier than it was 100 years ago. Just another two degrees Celsius increase in average global temperatures would severely damage the Great Barrier Reef, Kakadu's wetlands and the alpine regions of south-eastern Australia.

The poorest countries are the most vulnerable to the effects of climate change, and as a

developed nation Australia has an international responsibility to reduce the impacts of global warming—especially when you consider that it is our closest neighbours who will be most affected. Sixty per cent of the additional 80 million people projected to be at risk of flooding are expected to be in southern Asia, with 20 per cent in South-East Asia.

The SPEAKER—Order! It being 1.45 p.m., the debate is interrupted in accordance with standing order 43. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed.

STATEMENTS BY MEMBERS

Victorian Football League: Williamstown Seagulls and Box Hill Hawks

Ms ROXON (Gellibrand) (1.45 p.m.)—Because of the standing orders I was unable to wear this amazing jumper I have here with me into the parliament today. I know that the standing orders require that we not do so and it saved me some humiliation not having to wear it. However, the member for Chisholm and I do have an honour that has to be fulfilled. We have an ongoing bet between east and west suburbs of Melbourne VFL teams each year. I had the misfortune of my grand Williamstown Seagulls team being defeated by the Box Hill Hawks. Unfortunately, that means that I was required to bring the brown and gold rather than the blue and gold here into the parliament today.

The member for Chisholm and I, having been scolded in advance by the Speaker, are now going to stick to our other bets that we have made on previous occasions. This will be the fourth year. The first year the member for Chisholm was required to mow the football ground in Williamstown after we defeated the Box Hill Hawks. I was obliged to serve beers to the other team for an hour

when Box Hill beat us in the second year. I am determined that in this fourth year the Seagulls will win, and I would like members to put 2 April or 19 June in their diaries—the two clashes between the great east and west teams in Melbourne. May the best team win.

McPherson Electorate: Australia Day

Mrs MAY (McPherson) (1.46 p.m.)—Today I would like to pay tribute to all those people and organisations involved in the inaugural southern Gold Coast Australia Day celebrations held recently. Australia Day has traditionally been celebrated at the Evandale council chambers on the Gold Coast, but with the city growing so quickly I thought it a great opportunity to have our own celebrations in the south to enable southern Gold Coast residents the opportunity of attending local services. Palm Beach Currumbin RSL hosted a wonderful morning led by President Mr Ron Workman OAM and his great veterans support team. They were assisted by the Mudgeeraba Lighthorsemen, the Tweed Pipe Band and special guests, Mr Keith Payne VC and Mr Selwyn Apanui, who represented our Indigenous community.

As the representative of the Minister for Citizenship and Multicultural Affairs I conferred Australian citizenship on 60 new Aussies who, along with family and friends, enjoyed a good Aussie barbecue after the official ceremony. That evening, I conferred Australian citizenship on 25 new Aussies at a celebration hosted by the Mudgeeraba Lions Club. My sincere thanks to Lions president, Mr Ken Tandy, and his team for hosting an enjoyable Aussie evening for all our new citizens. The poetry reading by Mr George O'Brien was a huge hit with all the families and friends who attended.

All have agreed these celebrations will now become an annual event on the southern Gold Coast. Both the RSL and the Lions Club did a magnificent job in hosting these

ceremonies and the new Aussies certainly enjoyed the hospitality and friendship they experienced on this special day. Once again, my thanks to all who helped make the day such a great success.

Foreign Affairs: China

Mr DANBY (Melbourne Ports) (1.48 p.m.)—This week we learned Australia is siding with the European Union against Japan and the United States in a dispute over the sale of advanced weapons technology to China. The EU banned arms sales after the Tiananmen Square massacre in 1989, but now France wants to lift sanctions and cash in on China's demand for high-tech military equipment. Of course, this has led people in the Japanese foreign ministry and others to describe Australia's attitude as unhelpful.

What are these unseen European guidelines on the sale of high-tech arms upgrades that Australia has agreed to without this parliament being able to overview them? Why are we reversing our policy on the proliferation of arms sales? Why does Australia support China buying advanced French weapons systems? Will this ratchet up intimidation of Taiwan, a robust democracy of 22 million people? And is the view of the Minister for Foreign Affairs related to his very strange answers to my questions last week, recorded in *Hansard*, where he says there is now, according to the Chinese constitution, freedom of the press in China. Is Australia's weak policy on proliferation related to the foreign minister's unwillingness to raise questions about detention of people in China, even in the Australian human rights dialogue, because Australia also has a policy of detention?

Earlier, the foreign minister made the very strange comment that, in the event of a military conflict between Taiwan and China, which no-one in this parliament wants, Australia would remain neutral. These attitudes

on China are increasingly strange from Australia's foreign minister.

Cook Electorate: Kurnell Peninsula

Mr BAIRD (Cook) (1.49 p.m.)—As members may be aware, my electorate boasts the landing site of Captain James Cook, arguably Australia's most important heritage site. It may then come as a shock to learn that the New South Wales Labor government is continuing to license mining operations that have already all but destroyed this area. Along with the community and my Liberal colleagues, I have been fighting to stop the Labor Party's destruction of this area and successfully applied for the only emergency Commonwealth protection order granted under this government's Environment Protection and Biodiversity Conservation Act.

On 1 February of this year, the Labor member for Miranda wrote to the St George and Sutherland Shire leader, trying to obfuscate blame for this deeply saddening and distressing vandalism. Mr Collier stated that the Commonwealth can reject a new sandmining licence under current legislation. If this is the case, Mr Collier, would you mind telling us where this legislative silver bullet might be found? There is, in truth, but one magic bullet that can kill off the mining at Kurnell. You and your government have all the planning powers over Kurnell and can with but one stroke of your pen stop all the mining dead. In fact, Mr Collier is so afraid to own up to his government's responsibility for the destruction of Kurnell that he circulated a letter on 31 January last in which he slammed his own government. This fragile environmental area needs special attention, not neglect, by the state government. It needs the cancellation of Rocla's plans for the sandmining on the peninsula.

**Workplace Relations: Australian
Workplace Agreements**

Mr TANNER (Melbourne) (1.51 p.m.)—John Howard's AWAs are designed to strip away vital protections for low-paid workers so they end up working harder for less pay. The Office of the Employment Advocate has just published a model AWA for small businesses, which includes these provisions: the employer can require a casual employee to work on any day at any time without any compensation for working unsocial hours; employees can be asked to work supposedly 'voluntary' overtime at normal rates of pay; full-time employees can be required to work 152 hours over four weeks in any pattern the employer chooses instead of a 38 hour week. John Howard is intent on bleeding low-paid workers dry. What he calls flexibility simply means less income, harder work and unsocial hours. John Howard is tearing up the rights of low-paid workers. National productivity gains will be negligible.

The SPEAKER—Order! The honourable member will refer to the Prime Minister by his title.

Mr TANNER—The main outcome of further deregulating the market for low-paid labour will be the emergence of a growing underclass of working poor. This OEA template AWA is actually being promoted to small businesses. Given how porous labour market regulation has always been in practice, it is easy to imagine the practical outcomes of this reduction in low-paid workers' rights all across Australia. Prime Minister John Howard's battlers will be really battling if their award protections are taken away.

The SPEAKER—Before calling the next member, I remind the member for Melbourne it is in order to call a member or a minister by their title, not their name.

Forestry: Management

Mr MICHAEL FERGUSON (Bass) (1.53 p.m.)—A failed political experiment 15 years ago is still having an impact on Tasmania's softwood industry, which produces sawn pine products and medium density fibreboard panels and employs hundreds of workers in Northern Tasmania. At the time of Tasmania's Labor's green accord, the planting of pine in 1991 and 1992 virtually halted, going down to little more than 200 hectares of plantings per year. This has created a frustrating situation for current-day sawmillers, as one year's growth of mature wood will be literally missing. Neither of the two pine sawmills in Scottsdale have supply contracts beyond 2006. Today I am calling on the state government to intervene to extend supply contracts to sawmillers and halt pine exports forthwith. This will create assurances for the industry and those who work in it. While the situation right now is not at crisis point, action now will help for a confident future. If action is not taken now, the local community of north-eastern Tasmania will suffer. Needless to say, the softwood industry in general in Northern Tasmania is deeply concerned and has expressed those concerns to me. It is concerned about its future prospects because of the downturn in wood supply. It is also very concerned for its work force. Now is not the time to panic, but it is time to act. If we work together to ensure that the resource is managed appropriately, jobs will be made secure. (*Time expired*)

Ballarat Electorate: Coloma Day

Ms KING (Ballarat) (1.54 p.m.)—Once a year the town of Clunes celebrates its sister city relationship with Coloma in California. Coloma, like Clunes, was the first place gold was discovered in its respective country. Coloma Day is held on 22 January, in Tim Hayes's garden. Tim's garden is one of the most magnificent you could see. The town of

Clunes has featured in several movies. Many local people—in particular, Duncan McHarg; Michael Cheshire, the mayor; and Graeme Johnson—played a role in the movies as extras. However, I doubt whether even Hollywood could capture the uniqueness of spirit of Coloma Day.

Coloma Day always takes on a theme from an American or an Australian musical, and this year it was *The Sound of Music*. The residents of Clunes all came dressed as characters or themes from the musical. There were renditions from the musical, a quiz and several competitions throughout the evening. It is a real community festival. It is chance to see a side of people that you do not often see in their daily lives. The Coloma Day committee should be congratulated for the job that they do. Four tourists from Melbourne were staying in Clunes that night and were, of course, cordially invited. It must have been the last thing that they expected in a small regional town: sitting in a magnificent garden singing the ‘hills are alive with the sound of music’; nonetheless, they will be coming back next year. I enjoyed every minute of the evening. The costumes, the food, the music and the company were second to none. I do not think you could find such an event anywhere else in Australia, and I am proud to be able to represent such a diverse and talented community. I would like to thank the residents of Clunes for inviting me to Coloma Day. It is a pleasure to be a part of, and I eagerly await what they are planning next year. (*Time expired*)

Kingston Electorate: Southside Christian Centre

Mr RICHARDSON (Kingston) (1.56 p.m.)—I acknowledge the fantastic work that the Southside Christian Centre, which is in my electorate, is achieving within South Australia. Within the southern suburbs of Adelaide, the Labor state government—as in

other electorates—are neglecting the basic infrastructure and maintenance of schools. This is where the Southside Christian Centre, with 600 volunteers, have put their hand up. The volunteers attended at Morphett Vale High School, planting, painting, replanting, revegetating, putting in lawns and new infrastructure for the entire school. These Christian based volunteers did a fantastic job to make the school an area of which the students can feel so proud. In fact, 35 more young people are entrants to the school, thanks to a basic belief in themselves and how the school then looked. I want to congratulate the school, the principal and, more importantly, Southside Christian Centre on a job very well done.

Rankin Electorate: John Paul College

Dr EMERSON (Rankin) (1.57 p.m.)—On 4 February I attended an induction ceremony of leaders of John Paul College. As usual, hundreds of students and parents turned out for the evening. This school has around 2,600 students. I want to congratulate the 2005 school captains, Ben Alexander, who was also a captain last year, and Jane Armitstead; the vice-captains of the senior school, Trent Dellit and Bayleigh Vedelago; the middle school vice-captains, Lawrence Du and Stacey Lu; the senior primary school vice-captains, Marko Milosevic and Amanda Keating; the junior primary school vice-captains, Michael Kaponay and Pasepa Vaurasi; and the early learning vice-captains, Sa Asiata and Krystel Aiga-Phillips. The house captains appointed that night were: Burke, James Kemp and Melinda MacNamara; Doulin, Michael Willis and Georgina Robins; Enright, Jordan Macleod and Samantha Dawson; and Gilmour, Shaun Hampson and Courtney Walker. I also want to pay tribute to the Principal of John Paul College, Stephen Paul, and his professional and dedicated staff. This is a rapidly growing college. It makes an enormous contribution

to our local community of Rankin. It is a credit to all of those staff—and by implication to all of the students who attend this college—that they do such a fantastic job in educating these young people and contributing to our wider community.

Canberra Electorate: Adam McKay

Ms ANNETTE ELLIS (Canberra) (1.58 p.m.)—On 15 January 2003 young Adam McKay was hit by a car on the Tuggeranong Parkway whilst travelling to work on his push-bike. He sustained extensive injuries including a severe closed head injury. After much time in rehabilitation in neurology wards, while undergoing an enormous recovery process, young Adam decided that, as part of his rehabilitation, he would write a recipe book which outlines the easiest way for a person in his position to be able to cook and look after himself. I had the absolute privilege of launching his book, *A Cooking Road to Recovery*, recently. It is from people like young Adam that we can actually learn that whatever we set our minds to we can achieve. He has achieved a great deal. He now lives independently and has produced a publication which I believe can be used not only by people in recovery but also by people with a disability, the frail aged and others. I think we should all join together in saluting the efforts of a young man called Adam McKay.

The SPEAKER—Order! It being 2.00 pm, in accordance with standing order 43 the time for members' statements has concluded.

QUESTIONS WITHOUT NOTICE

Ms Cornelia Rau

Mr BEAZLEY (2.00 p.m.)—My question is to the Prime Minister. Has the Prime Minister seen the statement of the Treasurer, who, in acknowledging that the system failed Cornelia Rau, said yesterday:

I am sorry that it happened. I think the Government is sorry that it happened.

Does the Prime Minister agree with this statement, and will he now make his own apology?

Mr HOWARD—Yes, I have seen the statement. Let me say this to the House: there is immense sympathy in the community and in the ranks of the government regarding Ms Rau. That sympathy and that compassion has been expressed in different ways by various members of the government, including the minister, myself and the Treasurer. It is the government's view that the appropriate time to consider an apology is after we have Mr Palmer's report.

Mr Mamdouh Habib

Dr SOUTHCOTT (2.01 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister confirm for the House that Mamdouh Habib's passport has been cancelled? On what basis has his passport been cancelled?

Mr DOWNER—I thank the honourable member for Boothby for his question and for his interest. I can confirm that on 25 January I directed that Mr Habib's passport be cancelled and instructed that a replacement passport should not be issued to him. Under the Passports Act, the Minister for Foreign Affairs has the general authority to cancel an Australian passport. Section 8 of the act sets out specific circumstances that would justify cancellation of a passport, including where a person to whom a passport has been issued was likely to engage in conduct that might prejudice the security of Australia or a foreign country.

The decision I took was based on an adverse ASIO security assessment of Mr Habib and ASIO's recommendation that I cancel the passport. I think it was a wise thing for me to act on the information I had been provided by ASIO. Over the last 12 months, under this authority I have cancelled 16 passports on the basis of adverse security

assessments by ASIO. Of course, it is the right of any citizen, if their passport has been cancelled, to appeal my decision to the Administrative Appeals Tribunal, but let me just say this: I do not take the decision to cancel passports lightly. I value highly the right of all Australian citizens to freedom of movement but, when faced with a recommendation from ASIO that Mr Habib's travel overseas would represent a security risk, this was the only responsible action for me to take. I might add—

Mr Kerr—Mr Speaker, I rise on a point of order. I inquire of you whether this may be the subject of a sub judice ruling. I understand the decision and the consequent removal of Mr Habib's passport is currently before the security division of the AAT. Normally such matters would not be canvassed in the House, but I raise this with you because, obviously, the matters that are raised refer directly to the merits or otherwise of what is before the tribunal.

The SPEAKER—I hear what the member for Denison says, and I am sure that the Minister for Foreign Affairs would be mindful of that point. I would ask, if he has anything further to add to his question, that he be mindful of that point.

Mr DOWNER—I am indeed mindful of that point. Just for the information of the House, the opposition have been briefed on the reasons for the cancellation of Mr Habib's passport.

Mr Mamdouh Habib

Mr BEAZLEY (2.04 p.m.)—That is correct—we have. My question is also to the Minister for Foreign Affairs. When did claims that Mamdouh Habib had been tortured first come to the attention of the government, and what action did the government take to check those claims?

Mr DOWNER—I would have to check the exact date when those claims first came

to the government. I am happy to do that. But, obviously, I do recall—if memory serves me correctly—that on one occasion Mr Habib himself complained to our consular officers about having been mistreated, and that was in Guantanamo Bay. I make this point: of course the Australian government would always follow up claims of Australian citizens being abused. In the case of Mr Habib, we asked the United States administration to establish an investigation into claims that he had been abused. Whether they were by him personally or by his lawyer, I do not immediately recall but, as a result of claims by both Hicks and Habib of having been abused, we asked the Americans to establish an inquiry. The Americans established an inquiry by the Department of Defense and found that, at least in Guantanamo Bay, they had not been abused. Nevertheless, the Americans established a further inquiry to look into allegations that they might have been abused at some point in American custody. That inquiry is not yet complete, although a preliminary assessment has been produced which suggests that neither Hicks nor Habib was abused in American custody. I qualify those remarks by saying we are still awaiting their final report.

Xstrata: Proposed Investment in Australia

Mr WAKELIN (2.06 p.m.)—My question is addressed to the Treasurer. Would the Treasurer outline to the House the government decision on an application by Xstrata under the Foreign Acquisitions and Takeovers Act in relation to Western Mining Corporation?

Mr COSTELLO—I thank the honourable member for Grey for his question. I acknowledge his interest in this issue as the member representing Olympic Dam, that wonderful area of resources in Australia.

On Friday the government announced that, subject to Xstrata complying with a

number of conditions, it would take no objection to its proposed acquisition offer made to shareholders of Western Mining. The conditions that the corporation will be required to comply with relate to the mining and export of uranium from Australia; the headquarters and executive boards of various divisions of the company; exploration requirements and disclosure requirements; and consultations on terms of marketing arrangements, which Xstrata may enter into with third parties. In addition, the government received some other assurances from the chief executive of Xstrata.

Let me make it clear that this means that Western Mining shareholders will have the right to determine their own attitude to this offer. It is not the government's position to sell those shares. The shareholders have a property right. It is up to them as to whether or not they wish to sell their shares. All that has happened is that the government has, subject to those conditions, left the shareholders the freedom to deal with their own property.

Let me also make it clear that the government has very, very rigorous controls in place in relation to the mining, transportation, export and sale of uranium in this country. Permits need to be granted to mine uranium. Environmental permits must be granted in order to hold or transport it. In order to take it out of the country, an export permit is required from the federal government. In order to sell it to a foreign country, it has to be approved, and the federal government must enter into an agreement with that foreign country. The contracts to sell must be provided to the Department of Industry, Tourism and Resources. If any of those matters are struck down then the mining and sale of uranium will not go ahead.

These controls would stay in place whether the owner was Western Mining or

Xstrata, and they give the government full ability to control the exploitation, transportation, export and sale of any uranium from Australia. As I said, the government believes that putting these conditions in place ensures that this precious resource will be protected.

I also indicate that there has been some criticism, in particular from the Democrats and the Greens, that this may lead to further mining of uranium. From the government's point of view, the further exploitation and sale of that uranium in accordance with our controls would be a good thing for Australia. It would actually be a good thing; it would boost our exports. The government would be far more concerned if the resource were underdeveloped than if it were developed. A threat that it might actually be developed was no part of our thinking in relation to this. Given all of those matters, this matter will go to the shareholders and the shareholders will determine the outcome of the current bid.

Mr Mamdouh Habib

Ms ROXON (2.10 p.m.)—My question is to the Attorney-General. Will the government confirm that it condemns the use of torture in all circumstances? Does it acknowledge that the obtaining of a confession or other evidence by torture taints that evidence? Can the government advise whether the possibility that Mr Habib has been tortured was a factor in the decision of the United States not to prosecute him, and doesn't it compromise any future proceedings in Australia?

Mr RUDDOCK—I thank the member for Gellibrand for her question. Firstly, let me make it very clear that the government condemns torture. We do not condone it in any way whatsoever. We believe that, were material obtained by way of torture, its use for any other purpose, particularly in the justice system, would be compromised. The way in which it can be compromised varies from

jurisdiction to jurisdiction. But, in Australia, if evidence were obtained by torture, it would be tainted and be unable to be used in any proceedings. In some other jurisdictions its probative value—that is, its usefulness—if brought into question is obviously a factor that people have to have in mind. In other words, it is highly unlikely that any evidence obtained by torture would be seen as having sufficient probative value to be useful.

The reason that the United States determined not to proceed with any prosecution before a military commission is not known to me. All I know is that we were advised early this year that the United States did not intend to prosecute Mr Habib before the military commission, and for that reason we sought his return to Australia. We had always made it clear that, if they were not intending to prosecute an Australian, the Australian should be returned.

Finally, on the evidence available to us—and this matter has been very closely examined—Mr Habib would not be able to be prosecuted for any offence under our laws in relation to conduct that occurred before 2002. The honourable member would be aware that, because of amendments to our Criminal Code introducing a range of terrorist offences, the matters that I have adverted to—that is, information that suggests that Mr Habib was in Afghanistan and advice from third parties, who were in both Pakistan and Afghanistan and who trained with Lashkar-e-Taiba and Al-Qaeda, that Mr Habib was there at the same time—were matters of very considerable concern to us. But, because all of that relates to the period before July 2002, advice given to us is that he could not be prosecuted in Australia. If other evidence came to light, leading to suggest that offences had been committed that are offences under our law, we would obviously pursue that.

Iraq

Mrs BRONWYN BISHOP (2.14 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on developments in Iraq following the 30 January elections?

Mr DOWNER—First can I thank the honourable member for Mackellar for her question. I know that she, as much as any member of this House, is a great champion of freedom, including in Iraq.

Opposition members interjecting—

Mr DOWNER—I know freedom is just a bit of a joke for the Labor Party. Socialists do not much like freedom. I remember you lot when you were students—the Socialist Alliance and all that stuff. We remember.

Opposition members interjecting—

Mr DOWNER—Yes, and he saw the light and changed! The trouble is you have not changed.

The SPEAKER—Order! The Minister for Foreign Affairs has the call.

Mr DOWNER—The Iraq Electoral Commission announced the provisional results of the Iraqi election overnight. Around 60 per cent of people—that is around 8½ million Iraqis—voted in the elections. We now know that the mainly Shia grouping, the United Iraqi Alliance, gained 48 per cent of the vote, the Kurdish alliance took 26 per cent and interim Prime Minister Allawi's Iraqi List gained 14 per cent of the vote. Other groups are likely to be represented in the transitional national assembly: some of the Sunni groups, a Turkmen party, a Labor alliance, a group of Assyrian Christians and even some communists.

The results, of course, are provisional until the completion of the complaints period, but the great winners from these elections are the Iraqi people. They are the great winners. It is an enormous step for Iraq after 50 years

to be able to have an election and for the ordinary people of Iraq to be able to go out and vote. And the fact that they did so in the teeth of so much intimidation and violence is, I think, a remarkable thing. The Shia and the Kurdish representatives have wisely acknowledged the need to reach out to others, in particular the Sunnis, in the process of forming a government. We would very much encourage them to do so, because it is important that the mechanics of democracy work. The election, as I have said, was an enormous achievement, but the rights of minorities in all democracies need to be appropriately represented.

All I can say is that these results underscore the fact that now is the time to fully support and underpin this emerging democracy. This is not the time to give up. It is not the time to cut and run. It is the time to show our faith in what we believe in—democracy and freedom—and apply those principles to Iraq.

Iraq

Mr RUDD (2.17 p.m.)—My question is to the Prime Minister. I refer to reports today that a former Defence Intelligence Organisation officer has said publicly that he was involved in interrogating Iraqi prisoners at Camp Cropper prison in Baghdad. I also refer to the Prime Minister's statement on 28 May 2004 on Neil Mitchell's radio program:

We didn't have anybody in our custody. We were not involved in any interrogations. We did not witness any interrogations.

Prime Minister, do you still stand by your 28 May 2004 statement on this matter?

Mr HOWARD—I thank the member for Griffith for the question. There have been reports about what Mr Barton is likely to say on the *Four Corners* program tonight. I think what I will do is wait and see what he does precisely say and then I will be very happy to respond to any questions that I am asked, as

will the foreign minister. I have absolutely no reason to doubt the basis on which I made that statement.

Telstra: Lifeline

Mr HENRY (2.19 p.m.)—My question is addressed to the Prime Minister. Has the Prime Minister's attention been drawn to the reports that Telstra is considering cutting its funding to Lifeline? What is the government's response?

Mr HOWARD—I thank the member for Hasluck for that question. My attention has been drawn to those reports and I was very concerned to read them. I hope that Telstra responds to a suggestion from the government that it might reconsider its position. There are many worthy causes in our nation, but a particularly worthy cause is Lifeline. It is a great organisation that was established more than 40 years ago by the late Reverend Sir Alan Walker. I think the technique of providing telephone counselling for people who are feeling disturbed or depressed was a world's first. It has not only spread throughout Australia but it has spread around the world.

I do not speak as a leader of a government that has been an idle bystander on this issue. In the budget last year, the government provided \$10 million to assist with the refurbishment and the upgrade of Lifeline's telephone and computer systems. At the same time, we provided \$2 million to the Kids Help Line, run by the De La Salle Brothers, to allow that service to recruit and train more volunteers and maintain infrastructure. Prior to that budget announcement, the government had provided over \$7 million in other grants to support the work of Lifeline.

I have no doubt that Lifeline over the years has saved countless thousands of lives through the counselling that it has provided. I do hope that Telstra, which is experiencing very good times—I might say it is something

of a tick to its retiring chief executive, Mr Switkowski—might take pause and reconsider its decision.

Education: University Funding

Ms MACKLIN (2.21 p.m.)—My question is to the Minister for Education, Science and Training. Is the minister aware that the University of Newcastle has today announced a deficit of \$28 million that will result in hundreds of job losses and possible course closures? Isn't it a fact that the Howard government has known about the university's alarming financial position for five years but has still triggered this crisis by demanding the repayment of \$13 million and excluding the university from desperately needed regional funding? Will the minister immediately stop demanding the repayment, provide the regional funding, and take action to prevent job losses as a matter of urgency?

Dr NELSON—I will give the current Deputy Leader of the Opposition the benefit of the doubt in terms of her ignorance of university funding. The first thing is that the University of Newcastle has \$755 million in assets. It currently has no borrowings at all. Over the last four years it has had, respectively, a \$13.8 million, a \$5.6 million, a \$3.8 million and a \$3.8 million deficit which it has posted. It currently has \$62 million in cash and liquid assets. The university as a consequence of this government's reforms—which the Labor Party opposed, the House should be reminded—receives an additional \$16 million, in addition to its total \$270 million a year in revenue, over the next three years. Whilst the university actually had 7½ per cent of all of the university places in New South Wales, it received 13½ per cent of the new allocations of places, which is 1,266.

Inherent in the question asked by the Deputy Leader of the Opposition is ignorance of the financial management act, which

actually requires the universities not to report in one calendar year as revenue that which is intended for the following year. So of the \$28 million which has been posted in terms of a deficit, \$13 million actually relates to the fact that it can no longer report as 2004 revenue that which is delivered for and intended for 2005. The House ought to be aware that \$8 million of the remaining \$15 million in deficit relates to the fact that the university has not made provision for its ongoing liabilities.

I would also say to the Labor Party: when an institution has a problem managing its resources it might actually relate to the way in which the university is being governed and administered. The solution to the problems that face Australian higher education is not simply to reach into the pockets of the everyday working Australian and say, 'Gimme more!' The reality is that the new vice chancellor, Professor Nick Saunders, at Newcastle university is a man who will turn that institution around. The problems that face Newcastle university relate in every possible way to the crippling way in which that university and others are being administered across Australia. I look forward to support from the opposition in reforming Australia's university governance arrangements.

Medicare: Bulk-Billing

Mr BROADBENT (2.25 p.m.)—My question is to the Minister for Health and Ageing. Will the minister update the House on how the government's investment in Medicare has boosted bulk-billing and reduced the cost of health cover?

Mr ABBOTT—I do thank the member for his question and I can inform him and other members that the Howard government's extra investment in Medicare is delivering more affordable health services to the people of Australia. On 1 February last year the government introduced a \$5 bulk-

billing incentive payment for concession card holders and children under 16. Subsequently, this was increased to \$7.50 in rural areas and many outer metropolitan areas. I can inform the House that in the December quarter the national GP bulk-billing rate was 72.4 per cent. This is a 5.9 per cent increase over 12 months. I am sure that the questioner will be pleased to know that in McMillan the GP bulk-billing rate has increased over 12 months from 53 per cent to 68 per cent thanks to the policies of the Howard government.

Also in the December quarter the GP bulk-billing rate for people over 65 was 82.7 per cent, an 8.7 per cent increase over the last 12 months. Bulk-billing is important and it should be widely available. But it is unrealistic to expect everyone to be bulk-billed for everything all the time. Thanks to the policies of the Howard government I can report that the average copayment for GP patients not bulk-billed has fallen in the December quarter by 3.6 per cent. All of this demonstrates that our great Medicare system is in safe hands with the Howard government.

Veterans: Entitlements

Mr ANDREN (2.27 p.m.)—My question is to the Minister for Veterans' Affairs. Given the new evidence from eminent British epidemiologist Professor Richard Doll that cancers other than lung cancer, especially rectal cancer, are linked to smoking, is there any need to further review the eligibility for war widows pension of women denied this pension even though their veteran partner died from cancers apart from lung cancer?

Mrs DE-ANNE KELLY—I thank the member for his question. As he would be aware, under the Repatriation Medical Authority there are statements of principles. These are transparent, scientific medical statements which relate all diseases to their

causal link. This is not subject to any outside political decision making; it is a totally separate process. It has been respected by the veteran community and, might I add, it was introduced by the Labor Party under the minister at the time, Mr Sciacca. We respect the statement of principles and the Repatriation Medical Authority and the way in which they assess whether a veteran has died as a result of service related injuries or causes, or whether that is not the case. That is a system that is widely respected. It was introduced by the Labor Party and is regarded very highly by the ex-service organisations. It is certainly one that we have regard for, as we do for all aspects of our veterans and war widows entitlements.

Trade: Japan

Mr CAUSLEY (2.29 p.m.)—My question is directed to the Minister for Trade. Would the minister update the House on developments in Australia's trade relationship with our largest export market, Japan?

Mr VAILE—I thank the member for Page for his question. All members of the House would be well aware that Japan is our largest export market. In the latest figures, exports worth \$23.1 billion went from Australia to Japan. Interestingly, that has risen from \$19 billion in 1996 to where it stands today. In 2004 Australia supplied 91 per cent of the beef that was imported into Japan from across the world—an amazing feat. I know that the member for Page and his electorate on the north coast of New South Wales have made an important contribution to that effort.

The relationship between Australia and Japan is a very historic one going back to the fifties when Black Jack McEwen signed the commerce agreement with Japan in 1957. In 2003 the relationship was enhanced further when Prime Minister Howard and Prime Minister Koizumi signed a trade and economic framework. That laid down a new set

of guidelines in terms of the way trade is done between the two countries. Today almost 80 per cent of Australian exports to Japan enter duty free and 87 per cent have duties of less than 10 per cent.

We have certainly been encouraged by the support of enhancing the relationship through organisations and arrangements like the Australia-Japan conference. The third conference was held in Melbourne at the end of last week between Australia and Japan, with representatives of the Australian business community and representatives from all sides of politics. Interestingly, the joint communique that came out of that conference on Friday and over the weekend has called for a feasibility study into an Australia-Japan free trade agreement. I quote from the communique which states: 'Sensitive sectors are perceived as a challenge on the Japanese side in particular, but there is momentum in Japan in reform and a demonstrated willingness to include such sectors in ongoing FTA negotiations in order to achieve economy-wide benefits.'

There has been a bit of commentary over the weekend, but we would argue that an FTA is not unrealistic and could bring significant economic benefits by strengthening links with the second largest economy in the world. One thing that the opposition needs to understand is that we in Australia do have an ability to negotiate both inside the WTO and outside bilaterally at the same time. We have proven that we have been able to successfully do that. As our ties continue to develop and strengthen with others in the Asia-Pacific region, we have to maintain an ambitious stance with Japan and continue to be prepared, as always, to improve and strengthen the relationship with our major export market.

Fuel: Biofuels

Mr MELHAM (2.32 p.m.)—My question is to the Minister for Industry, Tourism and Resources. Can the minister confirm that Invest Australia applied a risk based assessment process when considering applications for funding through the Biofuels Capital Grants scheme? Can the minister confirm that every application was considered against six key criteria, which included the strength of the business model, available markets for product and the availability of feedstock? Can the minister also confirm that an application from Primary Energy Pty Ltd failed each of these tests and it was ranked low on the list of the 23 projects assessed under the program?

Mr IAN MACFARLANE—I can confirm that there was a set of criteria associated with the Biofuels Capital Grants scheme. I am happy to provide the House with a written copy of those criteria. Due to reasons of commercial-in-confidence I am not able to disclose whether or not Primary Energy applied for a grant under the Biofuels Capital Grants scheme.

Indigenous Affairs: Employment

Mr HAASE (2.34 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House of the government's actions to boost employment for Indigenous peoples?

Mr ANDREWS—I thank the member for Kalgoorlie for his question and acknowledge his ongoing concern to improve the job prospects of Indigenous people, particularly in the electorate of Kalgoorlie, which covers so much of Western Australia. At the centre of the government's programs for Indigenous employment is the CDEP, the Community Development Employment Program, which involves some 240 Indigenous organisations and provides over 37,000 participant places.

Over the past six or seven months, since this program was moved into my portfolio, my department has been undertaking a comprehensive program of face-to-face consultations with Indigenous communities to consider improvements to the CDEP. A number of Indigenous communities during the course of this consultation have expressed a view that they could be getting better results from the CDEP. The result is that the government have listened to these concerns and we plan to implement some changes to the program in 2005-06. These changes are focused on building stronger links between CDEP activities and local community needs and also building closer links between the CDEP and other employment and business services.

In this context may I briefly refer to an article that appeared on the front page of the *Australian* today suggesting in part that the government would be taking away job opportunities from CDEP participants by shifting responsibility for certain programs to other government instrumentalities. I assure the House that the government are committed to maintaining our funding for CDEP work of this kind. It is valuable work; it has clear benefit to local communities. In fact, it is an essential source of work for so many people in Indigenous communities. We are committed to maintaining and improving CDEP work for Indigenous Australians but we will not be putting jobs at risk.

Fuel: Biofuels

Mr KELVIN THOMSON (2.36 p.m.)—My question is to the Deputy Prime Minister. Can the minister confirm that the assessment of applications for funding through the Biofuels Capital Grants scheme by Invest Australia was considered by an interdepartmental committee? Was the minister's Department of Transport and Regional Services represented on that committee and did that committee unanimously agree with the Invest

Australia analysis that the Primary Energy Pty Ltd application was unworthy of funding? Did the Deputy Prime Minister then sign off on the Invest Australia recommendations that placed Primary Energy Pty Ltd very low on the list of applicants for grants?

Mr ANDERSON—I thank the honourable member for his question. Plainly we have had signalled to us, loudly and clearly, that this matter that has been canvassed in the House at some length would be pursued here, so I am glad of the opportunity to make some comments. I would begin by saying that the criteria for Invest Australia to consider went to a number of matters, but they did not include structural adjustment and, for that matter, regional development, and the successful—

Opposition members interjecting—

Mr ANDERSON—Well, you asked about criteria; I can confirm that much. I can tell you something else, and that is this: the Gunnedah project is a very major proposal, and the proponents have been quite open in acknowledging that they have taken and are taking a considerable amount of time to arrange offset agreements—in other words, purchasing agreements. In no small part that is thanks to the scare campaign that the Labor Party have mounted in this place, where they have continually charged, and never retracted in the face of the evidence, that motorists in Sydney had their engines damaged by the use of ethanol in their fuel. The member for Fraser has never apologised for that claim. He nods his head; he still will not.

I want to make a couple of points about this before we go any further. I understand full well that it is the Leader of the Opposition's job to pursue these sorts of matters. There is more than a whiff of hypocrisy about it all. It is very much: 'These grants are all terrible, they are all shocking, they are rotten to the core,' they are this, they are that,

they are the other—unless they happen to be in Brand, when you support them very strongly, including in written support to me. But I want to come to the matter of Primary Energy's Gunnedah biorefinery.

Opposition members interjecting—

Mr ANDERSON—They are apparently not interested in getting to the heart of the issue. Just before I came in here a letter was sent through to Mr Beazley, with a copy forwarded to my office. It is written by Ian Kiernan AO, the Chairman of Primary Energy and also of Clean Up Australia. He said:

... I wish to express my concerns in writing over the proposed handling of our project scheduled for today's sitting of Parliament.

This is a Renewable Energy project pieced together by country Australians for the benefit of the Regional community in Australia at large. It has taken in excess of 3 years of hard work and considerable expense to bring the project to this final stage in the planning process ...

Opposition members interjecting—

Mr ANDERSON—If you are going to drag people's names through the dirt, you might at least hear from those people. I say that to the Leader of the Opposition. It is obvious that every time you raise this without getting to the bottom of the facts—

Mr Beazley—Mr Speaker, I rise on a point of order that goes to relevance. We have not raised any name in this place other than the Deputy Prime Minister's.

The SPEAKER—There is no point of order, but I would remind the Deputy Prime Minister that he should refer to people by the name of their seat or their title, not as 'you'.

Mr ANDERSON—The Leader of the Opposition's proposition is patently absurd. He is going to drag everyone he can through the mud on this. He does not mind about the cost. He never sends anyone from that side out to rural and regional Australia to understand the pressures that are faced out there.

Mr Gavan O'Connor—That's nonsense.

Mr ANDERSON—Who are they? Where are they? Who has been to the Namoi Valley to have a look at it? I will tell you who has, to his great credit: your New South Wales minister Craig Knowles has been out there. He knows how serious it is. But let me finish:

It is taken in excess of 3 years of hard work and considerable expense to bring the project to the final stage in the planning process that should see Primary Energy breaking ground in the next 6-7 months—

this major project is scheduled to go ahead—

The availability of the ... funding came to the project at a crucial time when support was drastically needed to meet the high expenditure involved to bring the project to Financial Closure in the Gunnedah region. With the availability of this funding Primary Energy have been able to make strong commercial progress, that otherwise would have proved difficult.

Ms Gillard—Did you sign off that they were low on the list? That was the question.

Mr ANDERSON—So you do not want to hear from Ian Kiernan? He says:

Remember this is a project being prepared by ordinary country Australians not Multi-nationals with deep pockets.

And here is the critical bit—

Mr Albanese—Why did you sign off?

Mr ANDERSON—He has every right to be a critic—that is his job—but why doesn't he seek to be an informed critic? This is the point that Ian Kiernan now comes to in his letter to the Leader of the Opposition:

We would ask you prior to further misunderstandings developing to accept an invitation to visit Gunnedah and meet with myself, Primary Energy and the Gunnedah Shire Council and see just how important this project is to the region, and to understand the affects to our region of the ground-water cutbacks and the devastating Socio-economic affects this will have on the region.

He says this project offers:

- Project Capital expenditure \$100m
- Annual Operations expenditure \$81m
- Expansion of the local economic base \$170m
- Generation of an additional \$30m in household income per year
- Farmer sustainability, Additional grain markets
- \$47m Export Income
- \$88m Domestic Revenue
- 40 permanent employment positions
- 500 construction positions
- 350 permanent regional employment positions ...

And the letter goes on. So I say this to the Leader of the Opposition: there is nothing I would like more than for the Leader of the Opposition, with his environment spokesman and anyone he wants to bring from the gallery, to come up and find out about this first hand so that he knows what he is talking about.

Employment: Job Network

Miss JACKIE KELLY (2.44 p.m.)—My question is to the Minister for Workforce Participation. Can the minister tell us how the Job Network is continuing to help unemployed Australians, particularly in areas of low employment such as my electorate of Lindsay?

Mr DUTTON—I thank the honourable member for her question. Her electorate is a great demonstration of the way this government has been able to reduce unemployment in this country. It is no surprise to members in this House that, since 1996, in Jackie Kelly's electorate the unemployment rate has fallen from 7.3 per cent to 5.1 per cent, which is a demonstration of the way that the member for Lindsay is working hard on the ground in her own electorate.

Earlier I was able to announce the outcomes of the latest round of star ratings, which give a good indication of the way Job Network members across the nation are performing. It is an incredible success story in so many regions. I take the opportunity to congratulate each of the Job Network members who have contributed to life changes for many Australians who have been able to find and remain in employment. This government is very proud of the fact that over the last 12 months we have been able to place 169,000 long-term unemployed people, an increase of 100 per cent on the previous 12 months. It is no surprise that this government's employment policy has also resulted in about 630,000 job placements in 2004, a 51 per cent increase. This government remains committed to the employment policies we have in place. The unemployment rate stands in stark contrast to the 10.9 per cent unemployment rate when the Leader of the Opposition was employment services minister. We remain committed to helping Australians who are able to work to find a job.

Regional Services: Program Funding

Mr KELVIN THOMSON (2.46 p.m.)—My question is to the Minister for Local Government, Territories and Roads. Can the minister explain why he declared the Primary Energy Pty Ltd proposal an important national project and granted it \$1.2 million in Regional Partnerships funding when his senior minister had just agreed that it had failed the business model and was rated very low on a list of 23 biofuel projects assessed through the Department of Industry, Tourism and Resources? Has the minister noted a report in yesterday's media that the Deputy Prime Minister had lobbied the former territories minister, Senator Ian Campbell, in support of this project? Was the minister also lobbied by Minister Anderson in support of this project?

Mr LLOYD—I welcome the question from the shadow minister. Obviously, the shadow minister was not paying attention in December when at the dispatch box I answered three questions in a row from the then Leader of the Opposition in relation to this project. I answered very comprehensively, detailing the exact process through which Primary Energy was approved. This project, as detailed by the Deputy Prime Minister, is an important project for rural Australia.

Mr Crean interjecting—

The SPEAKER—The member for Hotham is warned!

Mr LLOYD—It will provide something like a \$170 million expansion to the economy, 50 permanent jobs and more than 500 jobs during the construction period. It was recommended by the New England ACC and the Namoi Valley structural package committee, and it met the strategic opportunity guidelines and the Namoi Valley Structural Adjustment Package guidelines. At all times, the guidelines were followed, and I was pleased to approve that project.

Whilst I am on my feet talking about Regional Partnerships, I have to say that the hypocrisy in this whole issue has been absolutely breathtaking. The Leader of the Opposition has made a sustained attack on the government and on me—a failed attack—and has made some very serious allegations about my propriety. I would like to take the time to detail some of the Regional Partnerships projects approved in the electorate of Lingiari in 2004.

Ms Gillard—I rise on a point of order. The matters the minister is going to now are not within the ambit of the question asked. If he wants to add to an answer, he can do that after question time.

The SPEAKER—At this stage, I believe the minister will link it back to his answer, but if he does not I will deal with him.

Mr LLOYD—Obviously, the opposition are not interested in Regional Partnerships. Regional Partnerships is a program that delivers real benefits to real communities throughout Australia. It is a program I am proud of and fully support.

Health and Ageing: Aged Care

Mr BALDWIN (2.48 p.m.)—My question is addressed to the Minister for Ageing. Would the minister outline to the House how the government is implementing the \$2.2 billion budget investment in aged care?

Ms JULIE BISHOP—I thank the member for Paterson for his question. I know the understanding he has of aged care in his electorate from my numerous visits to his electorate over the last few months. I am pleased to report that 22 of the 31 measures contained in the government's \$2.2 billion aged care package have been finalised and implemented in full. We are continuing to consult widely with the aged care sector, residents and families to ensure that the remaining nine measures can be implemented shortly. The budget measures mean that the amount invested in aged care by this government since it came to office in 1996 will be over \$67 billion by 2008.

There are two key initiatives which will come into effect from 1 July, including the Transition Care Program, which encompasses 2,000 new transition care places for older Australians who have been in hospital and who are seeking time before returning to residential care or back home to the community. These places will ensure that older Australians receive appropriate care in appropriate settings. The program will better integrate hospital and aged care services and will ensure that older Australians receive extra

rehabilitation and support after a stay in hospital.

The second key initiative is the transfer of assets testing. Under the previous arrangements, providers assessed the assets of residents or prospective residents for entry into residential care. This process will now be transferred to Centrelink and, in the case of veterans, the Department of Veterans' Affairs. This will ensure continuity, accuracy and consistency in the assessment of aged care residents' assets.

These two initiatives add to the many initiatives that arose from the government's \$2.2 billion response to the Hogan review, which included the conditional adjustment payment, an extra \$877 million for payment to aged care providers; the \$513 million one-off capital payment that was made to aged care providers for fire and safety requirements; the viability supplement; an extra \$13 million over four years to rural and regional providers; and, importantly, the \$101 million package for aged care workforce training to ensure that we can attract and retain good, professional, dedicated aged care staff. This government is putting in place policies and resources to ensure that we have a sustainable, viable aged care sector to meet the needs of our ageing population.

Small Business: Ballarat Small Business Incubator

Mr BURKE (2.53 p.m.)—My question is to the Minister for Small Business and Tourism. Is the minister aware that between 1998 and 2003 the Central Highlands Area Consultative Committee successfully applied for \$498,000 for the Ballarat small business incubator? Given that the purpose of a small business incubator is to provide an opportunity for cheap rents and mutual reinforcements for small business start-ups, can the minister explain why space inside this Ballarat incubator has been dedicated to Senator

Julian McGauran? Isn't this a clear abuse of public funds, which should be used to help small business instead of providing extra resources for the National Party?

FRAN BAILEY—The answer to the member for Watson is: no, I am not aware of that and I will investigate it.

Agriculture: Citrus Industry

Mr BRUCE SCOTT (2.54 p.m.)—My question is to the Minister for Agriculture, Fisheries and Forestry. Would the minister update the House on the Commonwealth government's commitment to the citrus industry? I would be particularly interested in our commitment to the citrus growers in the Emerald Shire.

Mr TRUSS—The outbreak of citrus canker on two properties in the Emerald area has had a very serious impact on the community of Emerald. While they are a relatively small number of growers they are large scale producers and employ a very large number of people. The fact that they have been unable to sell their product in other parts of Australia or in other countries that are citrus canker free has certainly had a very serious economic effect on the people of that region. I would like to commend the member for Maranoa for the diligent way in which he has represented the concerns of that region to ensure that an eradication program has been put in place so that as quickly as possible the production in that region can return to normal, and also for the way in which he has effectively lobbied for assistance for the producers in that area through these difficult times.

Last week the federal government announced a package of assistance measures to these producers and other citrus producers in Queensland who are facing the effects of the citrus canker outbreak or the impact of the measures put in place to prevent its spread. There will be grants of up to \$100,000 a year

for two years to help farmers with their interest payments. There will be up to 24 months of fortnightly assistance to assist them with meeting the basic needs of their families. We have also indicated a willingness to help support the industry in putting a facilitator in place to help to open up markets, especially for the product coming from the quarantine area.

The eradication of citrus canker in that region is fundamentally the responsibility of the Queensland government and is occurring under their law but it is the citrus producing states and the Commonwealth which are meeting the costs of that operation. The Commonwealth meets over half the costs—currently about \$5½ million. Queensland's share is only about eight per cent of the total cost of the eradication program so it has been disappointing that the Queensland government has been unwilling to provide real, meaningful assistance to the producers in this area. Once again we have a state Labor government walking away from farmers in need, offering them more loans and more debt but no real practical support. It is very disappointing. The people of Emerald expressed that view loudly and clearly at public meetings last week. The federal government is prepared to help to work with the industry to get them through these tough times. Now it is time for the Queensland government to do its share.

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

**QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS**

Fuel: Biofuel

Mr IAN MACFARLANE (Groom—Minister for Industry, Tourism and Resources) (2.57 p.m.)—Mr Speaker, I seek the indulgence of the chair to add to an answer.

The SPEAKER—The minister may proceed.

Mr IAN MACFARLANE—In answer to the member for Banks I undertook to provide this House with a copy of the guidelines relating to the biofuels capital grants program and the assessment criteria. I table that document.

PERSONAL EXPLANATIONS

Mr KERR (Denison) (2.58 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr KERR—Yes, I do.

The SPEAKER—Please proceed.

Mr KERR—On Thursday, 10 February, the Leader of the House referred to comments of mine in the MPI that, 'in a debate such as this we can only hypothesise rather than make direct allegations', as indicating my view that the charges made against the Minister for Local Government Territories and Roads in a later censure motion were unsubstantiated. Plainly, I was referring to the forms of the House and the standing orders that prevent the making of direct allegations during an MPI. Rather than not substantiating, or disagreeing with, the Leader of the Opposition, I agree with him entirely.

**HOUSE OF REPRESENTATIVES:
PUBLIC GALLERY**

Ms GRIERSON (Newcastle) (2.59 p.m.)—Mr Speaker, I wish to ask for your support on a matter. I and several members of this House have raised in the past concerns regarding the ejection of people from the public gallery. I want to say that last week there was an incident in the public gallery that was handled in an exemplary fashion, with a person being warned and without being physically ejected as the first response. Certainly that person stayed through question time and there was no disruption to our business. It seemed to me an exemplary practice

and I would ask you to pass my comments on to our security personnel.

The SPEAKER—I thank the member for Newcastle for her comment, and I will certainly pass that on.

WERRIWA ELECTORATE: ISSUE OF WRIT

The SPEAKER (3.00 p.m.)—I inform the House that today I issued the writ in connection with the by-election for the Division of Werriwa, and that the dates fixed were those announced to the House on Tuesday, 8 February 2005.

LEAVE OF ABSENCE

Mr BEAZLEY (Brand—Leader of the Opposition) (3.00 p.m.)—I move:

That leave of absence from 14 to 17 February 2005 be given Mr Edwards on the ground of ill health.

Question agreed to.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows and copies will be referred to the appropriate ministers:

Immigration: Asylum Seekers

To the Honourable the Speaker and the Members of the House of Representatives in Parliament assembled:

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following motion:

‘That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.’

We, therefore, the individual, undersigned attendees at St Mary Magdalen’s Catholic Church, Chadstone Vic 3148, petition the House of Representatives in support of the above mentioned Motion.

AND we, as in duty bound will ever pray.

by **Ms Burke** (from 18 citizens)

Immigration: Asylum Seekers

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and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.’

We, therefore, the individual, undersigned attendees at Christ Church Anglican Church, Ormond VIC 3204, petition the House of Representatives in support of the above mentioned Motion.

AND we, as in duty bound will ever pray.

by **Mr Robb** (from 24 citizens)

Health: Cancer Treatment

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain citizens of Australia points out to the House that -

1. 1,400 Australians every year are diagnosed with a primary brain tumour, many of which are of the most lethal type called glioblastoma multiforme grade iv;
2. At a major oncology conference held in June in the USA scientists reported the results of a

Phase III trial of 573 patients with this particular tumour in 85 centres throughout Europe, Canada and Australia, which showed remarkable improvements in the two-year survival of patients and better median survival and progression-free survival.

3. The trial involved concomitant use of radiation therapy and the chemotherapy drug temozolomide (Temodar), and continuing use of the drug afterwards, resulting in an increase in the number of patients still alive at two years from 10% to 27%.

Your petitioners therefore pray that the House ask the Health Minister and Government to take urgent and compassionate action to ensure that this new therapy is made available immediately as a subsidised benefit for all newly diagnosed brain tumour patients who have this particular type of tumour.

by **Mr Bartlett** (from 22 citizens)

Medicare: Bulk-Billing

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

This petition of certain citizens of Australia draws to the attention of the House the decline of bulk-billing since the election of the Howard Government and the Howard Government's proposed changes to Medicare which will have the effect of reducing bulk-billing further and increasing doctors' fees for those not bulk-billed.

Your petitioners therefore call on the House to take urgent steps to maintain Medicare as a universal health insurance system for all Australians, to restore bulk-billing and to reject the Howard Government's proposed changes to Medicare.

by **Mr Bevis** (from 24 citizens)

Iraq

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

The Petition of certain citizens of Australia draws to the attention of the House that we, the undersigned wish to voice our opposition to the Prime Minister's decision to commit Australian Troops to a War with Iraq without the support of a further

United Nations Resolution. Your Petitioners therefore pray that the House will resolve accordingly.

by **Mr Billson** (from 219 citizens)

Foreign Affairs: Aid

We, the undersigned, respectfully request the Members of the House of Representatives to note that in the last thirty years Australia's giving to development funding for needy countries has fallen from 0.5% of Gross National Income (GNI) to 0.25% of GNI (Source: DAC Development Corporation Reports 1982-2002).

We further request Members of the House to take action which leads to an increase in Australia's development aid to needy countries with the goal of returning funding to 0.5% of GNI, at least.

by **Ms Burke** (from 230 citizens)

Australia Post: Services

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain citizens of Australia draws to the attention of the House:

- We the citizens of Narre Warren South do not have a post box in the vicinity of the Amberly Park shopping centre.
- This is difficult for residents who are disabled, elderly or unable to organise transport to their nearest post box outside of the Amberly Park shopping centre area.
- Amberly Park shopping centre also has a number of local businesses that utilise the services of post boxes.
- The City of Casey is one of the fastest growing cities in Victoria, and Amberly Park shopping centre is located within this growth corridor. Basic services and infrastructure, such as the provision of this post box, needs to be installed as a matter of priority.

by **Mr Byrne** (from 213 citizens)

Aged Care

The petition of certain citizens of Australia draws to the attention of the House the serious crisis in funding of the Aged Care Sector.

Your petitioners therefore request the House to provide funding to Aged Care that is based on a sector wide benchmark of care.

The benchmark of care must:

- link staffing levels to funding; and
- link to quality outcomes for older people; and
- reflect the real costs of providing quality aged care services.

Your petitioners also call for the introduction of a care subsidy indexation, system that provides funding increases when costs rise.

by **Mr Downer** (from 22 citizens)

Medicare: Bulk-Billing

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain citizens of Australia draws to the attention of the House:

That under proposed changes to Medicare, families earning more than \$32,300 a year will miss out on bulk billing, and doctors will increase their fees for visits that are no longer bulk billed;

That the rate of bulk billing by GPs has plummeted by 11% under John Howard;

That more than 10 million fewer GP visits were bulk billed this year compared to when John Howard came to office;

That the average out-of-pocket cost to see a GP who does not bulk bill has gone up by 55% since 1996 to \$12.78 today;

That public hospitals are now under greater pressure because people are finding it harder to see bulk billing doctors.

We therefore pray that the House takes urgent steps to restore bulk billing by general practitioners and reject John Howard's plan to end universal bulk billing so all Australians have access to the health care they need and deserve.

by **Dr Emerson** (from 221 citizens)

Public Accountability

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

[Terms of the petition are available from the House of Representatives table office]

Your Petitioners therefore pray that the House should:

- establish an appropriate inquiry into the very serious case herein presented involving 2 States of the Commonwealth of Australia, the systemic criminal use of public authority and the perpetrators being public officials including holders of public office.
- make legislative measures that are capable of forcing their consistency upon States and Territories legislation with respect to the accountability of holders of public office, with a view to preventing from recurring the kind of systemic criminal use of public authority involving members of government and members of the judiciary as in the case here presented to the House.
- make and implement measures and safeguards to the crime legislation, empowering it to rein in public officials, holders of public office, be it at State or Federal level, and to ensure that public officials must, like all Australian citizens, obey the law of the land.

by **Mr Laurie Ferguson** (from 2 citizens)

Medicare: Belmont Office

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament.

We the undersigned request that the government re-open a Medicare Office at Belmont as there is no Medicare office between Charlestown and Lake Haven and there has been a drastic decline in the numbers of general practitioners bulkbilling.

The closure of Belmont Medicare Office by the Howard Government has caused great hardship to many local residents particularly the elderly and those with young children.

Your petitioners therefore respectfully request that the House do everything in their power to ensure that Belmont Medicare Office is reopened as a matter of urgency.

by **Ms Hall** (from 52 citizens)

Medicare: Bulk-Billing

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain citizens of Australia draws to the attention of the House:

That the rate of bulk billing by GPs has fallen by over 15% in Shortland Electorate since 2000 and is now in serious decline;

That this year, 7.7 million fewer GP visits were bulk billed than in 1996;

That the average out-of-pocket cost to see a GP who does not bulk bill has gone up by 51% since 1996.

That public hospitals are now under greater pressure because people are finding it harder to see bulk billing doctors.

We therefore pray that the House takes urgent steps to restore bulk billing by general practitioners so that all Australians have access to the health care they need.

by **Ms Hall** (from 52 citizens)

Banking: Unconscionable Conduct

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled:

The petition of the undersigned citizens. Australia draws to the attention of the House the need for a joint Select Committee of Parliament to investigate and inquire into banking industry to ascertain whether the banks have been guilty of unconscionable conduct in respect to the following matters:

- (1) Simultaneous settings of the same interest rates by the banks.
- (2) The size of the margins between lending and borrowing rates charged by the banks,
- (3) The banks writing off legal fees against assessable income.
- (4) The associations between members of the judiciary and the banking industry.
- (5) The banks' onslaught and devastation caused in rural Australia.
- (6) Banks' overseas loans fracas.

(7) The banks' paying tax and compliance with ATO provisions.

(8) Community interests and banking closures.

(9) Take over bids, franchise and loss of jobs.

(10) Cross-collateral, joint ventures, shared assets and collusion between banks.

(11) Banks' tax write-off of client debts while simultaneously suing clients for the total debt without deduction of tax benefits.

(12) Banks' high cost of litigation recouped from borrowers.

(13) The link of the banking industry and the Banking Ombudsman.

(14) The failure of the Banking Code of Practice.

(15) Fairness of banking contracts because of the banks' take it or leave it position.

(16) Interest rate fixing.

(17) Hidden Charges.

(18) Unregulated bank charges.

(19) Excessive Executive salaries, fringe benefits, bonuses etc.

(20) Fractional Reserve Banking.

by **Mr Hunt** (from 612 citizens)

Environment: Pallarenda Park

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain electors of the Division of Herbert draws to the attention of the House the decision of the Australian Communications Authority to enter into a contract to sell a parcel of land adjoining the Pallarenda Environmental Conservation Park.

Your petitioners therefore request the House to ask the Minister for Communications, Information Technology and the Arts to intervene and stop the sale of this important and valued piece of land and ensure that the parcel is given over to the State of Queensland for incorporation into the Pallarenda Environmental Conservation Park.

by **Ms Livermore** (from 2,396 citizens)

Medicare: Rockdale Office

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain citizens of Sydney draws to the attention of the House:

- That the rate of bulk billing by GPs has plummeted by 11% under the Howard Government;
- That one of the first acts of the Howard government was to close the Rockdale Medicare office;
- That customers of the Hurstville Medicare office are reporting waits of up to an hour for service;

We therefore pray that the House takes urgent steps to open a new Medicare office near the St George Hospital so that residents of Barton have access to the health care support they need and deserve.

by **Mr McClelland** (from 5,226 citizens)

Howard Government: Antiviolence Campaign

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

This petition of certain citizens of Australia, condemns the Howard Government for refusing to run the anti-violence campaign, "No Respect, No Relationship" that was designed to educate young people that violence in relationships is wrong and must be stopped.

Your petitioners ask the House to ensure that the Government releases the campaign material that was developed over the last 2 years, at a cost of millions of dollars to taxpayers so that it can be used by others in the community to send a strong message to young people.

Public money paid for the development and production of this campaign and we urge the House to demand its release for public use.

by **Ms Roxon** (from 32 citizens)

Petitions received.

PRIVATE MEMBERS' BUSINESS

Human Rights: Darfur

Mr BAIRD (Cook) (3.03 p.m.)—I move:

That this House:

- (1) notes with concern;
 - (a) the ongoing humanitarian and human rights crisis in the Darfur region of Western Sudan; and
 - (b) the decimation of this area and the south of the country by Janjaweed and the ongoing civil war;
- (2) commends the Government for its:
 - (a) recent commitment to provide a further \$12 million in aid to the region in addition to the \$8 million committed in May and June of this year; and
 - (b) continued support for the establishment of a United Nations intervention in the area to ensure the delivery of aid; and
- (3) urges the United Nations to emphasise to the al-Bashir Government the importance of intervention to the safety of Darfuris and the provision of assistance throughout the country.

I rise today because I am particularly concerned about the humanitarian crisis in the Darfur region of Sudan. The facts in relation to this tragedy are as follows: since February 2003 two rebel groups, the Sudan Liberation Army, SLA, and the Justice and Equality Movement, JEM, and the Sudanese government forces and government-backed ethnic militias known as Janjaweed have committed war crimes and ethnic cleansing in the Darfur region of Sudan. Civilians that share the same ethnicity as the rebel groups have been systematically targeted by these government forces and militias. Hundreds of villages have been wiped out, with killing, looting, raping and the forcible removal of civilians being carried out regularly. To this date, in excess of 70,000 people are believed to have been systematically executed in this crisis.

Systematic human rights abuses have been committed by all parties involved in the conflict, but primarily by the Sudanese government and the government-backed Janjaweed militia. The Sudanese government continues to conduct indiscriminate bombings and other aerial attacks against clearly civilian targets and has failed to make its forces and pro government militias accountable. Over 1.5 million civilians have been internally displaced by the conflict, and 200,000 have sought refuge in neighbouring Chad. Food is scarce and sanitary conditions poor. Refugees continue to be targets of Janjaweed attacks, and the conflict is now spilling over into Chad as the militias make cross-border raids.

The Sudanese government has placed restrictions on access for humanitarian aid agencies. Numerous civilians have been injured or displaced and their property and livelihood destroyed due to the conflict. Because of the limited access to humanitarian aid they are in danger of starvation and illness. Only a portion of the available aid has reached the population in need, and tens of thousands of displaced people are sheltering in rural towns or in the bush, with little food, poor shelter and no medical supplies. Amnesty fears that the onset of the rainy season in late May and the resulting problems of delivering food and medical supplies to civilians may well precipitate a humanitarian disaster affecting hundreds of thousands of people.

To date, all parties continue to violate the 8 April 2004 humanitarian ceasefire agreement. The government in particular has continued to use helicopter gunships in bombing attacks on civilian targets. Fighting and displacement continue, particularly in southern Darfur. The large-scale ground and air attacks on civilian villages by Sudanese government forces and militias that marked the early phases of the conflict have diminished;

however, protection from militias for the civilian population in rural areas and outside the refugee camps remains almost nonexistent. The police in the region are too poorly armed, trained and equipped to defend against the Janjaweed and other groups, and in some cases are themselves hostile to returnees.

The report of the findings of an Amnesty International mission to Sudan stated:

The picture in Darfur is one of distress, denial and disappointment—distress of people whose lives and livelihood have been destroyed, denial of responsibility by the Sudanese government and disappointment at the slow progress to resolve this crisis ...

The visit confirmed Amnesty International's earlier analysis of attacks on villages by government supported militia—in some cases backed by the Sudanese armed forces—killing civilians, looting and burning homes. Amnesty International welcomed the establishment by the UN Security Council of an independent international commission of inquiry, which had been one of its key recommendations for some months, to investigate war crimes and crimes against humanity and to establish whether genocide has taken place.

I commend the Howard government on its decision to commit an extra \$12 million in funding for the region, in addition to its original commitment of \$8 million made in May and June of last year. The Howard government has been at the forefront in its continued support for the establishment of UN intervention to ensure aid and food delivery in Darfur.

The United Nations Security Council has passed two resolutions on Darfur, threatening sanctions against Sudan's government if it does not disarm and prosecute the militias and others responsible for abuses in Darfur. But these resolutions have had little effect

either in restraining the Sudanese government and its allied militias or in improving security and protection for civilians. I urge the House to call on the Security Council to back up its resolutions with meaningful and strong action. (*Time expired*)

The SPEAKER—Is the motion seconded?

Mrs Moylan—I second the motion.

Mr DANBY (Melbourne Ports) (3.08 p.m.)—The worsening situation in Sudan, more specifically in Darfur, has unfortunately been allowed to escape our attention as a result of the understandable concern about the Indian Ocean tsunami. I believe the international community must do what this commendable motion from the member for Cook seeks: to focus more on this disaster. The perpetrators of this crime, namely the Sudanese government, must be brought to account and held responsible for any part they have played in causing this ongoing human catastrophe.

The violence in Darfur stems from a long-standing conflict between the Arab and African inhabitants of the north of Sudan, all of whom are of the Islamic faith. The violence intensified in February 2003 as the Africans demanded an end to their marginalisation and that they be given greater human rights within Sudan. The Sudanese government and their mercenaries, the Janjaweed, responded to this directly by killing and wounding rebels and civilians alike. There have been reports by the UN and human rights organisations of systematic rape and the decimation of entire villages.

When I spoke on this issue on 9 August last year, 50,000 people had been killed. Now it looks as though 70,000 have died, and some people place the number of dead at a much higher figure. Ann-Louise Colgan, the Director of Policy Analysis and Communications at Africa Action, which is a non-

government humanitarian organisation, has claimed that there are still 1,000 people dying each week as a result of the crisis. Of course, as the member for Cook pointed out, there are two million people who are displaced, a large number of whom are in Chad.

On 31 January, the UN Security Council received a report from the International Commission of Inquiry on Darfur regarding the reports of genocide. I must say I was very disappointed to hear that the United Nations had failed to classify the events in Darfur as genocide. I do not know what criteria one has to meet for 80,000 deaths and millions of displaced people to qualify as genocide.

The Labor Party has committed to offering alternative forms of assistance to enable the UN to undertake its tasks in supporting the humanitarian efforts in that region. Subject to ADF capacity constraints, the participation of Australian troops in any international deployment has also been supported. Once relative quiet is restored to the region, the justice processes must be allowed to proceed. Whether in the International Criminal Court or a special court convened by the organisation of African Unity, the crimes committed in Darfur—called genocide or not—are crimes against humanity and must be acted against immediately.

The activities of the Janjaweed militia and the government of Sudan ought to be deplored by every person who has seen films like *Hotel Rwanda* and remembers the history of genocide in the last 60, 70 and 80 years. Have we learnt nothing from the events of the past? The fact that 1,000 people are dying a week in this preventable human catastrophe is an indictment of all of us. I call on the United Nations, countries around the world and people of good conscience everywhere to act with more fervour in taking on the dreadful events that are taking

place in that part of the world. I commend the member for Cook and other members of this House for raising this issue. We should continue to raise the situation in Darfur until the murdering and raping stops there.

Mrs MOYLAN (Pearce) (3.12 p.m.)—I congratulate my colleague the member for Cook for bringing this motion to the attention of the House. I totally agree with the member for Melbourne Ports that we must speak out with fervour if we are going to continue to be heard on these matters and expect the United Nations to take strong action. It is always important to speak out against gross human rights violations. The world is once again witness to a horrendous human rights tragedy in Darfur in the Sudan. It is a preventable and a man-made tragedy, and one that is quite unnecessary. Not only have some 70,000 people lost their lives, and possibly more as we have just heard, but 1.7 million people have been displaced with all the attendant horrors that go with that.

We have heard the range of abuses that are taking place, which include indiscriminate attacks, killings of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement. The International Commission of Inquiry on Darfur were particularly alarmed that the attacks on villages, killing of civilians, rape, pillaging and forced displacement continued during the commission's mandate, and the commission consider that action must be taken urgently to end these violations. It really is an appalling state that such things can go on despite the attention of the world and the United Nations—that they can continue to happen right under everyone's nose.

The Australian government is appalled by this human created disaster, and the concerns of the Australian government are underscored by the UN report of the international

commission of inquiry into violations of human rights and international humanitarian law in Darfur. The report was provided to the United Nations Security Council on 31 January and recommended that the Security Council immediately refer the situation in Darfur to the International Criminal Court. The Australian government acted in concert with Canada and New Zealand, writing to the President of the Security Council urging action to prevent further violations in Darfur. Other important recommendations were outlined in that letter, but the Australian government has also contributed in a practical way to easing the suffering of these people, with a contribution of \$30 million for emergency care.

I am very pleased that the Australian government supported the establishment of the International Criminal Court, as it is one of the few ways to ensure that government leaders, officials and individuals who commit these crimes can be brought to justice—certainly in this case of gross criminal behaviour. Like the member for Melbourne Ports, I am somewhat amazed that in the report they ruled out charging anyone with genocide. It is pretty hard to fathom. However, they did point out in the report that, notwithstanding that they found no genocidal policy had been pursued and implemented, the gravity of the crimes perpetrated in that region should not be considered any less serious and heinous than genocide. I am pleased that they have made that point very strongly.

In addition to the inhumane treatment of the people of Darfur, the Security Council found that the situation constitutes a threat to international peace and security. That is why none of us in this place or anywhere in any of the parliaments of the world can refuse to turn our heads and refuse to confront the very serious violations of human rights. I support the member for Cook in his call to urge the United Nations Security Council to

prosecute the matter with great determination.

Ms GRIERSON (Newcastle) (3.17 p.m.)—I thank the member for Cook for this opportunity to draw attention to the ongoing humanitarian and human rights crisis in the Darfur region of western Sudan. Sudan's history of brutal and protracted civil wars, with conflict between the north and south, spans 21 years and involves serious human rights abuses and humanitarian disasters. During this ongoing conflict, more than two million people have died and another 4½ million have been forcibly displaced from their homes.

Following international pressure, the Sudanese government and the main rebel movement in the south, the Sudan People's Liberation Army, initiated peace talks in 2002, which culminated in the recent signing of a peace agreement in Kenya in January this year. While this agreement does not cover conflict in Sudan's western region of Darfur, it has given weight to and renewed the hopes of those working for peace in Darfur that their turn will come. This motion is one way of adding to that pressure, and I thank the previous speakers.

The conflict has increased since 2003. We now have an estimate that 70,000 people have died in Darfur and another 1.8 million people have been driven from their farms into crowded refugee camps, with little hope of resettlement. A UN report on Darfur, released just two weeks ago, found that the Sudanese government and militia have conducted widespread and systematic attacks against the civilian population, but unfortunately, as previous speakers in this debate said, the United Nations stopped short of calling the violence genocide. They warned that these do amount to crimes against humanity and war crimes. We join the calls to have this pressed by the UN. The report rec-

ommends that the UN Security Council refer such cases to the International Criminal Court for prosecution. We should formally add our support to that.

Some 500 Sudanese refugees who have survived horrors unimaginable to most of us are making Newcastle their home after community sponsorship as part of our refugee and humanitarian program. Most come from southern Sudan, via the refugee camps in Kenya, Uganda and Cairo. This is something we would like to see extended. Importantly, 50 per cent of these Sudanese refugees settling in Newcastle are under 24 years of age. This is a very youthful community. Family groups tend to be large, and at least 50 of our Sudanese families in Newcastle have five or more children, yet most families are single-parent families and 75 per cent of single parents are women who have lost their husbands to the horrors of civil war.

In addition to the trauma of war and the difficulties of resettling, these women experience a unique set of problems in raising their young adolescent sons. The Sudanese culture has never regarded women as legitimate heads of households. As sole parents, these women are now struggling with new orders of authority in an unfamiliar world. Our Sudanese have a very good track record of taking up opportunities in our city, with 50 having been placed in work already and several undertaking tertiary studies.

I draw the attention of the House to recent attempts by a small group of misguided people to stage a racist campaign against Sudanese in Newcastle. Fortunately, Newcastle demonstrated their strong support for our Sudanese residents, embracing the opportunity we now have to redress some of the injustices these people have suffered by making them most welcome. More than 600 Novocastrians turned out to welcome and support the Sudanese refugees at a recent cele-

bration of cultural diversity in Newcastle. This was a tangible sign of our ongoing commitment to Newcastle as a welcoming town for refugees, and I congratulate the organisers. Racism has no place in our community, particularly given that our intake of Sudanese will grow. Australia, like Newcastle, should embrace and support the Sudanese people, and we look forward to more Sudanese being welcomed to our shores.

I also put on record the concerns of 81 constituents who took the time to petition this House, calling on the Howard government to 'put pressure on the government of Sudan to do more to stop the violence and also encourage the international community to provide more aid to relieve the suffering'. Unfortunately, this petition was deemed not to conform to the specific rules of this House regarding the format of petitions, but I take this opportunity today to register these strong concerns about the ongoing humanitarian and human rights crisis in Darfur on behalf of those 81 constituents.

Finally, I acknowledge the extraordinary work in Newcastle of the Newcastle Migrant Resource Centre and the Ethnic Communities Council of Newcastle and Hunter Region in their efforts to assist our new communities and to make our community a better place for them. I call on the government to consider additional support and resources, as 500 Sudanese is a significant number of people in one community. We have one overloaded, overworked African worker. He needs a support officer and we also need some youth support. I urge the government to respond to these needs. (*Time expired*)

Mr LAMING (Bowman) (3.22 p.m.)—I am pleased to support this motion moved by the member for Cook on human rights in Darfur. The ongoing humanitarian and human rights crisis in Darfur in western Sudan is of enormous concern, particularly for

those who remember the lessons of Rwanda. Those lessons still ring loudly in the ears of all those involved in international development and aid. I commend this motion to the House.

Mr GRIFFIN (Bruce) (3.23 p.m.)—I would like to raise a few points in respect of the issue of human rights in Darfur outlined in the motion by the member for Cook. As other speakers have noted, the circumstances surrounding the humanitarian crisis in Darfur are in fact an appalling indictment of international institutions and what has been occurring in that part of Africa. We all know that area has faced numerous problems over many years, but the circumstances surrounding this issue in recent times are absolutely appalling. I commend the motion to the House. I urge all members to support it.

Mr RUDD (Griffith) (3.23 p.m.)—Last week we debated in this House a great natural disaster—the earthquake and tsunami which have killed as many as 300,000 people in the Indian Ocean littoral. Today we are debating a disaster which, incredible as it may seem, has the potential to cause the deaths of even more people—the crisis in the Darfur region of Sudan. The difference between the tsunami disaster and the disaster in Darfur is that the one in Darfur is entirely a man-made disaster. It has been deliberately created by the Sudanese military regime of General Omar al-Bashir and its surrogates, the Janjaweed militias. More than 50,000 people have already died in Darfur and between 300,000 and 500,000 may do so unless the international community acts immediately and resolutely. I commend the honourable member for Cook for moving this motion, which brings the matter back to the attention of the House, but I part company with him on the actions that the government, of which he is part, has taken in response to the Darfur crisis. Australia's response has

been slow, it has been hesitant and, I regret to say, it has been inadequate.

In September last year I criticised the government for failing to take any action to support the African Union's efforts to deal with the Darfur crisis. Sudan is the largest country in Africa, and the Darfur crisis is an African crisis. The African Union made an effort, which should be supported, to intervene in Sudan, but Africa's peacekeeping resources are limited and already stretched thin by the crises in Congo, Ivory Coast and elsewhere. Countries like Australia, with extensive experience in peacekeeping operations, should be at the forefront of supporting the African Union. But what did the African Union's spokesperson, Assane Ba, say last year? He said:

"Australia has not contributed and has not shown any interest ... We are calling on the international community to offer financial and logistical support for our troops in Darfur—military transport planes, helicopters, communications equipment—and we would welcome any offer from Australia, but they have not shown interest."

The Howard government justified its decision to support the United States intervention in Iraq in part by reference to the doctrine of humanitarian intervention—at least it did so subsequently, not prior to the intervention—being the doctrine that a country has a right to intervene in another country's internal affairs if that is the only way to prevent gross abuse of human rights within that country. Scholars and others are of course debating whether or not that doctrine was rightly applied in relation to Iraq, and that is a debate for another day. In the case of Sudan, plainly there was a humanitarian crisis which required urgent attention on the part of all governments, given the systematic mass murder, rape and despoliation that we have witnessed under the Sudanese regime in this part of the country.

In recent times there have been other examples of systematic large scale human rights abuses requiring attention in each case. Therefore, can we doubt that the people of Darfur are not equally in need of international humanitarian assistance? Of course there is an alternative, regrettably referred to in history as the Rwandan model, where the international community sat on its hands and nearly a million people were killed. When we debated the 10th anniversary of the Rwanda genocide last year, we expressed the hope that the international community had learned the lessons of inaction. Now it has a chance to show that it has learned those lessons. I am not arguing that countries should take unilateral military action in relation to Sudan. I am saying that Australia should be actively supporting the efforts of the African Union, the European Union and anyone else who is willing to take an initiative to rescue the people of Darfur.

Australia has so far donated \$20 million to the United Nations relief efforts in Sudan. That commitment has the opposition's full support. But preventing the needless and entirely preventable deaths of up to 500,000 people will not be a cheap operation, and Australia should be doing more. Australia has shown great generosity in support of the victims of the Indian Ocean tsunami. Although Sudan is farther away, we should be prepared to be equally generous in supporting its unhappy people, who have endured many years of dictatorship, civil war, famine and oppression, culminating in the current murderous campaign against the people of the Darfur region. Our government can do more and it should do more, and it will have the support of the Australian people if it accepts its responsibilities to do more.

On a practical level, Australia must now also address the conclusions of the UN's recently released report into systemic violence against the Sudanese people. The independ-

ent commission of inquiry, established in October 2004 under UN Security Council resolution 1564, concludes that the Sudanese government and its militias have conducted widespread and systematic attacks against the civilian population of Darfur. While the report states that the Sudanese government's abuses do not amount to genocide, it finds that their acts of barbarity include murder, rape and torture and could amount to crimes against humanity and war crimes. The report recommended that the Security Council refer the matter to the International Criminal Court for prosecution. Australia should support this recommendation and begin lobbying Security Council member countries to refer this matter to the ICC. (*Time expired*)

The SPEAKER—Order! The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Human Rights: Burma

Mr RUDD (Griffith) (3.30 p.m.)—I move:

That this House:

- (1) notes:
 - (a) with deep concern widely circulated reports of the further extension of the detention of the leader of the Burmese opposition party, Daw Aung San Suu Kyi until September 2005;
 - (b) that Daw Aung San Suu Kyi is being detained without charge; and
 - (c) continued widespread human rights abuses by the Burmese military regime, including the suppression of pro-democracy supporters;
- (2) calls on:
 - (a) the Burmese military regime to immediately release Daw Aung San Suu Kyi and other members of her party who are being held without charge;
 - (b) the Government to examine urgently its options for demonstrating to the Bur-

mese authorities how seriously it views this situation;

- (c) the Government to amend its policy of 'constructive engagement' with the current State Peace and Democracy Council (SPDC) regime in light of ongoing human rights abuses; and
 - (d) the Government to consider targeted sanctions against members of the SPDC regime, including restrictions on their international financial transactions, a freeze on assets overseas, and travel restrictions against senior members of the regime travelling to Australia; and
- (3) condemns the failure of Prime Minister Howard to use the opportunities presented at the ASEAN summit in Vientiane to raise Australia's ongoing concerns about the Burmese military regime's continued human rights abuses.

In December last year the Burmese military regime, otherwise known as the State Peace and Development Council—one of the more curious titles in international relations—announced that the 'house detention' of the country's opposition leader, Aung San Suu Kyi, would be extended indefinitely. This heroic leader of the Burmese democratic movement has been under continuous house arrest since 1989, most recently since being re-arrested in May 2003.

Aung San Suu Kyi is usually referred to as Burma's opposition leader, but this is a rather misleading term. She is in fact the elected leader of 42 million Burmese people since her party, the National League for Democracy, won 58 per cent of the vote and 392 of 492 seats in Burma's last free election in 1990. The military regime refused to hand over power to the newly elected parliament, but Aung San Suu Kyi continues to be regarded by most Burmese as their rightful leader.

The regime chose to announce Aung San Suu Kyi's continued detention at the time when the leaders of the Association of South

East Asian Nations, ASEAN, were holding their summit in Vientiane. The announcement was thus seen as a snub to the attempt by ASEAN leaders to persuade or compel the Burmese regime to release her and to announce a timetable for a transition to democratic rule. Burma's prime minister and foreign minister, who were at the summit, were apparently unaware of the regime's announcement before it was made, showing where the real power in Burma actually lies. What did Australia's Prime Minister, who was in Vientiane for the ASEAN summit, do in response to this announcement by the Burmese military regime? He declined to condemn Aung San Suu Kyi's continued detention in anything like the strong language that the situation required:

'I'll handle that in an appropriate way,' the Prime Minister said. 'I'm critical of it.'

This response is not adequate and was consistent with the government's less-than-courageous approach to the Burma matter over a number of years. In 2003 the Minister for Foreign Affairs, in an answer to a question on notice, told parliament that:

We will continue to use all opportunities to call for progress in political reconciliation, democratic reform and greater respect for human rights.

But he has rarely mentioned Burma at all in this House since that time.

The government says that Australian economic sanctions against Burma would be ineffective, since Australia has little trade with Burma in any case. Our sanctions against Burma amount to a ban on defence exports and travel restrictions on some senior figures of the regime. For a time the government put its faith in human rights workshops conducted by Australian diplomats, in which the Burmese military was apparently to be taught about human rights. This program was concluded when Aung San Suu Kyi was first attacked by a regime-

orchestrated mob and then placed under renewed house arrest. Connie Levett in the *Age* last December quoted one former Burmese political prisoner as saying: 'The regime knows what human rights are. They just ignore them.'

The Burmese regime is one of the most corrupt, incompetent and oppressive regimes in the world. In 2003 the human rights organisation Freedom House listed it as one of the world's nine worst governments in terms of both political rights and civil liberties. Although some political prisoners have been released over the past year, many thousands of Burmese remain in prison, under house arrest or in exile. Forced labour and other gross abuses continue to be practised by the military, particularly in more remote areas away from the view of foreign observers. Intermittent warfare continues against ethnic minorities such as the Shan and the Karen. The regime is widely suspected of involvement in the international drug trade and the smuggling of gems and valuable timber resources.

We do not pretend on our side of the House that there is a simple or obvious solution to the question of how to bring effective pressure to bear on the Burmese regime. The country is resource rich and obviously has been engaged in a process of large-scale human rights violations for some time. But democracies in the region, including Australia, must continue to express forcefully their abhorrence of the Burmese regime—particularly its continued defiance of the will of the Burmese people as expressed at the 1990 elections—and also their opposition to the continued detention of Aung San Suu Kyi. Australia should be working tirelessly with democratic regional leaders such as Prime Minister Thaksin, President Susilo Bambang Yudhoyono and President Arroyo to increase ASEAN pressure on Burma and to persuade other countries to do the same.

We must commit ourselves afresh to bringing about democracy once again for the Burmese people and Aung San Suu Kyi's release.

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

Mr LAURIE FERGUSON (Reid) (3.34 p.m.)—I second the motion and reserve my right to speak.

Mr CADMAN (Mitchell) (3.34 p.m.)—I find a great deal to agree with in the honourable member's motion. There is no doubt in my view and the view of the government that the Burmese regime is a barbaric, isolationist and parasitic one. The federal government has called repeatedly for the immediate release of Aung San Suu Kyi. The detention and continual locking up of this person is an absolute denial of human rights. There has been a strong international effort for political reform. Despite the recent release of 20,000 prisoners, only 80 of those were regarded as of any political significance—and that is a thing to be deplored as well.

The ministerial changes last year in October in Burma—the removal of the foreign minister, the deputy foreign minister and the prime minister—have not led to any significant change in the regime or its policies. Dialogues between the regime and the free world and international community have not improved. The national convention on a new constitution is scheduled for 17 February. There has been a gap of seven months, and nothing has happened, but we remain concerned that the process lacks credibility. There does not seem to be any real emphasis on either changing or moving forward. There is neither free nor open debate on the broad principles of the new constitution, nor is there broad participation by all parties, including the National League for Democracy.

Australia has a small aid program to Burma, mainly through NGOs. It is expected to be \$9.6 million this financial year, and it is

directed humanitarian aid. It is provided through Australian and international NGOs, regional and multilateral organisations. It is basically food and health care—particularly for women and children in the border areas. Whilst much attention has been focused on the charismatic leader of the National League for Democracy, I have become aware of the terrorisation of and barbarous conduct towards minority groups in the border areas, particularly the Karen and other groups.

There is no doubt that, despite world comment, the processes of terror and victimisation continue unabated. The genocide and the terror used in the treatment of women have been depicted by the Karen women speaking out in a recent publication, which has the endorsement of the Women's League of Burma. In August last year, they produced a commentary entitled 'Shattering silences', which, in graphic terms, depicts the horrible treatment of women and children in those border areas where raids into refugee camps often go unchecked and unnoticed.

Since General Ne Win took power in 1962 through a military coup, Burma has been ruled by a centralised political system instituted by Burma's Socialist Program Party. This is a program of select and rule, where all minority groups are removed from the processes and activities within government; it is a totally Burmese exercise.

Whilst it is claimed that the State Law and Order Restoration Council imposes a regime of fairness, only the Burmese language is recognised in education. None of the other ethnic languages are allowed to be taught in school, nor are they allowed to be used in administration. Massive offences have been made against the border areas: villages have been burned; young women have been raped; and many Karen villagers, including children, women and elders, have been tortured

and killed ad hoc. As I have said previously, it is a horrible regime.

However, the government does not feel that sanctions will make any difference with such a small, tiny, minuscule trade program. We engage in 0.4 of one per cent trade with Burma. Unless a concerted effort is made by the United Nations to effect broader sanctions than those currently suggested by the honourable member for Griffith, they will have little impact and little effect. There is truth in that. For sanctions to be effective, there must be a dynamic impact on the regime.

Mr BRENDAN O'CONNOR (Gorton) (3.39 p.m.)—I rise to support the motion moved by the member for Griffith and supported by the member for Mitchell. This motion is important because it talks about what we should do as sovereign states, as part of the international community, when dealing with undemocratic military regimes. I note the comments made by the member for Mitchell, in particular. He is right when he says that the regime in Burma has acted so horribly against the citizens of that country. In the context of what we have been witnessing over the last few years, it is important for us to compare, for a moment at least, the extent to which sovereign nations and international bodies have gone to change the regime in Iraq with perhaps the lack of effort by sovereign states to change the regime that runs this country undemocratically.

I do not pretend to treat these two countries as though they were the same, but I do think it is true that there have been gross violations of human rights in Burma. The political leader, Aung San Suu Kyi, has been in detention for many a year now. We can recall in the early nineties that she was successful in receiving an 80 per cent mandate from her citizens when elections were called. At the time, the political regime in power—

renamed some time after as the State Peace and Development Council; a lovely Orwellian phrase—managed to not recognise the results of the election and to place Suu Kyi in detention and have her held in detention forever more.

We can also recall the personal tragedy associated with this leader when her husband, Michael Aris—whom she had met at Oxford University when she was studying there; they had married and had two children—was dying of cancer. He was only 53. The regime would not allow him in his dying days to visit his wife in Burma. That personal tragedy is symbolic of the way in which this regime has dealt with its citizens in general. Therefore, it is about time—as the member for Griffith has quite clearly pointed out—that this government, along with other governments of democratic states, consider the way in which we deal with such regimes. It is fair to say that there has been no significant effort to bring about change in Burma; certainly there has not been enough effort to produce sufficient change.

I am pleased that the shadow minister for foreign affairs has moved the motion in this House today, which is supported by members in this House generally, to seek the government's support to strengthen its opposition to the behaviour and the conduct of the Burmese regime. The way in which this motion suggests we do that is to increase and target certain sanctions that will make it very clear and unequivocal that we will not allow, support or stand by this regime as it breaches human rights conventions.

I add my weight of support to this motion to say that it is about time we had properly targeted sanctions, that we do investigate the way in which this regime is transacting money, and that we do concern ourselves with the way in which assets of that nation are being transferred overseas and the way in

which they are being handled. There is a history of undemocratic regimes taking assets from such nations and using them for their personal gain years after.

So I think we have to take a more direct role, a more effective role, and allow for stronger sanctions. Therefore, I think this motion is quite fitting. It has been too long that Suu Kyi and her citizens have been treated in such an inhumane way. The quicker we can bring about policies that will bring change, the better for that country and, indeed, the better for the international community. (*Time expired*)

Mr LAMING (Bowman) (3.44 p.m.)—I rise today to express my concern to the House of Representatives about the continued detention of Aung San Suu Kyi. As we are all aware, in May 2003 Suu Kyi's travelling party was attacked by a group of armed individuals. She was detained and placed under house arrest, where she has remained to this day. That is a far cry from 13 years ago, when Suu Kyi's National League for Democracy won a huge majority at election—around 80 per cent. Since then we have seen numerous occasions and a substantial period when she has been under house arrest and imprisoned at the hands of the military dictatorship. At the same time, we have witnessed around the world a number of countries actually taking those first uncertain, and eventually confident, steps towards democracy—something that has been denied to Burma.

Suu Kyi is one of an estimated 1,300 political prisoners in that country. Most were arbitrarily arrested for exercising nothing more than their freedom of opinion and expression. Their right to legal representation, even to a fair trial, has been denied, and torture and mistreatment is commonly reported. Burma has an appalling track record when it comes to human rights. It has been listed in

the worst 10 nations worldwide and is certainly one of the most repressive nations in Asia.

This government has called repeatedly for Suu Kyi's immediate and unconditional release as well as that of other political prisoners. The Australian government continues to strongly urge political reform and reconciliation in Burma. Since 1988 it has banned defence exports to that country and placed travel restrictions on senior regime figures. There have also been a number of representations for the release of Suu Kyi. In a media interview—in fact, while attending the ASEAN summit in Laos in November 2004—the Prime Minister again said he was concerned about the future of democracy and that of Aung San Suu Kyi. He said:

...we certainly won't feel constrained in expressing a view about what is happening in Burma ... like all of these situations we want democratic outcomes ... Mr Downer has expressed very strong views in relation to this situation in the past and I certainly echo them.

I wish to examine the question of sanctions for a moment and detail to the House how potentially ineffective the call is for sanctions, both trade and economic, against Burma. Australia currently has a policy of neither encouraging nor discouraging trade and investment in that country. Our imports from Burma are extremely small, as are the exports. The imports and exports total about 0.012 per cent of all of Australia's trade. So I think it is a mistake to feel that trying to eliminate trade with this country would be particularly effective, no matter how hard and how focused those targeted sanctions might be. Sanctions being imposed by just one or two countries in a scattergun approach is, as history has proven, simply not an effective tool or the right mechanism to bring about reform in Burma. Just as futile, I would argue, is seizing upon isolated diplomatic comments and presuming that they, in

isolation, will make a scintilla of difference to the regime. The UN has not voted for economic sanctions against Burma, and those sanctions imposed by individual countries can easily be circumvented and are highly unlikely to be effective.

Together with the UN, we do support the work of the special envoy on Burma, Tan Sri Razali Ismail, who is working to encourage political reform and monitoring human rights violations in Burma. We regularly co-sponsor resolutions on Burma at the Commission of Human Rights, urging greater political freedom and improvements in human rights. Certainly democratisation in Burma is one of the key foreign policy challenges for the South-East Asian region, and I express my full confidence that the Australian government is working effectively towards a free and democratic Burma.

Mr LAURIE FERGUSON (Reid) (3.48 p.m.)—A federal public servant in a recent conversation with me made the facetious remark that the tsunami might have hurt the whole Asian region but it did not seem to do any damage in Burma. The point he was making was that it is essentially a closed society where it is very difficult to get the news about anything whatsoever. That is part of the issue here.

The previous speaker, the honourable member for Bowman, made the point that, unless there is international action on sanctions, one has to question their effectiveness given, particularly, Australia's low trade contact with the country. However, it might equally be said that measures by the Australian government with regard to its legal training scheme there might also be out of step with a large part of the international community and, most particularly, the United States, which has taken a harder position on these matters than Australia.

The issue of how badly these initiatives by Australia have failed was certainly driven home in November last year, when Khin Nyunt, the previous prime minister, was purged. That was seen not as an indication of Burma moving down the road of democracy but as a hardening of position by the regime. Since then there has been a purge of elements connected with the state's security apparatus, who were seen as being slightly more liberal and slightly more inclined to negotiate, and a reassertion of the military wing of the government. We can say that really we have made no progress with regard to having little classroom exercises with public servants of the regime and hoping that, thereby, they might suddenly become democrats and defenders of human rights.

On a broader front, it was also indicated by the member for Griffith that Freedom House, which is on the conservative wing of international politics, had quite validly attacked this regime, but can I say that it is indicative of the status of this regime that the political left of the spectrum—the International Confederation of Free Trade Unions—has also been highly critical. In November last year, they pressed the ILO for greater reporting mechanisms inside Burma with regard to forced labour because there is a very real problem in that country that villagers are basically conscripted to go to the front line of warfare activity and to build infrastructure for oil pipelines and supply networks in the country. Burma is amongst the few countries in the world where this is clearly happening. The ILO liaison office in Rangoon receives dozens of complaints by citizens subjected to forced labour.

Other speakers have quite correctly raised the issue of the continued incarceration of 1,300 supporters of the National League for Democracy, which clearly won the elections in 1990. What we have seen in recent years is in parallel with that detention—for in-

stance, efforts by the government to set up a national convention under their auspices and control to try and marginalise the National League for Democracy.

I think I might have spoken previously of the extreme measures of this regime. In April last year, 26 monks were jailed for refusing to take government donations. We have seen recently that, in the purge of their own internal administration that I mentioned, people were given sentences of between 21 and 40 years around the issue of so-called corruption. If there is a corrupt regime, it is this regime. But what they do, when someone has had a falling out and they want to purge them, is suddenly discover that that particular person was corrupt. As I say, they hand out sentences of two to four decades. This regime is basically running a protection racket for the drug industry in the region. Other countries are certainly concerned about that, and it is also despoiling the country and the massive raw materials it possesses, such as gemstones and forests.

This is a regime against which there should be coordinated international measures. I can only conclude with comments made by Senator Dianne Feinstein, who said: There is still much work to be done. The threat posed by the military junta goes beyond Burma's borders and extends to the entire Southeast Asia region. The SPDC has committed numerous human rights abuses and detained over 1,300 political prisoners. It has allowed the spread of HIV/AIDS to go unchecked. It has engaged in the illicit production and trafficking of narcotics. It has engaged in trafficking of human beings. It has attempted to purchase weapons from North Korea, China, and Russia.

Indeed, this motion calls for greater coordinated actions against the regime, targeted at the leadership. It is long overdue for a regime which marginalises and persecutes its minorities, a regime which has incarcerated over a thousand political opponents, a regime

which is a major legal issue for surrounding countries.

Mrs VALE (Hughes) (3.53 p.m.)—I welcome the opportunity to briefly address this House on the motion by the member for Griffith. Burma once was a leading post-colonial state, with a highly educated and literate population, excellent universities and abundant natural resources. All this has vanished under the current military rule. One in 10 children does not live past their first birthday. AIDS, malaria and tuberculosis are rampant. Demonstrating its indifference to the welfare of its people, the State Peace and Development Council, the SPDC, spends more than 50 per cent of the national budget on the military. It is estimated that less than five per cent is spent on health and welfare. And while most Burmese live in abject poverty, the generals are wealthy.

I talked about totalitarianism in my address-in-reply speech. The SPDC is a textbook example of a totalitarian regime. Government informants and spies are omnipresent. There is no freedom of speech, assembly or association. State TV and radio are merely crude propaganda tools for the regime. The SPDC restricts the basic rights and freedoms of all Burmese. It continues to attack and harass democratic leader Aung San Suu Kyi, who is under house arrest, and the political movement she represents. It was in 1990 that the National League for Democracy, the NLD, won 82 per cent of the vote in a national election, after which the generals, rejected by their own people, threw Aung San Suu Kyi and thousands of others in jail. Since then Suu Kyi and the NLD have been in a revolving door of house arrest, prison and limited freedom of movement. Today more than 1,000 political prisoners remain in jail and there is no sign of any political liberalisation.

I would also like to note at this time that, while the world focuses on Suu Kyi, many of the worst abuses continue to take place in remote areas of the country where the army continues to run wild. Burma has more child soldiers than any other country in the world and its forces have used extrajudicial execution, rape, torture, forced relocation of villagers and forced labour in campaigns against rebel groups. Progress was being made. In August 2003 former Prime Minister General Khin Nyunt launched what he called a 'road map' for a transition to democracy in Burma. The SPDC pledged to eventually hold elections as part of a transition to a democratic government. The first step was the convening of a national constitutional convention, a process that has been stalled since 1996 after the NLD and other pro-democracy parties walked out citing the SPDC's domination and manipulation of the proceedings. The sudden ousting of General Khin Nyunt, viewed as a relative moderate, in October 2004 further diminished hopes for reform. The ousted Prime Minister and military intelligence chief had been willing to engage with Aung San Suu Kyi to break the political stalemate. Lieutenant General Soe Win, who was named Burma's Prime Minister after the dismissal, has stated publicly that 'the SPDC not only will not talk to the NLD but also would never hand over power to the NLD'.

I believe Australia has a strong record of upholding human rights in its relationship with the Burmese government and has the right policy mix. The 1988 ban on defence exports to Burma and travel restrictions on senior regime members remain in place. Australia regularly co-sponsors resolutions at the UN calling for greater political freedom and respect for international human rights standards being applied in Burma. Australia has repeatedly called for Aung San Suu Kyi's immediate and unconditional release together with many other political prisoners.

The present leaders of the Burmese government are in no doubt about how seriously concerned the Australian government is about the abuse of democracy and human rights in their country.

I note that the motion avoids any reference to the humanitarian assistance totalling \$9.6 million which Australia is providing to the Burmese people in 2004-05 in the form of food aid, basic health care and other assistance to the vulnerable, particularly women and children in border areas. It takes no account of transnational issues such as the production and trafficking in illicit drugs, HIV/AIDS, avian flu and people trafficking. These are just some of the issues on which we need to have a 'constructive engagement' with the Burmese authorities as they are in Australia's and the region's interest as well as theirs. This motion wants to undermine constructive engagement. The Howard government has the right policy mix on Burma. A balanced policy mix, it keeps the pressure on restoring democracy and human rights while keeping up our access so we can provide humanitarian need to the Burmese people. I believe the motion will upset that policy mix and for that reason I reject the criticisms of this government.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The time allotted for this debate has expired. The debate is therefore adjourned and the resumption of the debate will be made an order of the day for the next sitting.

GRIEVANCE DEBATE

Question proposed:

That grievances be noted.

Health: General Practice

Ms HALL (Shortland) (3.58 p.m.)—I would like to use today's grievance debate to discuss health issues. The issues that I intend to cover are bulk-billing and the doctor

shortage and their implication for people who cannot access the treatment they need. This morning I, along with other members of the House of Representatives Standing Committee on Health and Ageing, had breakfast with the Australian Division of GPs. The division identified issues that were important to doctors working in general practice, items that the division believes the government is obligated to fund in the budget and in the future, along with suggestions to alleviate the chronic doctor shortage and enable all Australians to access treatment.

I have raised this issue many times in this parliament and I do so yet again because it is an issue that is having enormous impacts on people living in my electorate and throughout Australia. When we were having our discussion this morning with the members of the Australian Division of GPs, I found that the issues and solutions that they raised were quite positive. I think that the government should consider some of those issues and I know that, further down the track, the House of Reps committee will. Among the issues and very good solutions they raised was the implementation of a team approach in general practice and a greater utilisation of practice nurses. That would require an extension of Medicare item numbers. I think that is an issue that needs to be looked at by the government in the future. I know that we on this side of the House are always keen to look at new and interesting ideas.

In my local area, I have close contact with the local divisions of GPs. The Hunter Division of GPs has implemented an innovative and unique after-hours service. It operates in the local hospitals in the Hunter Area Health Service region. It eventuated following a trial in Maitland Hospital and it has been very effective. GPs see patients out of hours, up till 11 o'clock at night, and there is phone triaging. It has been very successful. The service treats patients that need to see a GP

rather than having them go to an accident and emergency department. It has been an enormous success, and I trust that this government will continue to fund the service at the current level and allow for it to grow and continue to meet the needs of the people in the Hunter.

On the Central Coast, my connection with the division of GPs has been a little bit different. There, the GPs are struggling just to keep their heads above water. There is a chronic shortage of doctors, and accompanying that is an ageing GP work force. My office is constantly contacted by constituents in the electorate saying that they are having difficulty seeing a doctor, particularly on the Central Coast. This is a result of the doctor shortage. I appreciate the support and help that the division gives me. By working together—the division, the local council and the state member and I—we have been able to try new things. We have tried to be innovative and tried to get doctors to move to the coast but, unfortunately, to date things have not improved. The part of the Central Coast that I represent—the northern part—seems to be affected more than the southern area. For the postcodes 2258, 2259, 2261, 2262 and 2263 we have a full-time equivalent GP to patient ratio of one doctor for every 1,998, or nearly 2,000, people.

I find it very difficult to believe that it is possible for those GPs on the Central Coast to be able to manage the workload that they have. The people living on the Central Coast are older than the national average—Shortland electorate is the 10th oldest, Dobbell is the 29th oldest and I believe Robertson is the fifth oldest in Australia. Accompanying that is the fact that there is also a significant young population, a transient population, and it is not a wealthy area. I believe that the government needs to act. In one area of Shortland electorate, one postcode—2262—there is one doctor to 9,801 people.

That is hardly a sufficient number of doctors. I do not believe that the government has its head around this issue. The AMA says that Australia has a shortfall of 2,000 doctors—in other words, we need 2,000 more doctors in Australia. The figures I have read out here today typify the situation in the Shortland electorate but I know that it exists in other parts of Australia.

Within the Lake Macquarie part of the Shortland electorate, traditionally the doctor-patient ratio has been much smaller and there have been enough doctors to handle the workload, but in recent times we have found that more and more doctors are retiring. We have had three doctors retire this year and I have been told of another three that are going to be retiring within the next few months. This is not good enough. Last week my office was contacted by a woman who was quite distraught. Her husband was quite ill and could not go to work. He needed a doctor's certificate to take to work and he was advised that he could not get an appointment with his doctor for two weeks. A woman, who is a diabetic, was released from hospital and when she saw her GP she asked to complete a care plan. She has absolute faith in her doctor, but the doctor said, 'I can't do that because I don't have the time to produce that care plan.' When we have a situation like that I feel that this government is failing the Australian people. It is failing the people in Shortland but I suspect it is also failing people throughout Australia. We have had problems on Central Coast with people being admitted to nursing homes simply because there was not a GP to oversee their care. I feel that this government needs to act, and needs to act now.

I would now like to turn to bulk-billing rates. I will go through the figures from 2000 to 2004 in the Shortland electorate. In 2000 the bulk-billing rate was 75.9 per cent; in 2001 it was 63.7 per cent; in 2002 it was

56.5 per cent; and in 2003 it was 51.4 per cent. In 2004 there has been an increase in the bulk-billing rate—up to the massive figure of 57.2 per cent! Part of the reason that bulk-billing is so low in Shortland is the fact that we do not have enough doctors, along with the fact that the government's package has failed. I also point out that the national bulk-billing rate increased by 5.9 per cent but in the Shortland electorate it only increased by 5.8 per cent. To my way of thinking, the \$4 billion that the government spent on bulk-billing could have been better utilised. Rates have increased very slowly in Shortland. The Minister for Health and Ageing continues to let people down—people who rely on him to ensure that they can see a doctor when they are sick. Health is an issue that families, elderly Australians and young people rate most highly. Australians look to their government to ensure that each and every Australian can access health care services when they need them. Under the Howard government that is not achievable. (*Time expired*)

Health: Dental Services

Mr CIOBO (Moncrieff) (4.08 p.m.)—Throughout the world, Australia is regarded as having one of the best public health systems in existence. It is an expensive and, I argue, sometimes inefficient system. Nonetheless, Australia's public health system is benchmarked as providing one of the best overall health outcomes internationally. In virtually all respects, Australia's public health system has been well serviced by successive governments of both political persuasions. The prominence health plays in each election underscores the strong regard and interest all Australians have in the continued strength and sustainability of our health system. Indeed, public health policy is the subject of significant political discourse as all members of this place strongly put their views on modifications to improve Austra-

lia's health system, whether by addressing its scope, its cost or its sustainability.

In this debate, however, there is one specific aspect which is often not mentioned at a Commonwealth level: the operation of the state government run public dental program. Like the ugly duckling, the state government run public dental system is not spoken about. Whenever the issue is mentioned, the various state premiers scurry about, desperately trying to distract any who would attempt to scrutinise the operation of the public dental scheme. In no other state is the neglect of the public dental scheme more apparent than in Queensland. In Queensland the virtual collapse of the scheme is resulting in people who are among the most disadvantaged in the community shouldering the burden of the Beattie Labor government's neglect of this crucial public health service. On the Gold Coast I am consistently affronted by the negative and disgraceful experiences of too many of my constituents who utilise the public dental service. Of particular concern are those who desperately need to utilise the service but cannot, owing to the outrageous waiting lists for the service.

At this point I would highlight that my criticism of the public dental service is in no way a reflection on the many fine men and women who are employed within the service. I am certain these men and women apply themselves in a caring and diligent way to their duties. In fact, I am certain many of these oral health care professionals and ancillaries feel demoralised by the manner in which the Beattie Labor government has turned its back on providing adequate funding and resources to enable those employed in the service to provide the level of care and assistance they would desire.

All state governments in Australia have primary responsibility for operating, funding and managing the public dental scheme. De-

spite mock protestations from, in particular, the Queensland Labor Premier, Peter Beattie, the public dental scheme will remain a fundamental service provided by state government. Quite simply, in the same way as the state government is responsible for providing the Queensland Police Service, it is responsible for the Queensland public dental service. This is not to say the Howard government plays no part in helping to fund the public dental service; quite the contrary. The Howard government has done more to provide funding to the Beattie Labor government than any previous Commonwealth government. Additionally, it has provided more assistance than ever for Australians to move off the public scheme and into private cover, through the 30 per cent private health insurance rebate.

These Commonwealth policy initiatives stand in stark contrast to the state of decay of the public dental service that the Beattie Labor government has presided over. On the Gold Coast, I am regularly contacted by constituents who express their sheer frustration that they are provided two simple choices when needing to use the public dental service. Their first choice is to make an appointment. That sounds reasonable on the face of it, until the client is informed that, owing to the Beattie government's mismanagement of the scheme, they will often have to wait for five years for their appointment. Their second choice is only provided in the case of the client needing emergency care. The client is advised to attend the surgery at around 7 a.m. in order to have any chance of a consultation with the dentist that day. Neither choice is acceptable. Neither option should be provided in a country like Australia. For the state health minister and the state Premier to permit the virtual collapse of the public dental system is a disgrace, and remains an example of complete mismanagement by state Labor governments.

In typical fashion, I expect the state Premier will cry poor and go to great lengths to muddy the waters on this issue in a pathetic attempt to create media distraction from the question of why the Labor state government cannot provide the quality of service appropriate in a nation like Australia. However, let us examine the actual state of affairs in Queensland and review why I contend that any excuse provided by the state government is simply not acceptable and should not be entertained by any Queensland resident. First and foremost, this financial year alone the Beattie state Labor government will receive approximately \$7,314,000,000 from the Commonwealth government. This represents a windfall gain of approximately \$760 million for the Beattie government. It is a windfall gain the state government would not have received from the Commonwealth were it not for tax reform. It is an extra \$760 million to spend on services, which is the equivalent to Peter Beattie winning the biggest Gold Lotto yet. This year, the Beattie Labor government will run a budget surplus of approximately \$1 billion, more than enough money to ensure that the Third World equivalent public dental service in Queensland can be adequately resourced to provide a quality service that meets the legitimate expectations of those disadvantaged members of our society.

Is it any wonder, then, that Commonwealth representatives like me get so frustrated at the way in which Commonwealth and state governments interact? Is it any wonder that federal representatives like me often shrug our shoulders when our constituents confront us with the appalling lack of services that state governments provide despite the fact that state governments are awash with funds to an extent they have never seen previously? The current Queensland Health spend on the public dental service in Queensland is \$130 million. This is

the highest level of funding by a state government in Australia. Yet, in return for their money, Queenslanders get a five-year waiting list and must live with the acute pain of their dental problems, which often go from bad to worse while they wait and wait for Queensland Health.

Another red herring often proffered by Peter Beattie and the Queensland health minister as to why they preside over such a woeful service is the cessation of the Commonwealth dental health scheme. Let us examine the operation of the Commonwealth scheme. It operated from 1994 to 1996. It was enacted as a temporary one-off scheme to assist the states and territories to address the considerable delays that were being experienced by constituents seeking access to public dental health services. The other states and territories enjoyed the period of reprieve and took the opportunity to reform their public dental services to ensure they were adequately resourced and able to provide the level of care expected. The same cannot be said for Queensland. Instead, the Beattie Labor government took it as an opportunity to reallocate finances from their state budget at the expense of those Queenslanders who now face and carry the burden of having inadequate access to public dental services.

I am very fortunate to have noticed that the Queensland media have now started to focus very heavily on what the Beattie Labor government is providing in terms of its 'Third World' public dental service. On 18 June last year the *Courier-Mail* ran an article entitled, 'Gaps in dentistry revealed'. I would like to quote from that article to highlight a number of points of concern. It states:

Queensland Health is struggling to provide free public dental services and will continue looking to the private sector for help.

The Budget papers show Queensland Health does not expect to meet its targets for the number of completed emergency dental treatments this

year and will no longer report on the number of patients whose teeth problems are fixed.

School students are receiving the minimum number of oral health treatments.

And Queensland Health is finding it so hard to respond to requests for emergency dental treatment that in some areas it has to prioritise cases through a call centre.

The question is: what is the Queensland state Labor government doing to respond to these concerns? How are the Queensland health minister and the Queensland Premier utilising this windfall of \$760 million to ensure they are providing adequate levels of care? How is the Queensland Premier utilising his \$1 billion budget surplus to ensure that this poor example of public health is improved? The answer is in the final paragraph of the article. It states:

Treasurer Terry Mackenroth has allocated another \$10 million to oral health programs over the next three years.

That is the extent of the contribution from the Queensland state government in terms of additional resourcing—from a \$760 million windfall gain, it is contributing a measly \$10 million to try and address a problem that now sees Queenslanders waiting up to five years for an appointment in the public dental program. Public dental health is very important to me and my constituents. Queensland has the poorest oral health in the country and it is an absolute disgrace that state Labor governments—in particular, the Beattie Labor government—despite record amounts of revenue, continue to shirk their responsibilities in this regard.

Health Issues

Ms GILLARD (Lalor) (4.19 p.m.)—Today I grieve for the Howard government's ongoing disregard for the health needs of Australians. It is my intention to address my remarks to the question of vaccines, but I take the opportunity to note that health is

such an important issue that the members who spoke before me in the grievance debate have both made it their central theme. Of course, there is an obligation to get some of the basic facts right when we are talking about an issue as important as health. I say to the member for Moncrieff that some of the basic facts in this area are as follows. The Beattie government spends more per capita on dental health than any other state government in Australia. The crisis in dental services can be traced back to the abolition by the Howard government of the Commonwealth dental program, in one of the most callous acts and cutbacks it engaged in. The nonsense that this was a temporary program can be shown by the Howard government's own budget documents.

When the Howard government cancelled the program, it booked as a saving the abolition of the program across the forward estimates—something it would only have been entitled to do if the program was a permanent feature of the forward estimates. So the Howard cannot have it both ways and claim, on the one hand, that it was a temporary program while, on the other hand, booking the savings over the life of the forward estimates—which is what they did. And that, of course, is before you even get to issues like the crisis in the dental work force, which is wholly a result of the Howard government's inactivity in making sure that enough dentists were being trained in our universities. So I say to the member for Moncrieff that if he wants to go around describing the Queensland dental health service as 'Third World' then I suggest he have a discussion with Prime Minister Howard and Minister Abbott about how it got to be Third World standard and about what the Howard government is going to contribute to make it a proper and functioning system for his constituents and, indeed, for constituents right around Australia.

I will now come to the question of vaccines, which is another area of manifest failure by the Howard government. Of course, we would be aware in this place, because it was so frequently the subject of debate in the last parliament, that the eighth edition of the *Australian Immunisation Handbook*, prepared by the expert committee, the Australian Technical Advisory Group on Immunisation, and approved by the National Health and Medical Research Council on 18 September 2003, is the source document and the Australian standard for which vaccines should be provided. In particular, that handbook specifies that all children aged 18 months should receive chickenpox vaccine and recommends that children aged 10 to 13 years who have not had chickenpox or a chickenpox vaccination should have a catch-up dose. It also recommends that the oral polio vaccine should be replaced by the inactivated polio vaccine, which comes in the form of a combination vaccine with other vaccines.

The Australian Technical Advisory Group on Immunisation, when it is making these decisions—and the National Health and Medical Research Council, when it is reviewing them—assesses vaccines for cost and clinical effectiveness. They say that this is clinically required and will save the government money over time because properly vaccinated Australians will not end up suffering the burden that comes from getting the disease when they are not vaccinated. Despite the fact that time ticks on—here we are, in 2005—Minister Abbott has done nothing effective to respond to these recommendations.

Every member who was here in the last parliament—and, I believe, many other Australians—would remember how Minister Abbot was left scrambling last May on the question of the pneumococcal vaccine, which was recommended for Australian chil-

dren in the same set of changes to the *Australian Immunisation Handbook*. Labor had campaigned for the funding of pneumococcal vaccine for months and months. The Howard government had considered funding the vaccine in the run-up to last year's budget and made a deliberate decision not to fund it.

It was only when Labor announced its commitment to fund this vaccine on 13 May—the Thursday following the Tuesday budget—that a breathless Minister Abbott ran out, before Labor's press conference announcing our plan to fund the vaccine, to say, without details and without any understanding, that he would be funding it too—and of course he made that announcement without any explanation as to why it was not in the budget papers.

The fact that the minister's response was a cynical ploy to take some political pressure off is being revealed even as I am standing here today. His response was one that was flawed and politicised in a series of ways. Of course the first of the ways it was flawed and politicised is that Minister Abbott only funded the pneumococcal vaccine—the vaccine about which there had been some campaigning—and refused to fund the chickenpox and inactivated polio vaccine, even though both of these were recommended at the same time. Labor, of course, had committed to funding all recommended vaccines. Then Minister Abbott's cynical response was further revealed when we received the pre-election fiscal outlook documents—the update to the budget papers that were released during the election campaign—and we found that Minister Abbott had only been able to secure funding from Treasury for the pneumococcal vaccine until December 2006. So, on the budget documents it is apparent that from 1 January 2007 Australian children will no longer receive government support to get this vaccine.

The fact that this has only limited funding was confirmed today by Minister Abbott in a media statement. If there was an award for shamelessness in Australian society, Minister Abbott would be in the top 10 starters because he was out today spruiking the government's funding of pneumococcal vaccine for older Australians but he was absolutely unable to answer the question as to what will happen to Australian children after the money runs out at the end of December 2006. Minister Abbott was completely unable to answer that question.

In all of this, with the pneumococcal vaccine to run out at the end of December 2006 and with no funding for chickenpox and polio vaccines, where are we in the cycle of expert advice that the minister should be receiving? The experts spoke; Minister Abbott did nothing. Then, startled by Labor into a political response, he funded the pneumococcal vaccine for children for a very limited period. He then needed some political cover about what he was going to do about not funding the chickenpox and polio vaccine, and he got the political cover by sending the recommendation back to the Australian Technical Advisory Group on Immunisation and asking for some further advice. This was to get him through the election campaign. He was able to wander around saying, 'I'm getting further advice.' There has never been any clear explanation as to why further advice was sought and why the experts did not get it right in the first place, but that was his political fix for the election.

Minister Abbott's political fix on this matter has run out. The Australian Technical Advisory Group on Immunisation has gone back and rerecommended the chickenpox and the inactivated polio vaccine and has apparently said that the inactivated polio vaccine has an even stronger case in its favour now than it did at the time that the Australian Technical Advisory Group on Immu-

nisation first recommended it. So the political fix Minister Abbott put in place is unwinding. He has been told by the experts again to fund these vaccines. Whilst the expert group says it has sent its recommendation, the minister's office apparently has not received it. That was reported in the *Australian Doctor* magazine on 4 February 2004.

On a vital area, as important as vaccines, this is the political equivalent of saying, 'The dog ate my homework.' We have experts who are worried about cost and clinical effectiveness. They are worried about the burden of disease. They have sent their recommendations in for a second time; the recommendations have been received in the department but apparently Minister Abbott cannot find them in his office. This is either incompetence on a breathtaking scale or it is a further delaying tactic for Minister Abbott to try and desperately buy some more political cover for why he is not funding these vaccines. Whether it is incompetence or cover-up, it definitely is not good enough. It is time that Australian families had this burden removed from their shoulders and it is time the government funded these vaccines. (*Time expired*)

Youth: Homelessness

Mrs MAY (McPherson) (4.29 p.m.)—I want to take the opportunity today to speak on an issue that confronts me on a daily basis in my electorate, and indeed in Gold Coast City. I have no doubt it is an issue confronting many of my colleagues on both sides of the House. It is an issue that will not go away. It is an issue that just continues to grow. It is an issue that is becoming an enormous social problem within our country, and it is my belief that it is an issue that is seen to be too hard to tackle. It is the issue of youth homelessness in this country.

We have heard our country described as a wealthy country, a country that is made up of

generous people, which was very evident when Aussies dug deep to assist those countries and people affected by the tsunami disaster. The response by our government and our people was overwhelming and I, like all Australians, felt very proud of our fundraising efforts and the support given by our government to those affected by the tsunami disaster. But it is time to help our own, or at least to recognise that our own, particularly our youth, need our ongoing support and assistance. There are people in our communities who look at a homeless young person and who, without knowing the facts about why that person is homeless, just turn away.

I have heard the arguments: we have a generous social security system, people can be assisted with rent payments and we have retraining programs. That is all well and good and I have nothing but praise for my government for providing this assistance, but one has to ask the question: why are people still homeless? Why are they falling through the cracks? Is the assistance not enough? Why is it not enough? What can we do better?

The Australian Bureau of Statistics recently reported that there were approximately 99,000 homeless people in the country, and that figure has undoubtedly increased. After the 2001 census, data analysed by top academics revealed that absolute homelessness accounts for only part of the homeless picture. To get a sense of the real picture researchers state that homelessness needs to be viewed as 'anyone in need of safe and secure accommodation'. This reveals that there is a large population of people who are drifting between places of accommodation. At a glance I offer the following statistics: 14 per cent of the 99,000 were houseless or sleeping rough; 86 per cent of the 99,000 were in temporary or transitory accommodation; 54 per cent of the homeless population were over 24 years of age and 10

per cent were under the age of 12—yes, Mr Deputy Speaker, under the age of 12, a frightening statistic; 36 per cent were between the ages of 12 and 24 years; 58 per cent were single, 19 per cent were couples and 23 per cent were homeless families.

Over the last couple of years I have been very vocal in my own community about the need to support those organisations which year after year support, help and counsel homeless Australians, particularly young homeless Australians. There are two organisations on the Gold Coast with which I have been involved which offer services to people on the street. One works in accommodating young people in crisis, providing medium- to long-term accommodation in order to stabilise and settle a young person. The other organisation, with volunteers, takes to the streets of Surfers Paradise, Southport and Burleigh simply to provide friendship and acceptance without judgment or conditions. Both of these organisations rely heavily on donations to continue their valuable services. I would like to share with the House today a little about these two wonderful organisations.

The Gold Coast Project for Homeless Youth is headed by Dr Bill Hoyer, a man I have grown to respect enormously for his dedication and commitment to young homeless people on the Gold Coast. The other organisation is Rosies Youth Mission, which describes itself as 'friends on the street, in the courts, in youth detention and in the prisons'. Father Pat MacAnally is another man I have come to admire and respect for his work over many years, both here and overseas, with the poor and needy. Father Pat is the spiritual director of Rosies, and he wants to see this organisation become a global Christian outreach centre for those in need.

Crisis accommodation on the Gold Coast is practically nonexistent. Bill and his team

at the Gold Coast Project for Homeless Youth currently have only seven crisis beds to service the area between Byron Bay and Beenleigh, and five medium-term beds for children between the ages of 12 and 18. This is appalling. It means that young people are turned away every night. Young people who are homeless are automatically in crisis—that is, their lives are in a chaotic mess because of their inability to provide structure and normality to their lives. They cannot settle. The crisis accommodation that Bill and his team offer at Lawson House works to immediately stabilise young people by attending to their basic need for food, clothing and shelter, by establishing routines, by implementing appropriate social role modelling, by reconnecting young people with the education system or work or by providing them with the skills they will need to live on their own. If these young people are not provided with basic living skills such as hygiene, cooking a simple meal and how to keep a room clean then, realistically, they have no hope of being able to keep any accommodation in the private rental market, which escalates the problem.

Young people primarily seek accommodation with Bill and his team due to family breakdown. Lack of parenting skills, neglect and abuse are prevalent factors that impact on young people. Mental health issues and drug and alcohol issues also contribute significantly to the problem both within the family and for the young people themselves. The Gold Coast Project for Homeless Youth currently faces on a regular basis the following issues: increase in self-harm and suicidal behaviours; young people who are depressed and unable to access mental health support or maintain a daily routine which would support appropriate recovery; demands for complex needs such as mental health, drug and alcohol and extreme behavioural issues; juvenile justice clients who need placement or

who face detention; pregnant girls or girls with babies seeking support; and a real increase in demand for accommodation from younger and younger people, particularly 13-, 14- and 15-year-olds.

This is not a pretty story, but homelessness and the issues surrounding homelessness are not pretty. It takes a special person to work in this area because it is always a challenge. But the picture of homeless young people gets worse. They are by-products of homelessness. A young person is often unable to financially or emotionally fend for themselves. A child can be drawn into criminal and antisocial behaviour. The end results are court appearances and detention, and statistics show this can lead to a lifetime of dependency on social security or even crime.

During the 2003-04 year Bill received a total of 975 referrals for crisis accommodation and, of these, only 208 young people were able to access accommodation. That is a turn-away rate of 78.7 per cent. These statistics demonstrate that crisis accommodation is still much sought after in our city; unfortunately, the turn-away rate is too high. One has to ask what happens to those young people who are turned away. Where do they end up? One can only assume that it is back on the streets, homeless and very often with problems that need professional help and counselling.

Rosies offer a different form of support for young people on the street. In fact, Rosies say their goal is to create a home on the streets, in the courts and in the prisons. Rosies Youth Mission was founded in Queensland in 1987 in response to the phenomenon that is schoolies week, which still takes place annually on the Gold Coast with the influx of year 12 students celebrating the end of their school years. Year 12 students spend a week in the community outreaching to their fellow classmates. While pursuing

this outreach, a very different need was highlighted—that of the homeless and the abandoned on the Gold Coast. Very quickly, Rosies grew into a full-time team to minister by way of tea, coffee and friendship to the homeless. That ministry has grown from humble beginnings to provide friendship to over 1,500 young people every week.

On the Gold Coast, Rosies volunteers have the opportunity to go out on the streets in Surfers Paradise, Southport or Burleigh or attend the children's court or drug court or visit inmates at Numinbah Prison. Late last year, General Peter Cosgrove launched the Rosies Tapestry Fund, which will greatly assist in enabling Rosies to expand its presence in other areas of need in Queensland. It will enable Rosies to expand its volunteer based street outreach, drug and children's court support and youth detention visitation.

It is my view that we have a crisis with homelessness in this country. It is not a vote-winning issue. Homeless people do not lobby and protest to their elected representatives. They are silent and misunderstood. It is not even an issue that throwing dollars at will ensure it goes away. It is a social problem that needs the will of Australians and governments to ensure we put programs in place to address the issue. Governments need to support programs and organisations such as Gold Coast Project for Homeless Youth and Rosies.

The homeless youth of today will become the homeless adults of tomorrow because they do not have the skills which normally are learnt within a happy, safe and stable environment. Let us give them those skills. I want to assure both Dr Bill Hoyer and Father Pat MacAnally of my continued support in their endeavours to assist those people most in need in our Gold Coast community. In closing I would like to leave the House with this thought: Robert Byrne once said, 'The

purpose of life is a life of purpose.' Let us all work together, government and community, to ensure our young people have the assistance to lead a life of purpose. We must act now if we are to maintain an ordered society. *(Time expired)*

Smash Repair Industry

Mr BYRNE (Holt) (4.39 p.m.)—I rise tonight to discuss the issue of smash repairers and insurance companies. In fact, I would like to grieve for the treatment of smash repairers by the Australian motor insurance companies. For the public's information, there are estimated to be over 5,000 smash repairers in this country, although some would contest that this is an overestimation of the number of smash repairers left in this country. In virtually every case, these businesses are small businesses. They are businesses that employ six employees or fewer on average.

According to a Productivity Commission information paper, there are four corporate groups that account for over 90 per cent of the motor vehicle insurance market. So there are 5,000 smash repairers, but four major insurance companies in that market. These companies are IAG, Suncorp, Promina and Allianz. The revenue that these insurance companies get from their premiums per annum is enormous. In fact, in the period 2000-01, motor vehicle insurance premium revenue for these companies was about \$5 billion, out of the general insurance pool of about \$21 billion, while the combined repairer revenue was approximately \$4 billion. There are about 10 million insurance policyholders with about one million repairs being conducted annually by the smash repairers. Clearly these four insurance companies have enormous market power. What I contest here tonight is that these insurance companies are using that power in a very inappropriate way.

I would like to start with an issue that has been raised with me by smash repairers about what happens when a number of insurance companies contest some of the insurance claims. When a car is smashed and taken to a smash repairer, the smash repairer provides a quote and gets in contact with the insurance company, who sends an assessor. The assessor is supposed to be an independent and a highly qualified person who gives the right market value for the cost of the smash repairs to the car. Unfortunately, smash repair companies are telling me that that is not the case and is not happening. In fact, I have a rather serious allegation to make: IAG, one of our leading insurance companies, is offering incentives to its assessors—the people who are supposed to provide independent assessments based on market value. I have a copy of an IAG performance development plan and review which shows that the so-called independent assessors are basically being given incentives to underquote the value of the car to smash repairers.

So a vehicle comes to the smash repairer, who gives a quote, and the independent insurance assessor is supposed to basically say, 'This is the quote.' But this document shows that there are incentives for assessors to underquote the price of the repair of the car. They are given an annual benchmark, an average cost to repair the car, which could be, say, \$3,515 per car. That is added up throughout the year, and then they get a yearly tally. The document shows that assessors are given a pay bonus to basically come underneath those quotes. What does that mean? If the so-called independent assessor goes to the smash repairer and says, 'I think your quote is wrong,' what happens if the smash repairer's quote is right and the assessor's is wrong? In many cases that is what is happening. It means that honest quotes pro-

vided by the smash repairers are being stripped off.

One might say that that is an exaggeration by the smash repair industry, but let me tell you about an incident that will verify my claim. This incident occurred last year with a fleet car that was taken to a very well-respected panel beater. It was a Toyota that was six weeks old and had been smashed up in the front. That particular independent smash repairer quoted the damage to the car at \$6,485. He submitted that quote. The independent assessor, called the Motor Care Assessment Co., on behalf of QBE Mercantile Mutual came and provided a quote that was \$1,400 under the quote that was provided by the well-respected individual. The individual who provided me with this information has over 30 years of experience in the smash repair business. A large number of prestige companies consult him and get him to repair their vehicles. He is a person whose integrity on this issue is beyond dispute. Yet a supposedly independent assessor has basically said that he overquoted by \$1,485.

As you could imagine, the smash repairer was not very happy about this, so he called for another independent assessor to come and value the repair work to the vehicle. The independent assessor came up with a quote of \$5,942. Yes, this is less than the original quote, but this is another independent assessor. The other assessor for the insurance company said that was not going to happen. The smash repairer said: 'Let's go to court. If we cannot resolve this, we will take this matter to court.' What then happened was that the independent assessment of \$5,942 was accepted.

This is a microcosm of what is happening out there. Insurance companies with enormous leverage and enormous power are beating up on proprietors of the smash repair business and forcing them to accept under-

quotes. What does that mean? What sort of position does that put the independent smash repairers or the preferred smash repairers in? It puts them in a position where they are asked to cut costs. What does that mean when you have these repairs? If they do that and they set an artificially low price, what does that mean for cars that are out on the road? Where is the guarantee of safety of those cars?

I mentioned the incentives provided by this major insurance company for people to, in the words of the smash repair person who provided this information, 'strip honest quotes'. There is another important factor that needs to be taken into consideration, and that is the qualification of the person who is conducting the assessment on behalf of the insurance industry. Look at some of the qualifications of these individuals—because this is not just an engine that is smashed or a chassis that is smashed but a body that is smashed. It requires a lot of expertise and experience. My contention, on getting feedback from a number of very well-respected people in the smash repair industry, is that the qualifications of those assessors in the insurance business are suspect.

One of these individuals cast his eye quickly over some of the qualifications of some of the assessors of each of the major insurance companies. For example, the RACV—and I will not name the individuals—has four mechanics. The NRMA has a mechanic; GIO has a mechanic and also has another individual whose experience is two years of a marketing degree. I am not quite sure what that has to do with smash repairs, but I would contend here in this House that a two-year marketing degree does not qualify you to be an independent assessor. A number of other companies have mechanics. The contention is that these people are not fully qualified to provide and adjust an appropriate assessment. Not only do we have incen-

tive programs to drive down the cost of the insurance quotes but now we have a problem with the qualifications of the assessors. This is a serious concern, because cars on the road need to be safe. I contend that they are forcing smash repairers to cut costs or go out of business.

When one reads the Productivity Commission's draft paper on this—and the Productivity Commission is going to be preparing a final report about the smash repair business and its relationship with insurance companies in March this year—one would believe that there would be reduced premiums as a consequence of the insurance companies reducing costs; but, interestingly, that is not the case. My information from smash repair businesses is that in the last five years insurance companies have increased their premiums by 130 per cent but that they are not passing those premium increases on to the smash repairers. The standard hourly rate for a smash repairer has remained the same for 13 years—13 years without a pay rise. That is a disgrace.

I contend that it is not the business of insurance companies to drive smash repairers to the wall. My belief, having seen this evidence and having spoken to leading figures in the smash repair business, is that there has to be a mandatory code of conduct. I know the Productivity Commissioner is talking about a voluntary code, but my belief is that the sooner we have a mandatory code of conduct for insurance companies the better off Australian motorists will be. (*Time expired*)

Queensland: Vegetation Management

Mr BRUCE SCOTT (Maranoa) (4.49 p.m.)—I raise this afternoon in the grievance debate an issue of great importance to my constituents. In fact, it should be of great importance to all Queenslanders—if not all Australians. As you would know, Mr Deputy

Speaker, the responsibility for natural resource management rests with our state governments. That is not an accident of our Federation but because states came prior to Federation. I want to refer to the vegetation management laws as they apply in the state of Queensland. When I talk about vegetation I talk not only about trees but also about the importance of grasses in the management of vegetation in any ecosystem. There has been a great deal of debate about tree-clearing laws and the importance of trees. We all understand that, but what is not often spoken about is the importance of ground cover and what grass can do to bind your soil together and to prevent rapid run-off of water, causing erosion. We have to look at the issue of our natural resources in relation to vegetation management as it applies to both trees and grasses.

Land-holders need every tool available to manage their vegetation. I deliberately use the word 'manage' because land-holders have to manage their properties, they have to manage the viability of the resources they have and they have to manage their businesses. Part of that is managing the land resources they have, which enables them to make a living from the land. Over the last 20 years, one of the great growths in land management has been the Landcare movement. It is an issue that in many ways was ahead of its time, but it has brought together land-holders into regional groups and catchment groups to have cooperative approaches to how they manage their land resources either in regional areas or in catchment areas such as rivers and creeks.

It is no secret that I certainly took on the Premier of Queensland in relation to tree-clearing laws and it is to his shame that, during the last state election in Queensland and post his re-election as the Premier of Queensland, he set out to demonise the land-holders of Queensland over tree-clearing

laws. What the Premier and the Labor Party in Queensland did was to legislate away the legitimate land rights, particularly the freehold land rights, of the people of Queensland. In that process he tried to demonise land-holders as vandals. I reject that absolutely because there are many thousands of people out there, such as families earning a living from the land, who all want to do that sustainably and, as custodians in this generation, pass that land on to the next generation in a better state.

What the Premier did was introduce a ban on tree clearing in Queensland by the year 2006. It has been almost 12 months since he introduced that legislation in Queensland and to date there has not been one dollar of compensation paid to those land-holders who are going to be denied the right to manage their resources, their vegetation, into the future. He brought forward that legislation in the interests of protecting his own political skin. He did not do any scientific studies as to the impact that it might have on the ecosystems or the land-holders' ability to manage the vegetation in that particular region into the future. He did not do a regional impact statement. In other words, he did not identify whether, through that legislation, there would be an impact on the job opportunities of people living in those regions. He did not look at what impact it would have on our country towns and at whether people who had for many years made a living in our country towns would, because of that legislation, find themselves out of a job, lose their livelihoods and have to move away from the community, thus bringing about a situation where those towns would continue to decline in population because of the lack of opportunity for those communities to develop.

I draw a parallel with a statement by Mr Warren Mundine on the impact that locking up land has had on the Aboriginal community and introduce it into this grievance de-

bate this afternoon. It is an important statement. He made it at the end of last year. I quote from the statement on the impact of locking up land that he made on the *AM* program on the ABC on 6 December last year. As the opposition person on the other side of the House would well know, Warren Mundine is a vice-president of the federal Labor Party. He is considered by the government to be a very important player in the way that we can progress the issue of Aboriginal rights in this country and how we can address some of the situations of housing, education and health in Aboriginal communities right around Australia. He is speaking here of land rights, and I quote part of the way through his rather lengthy statement. In relation to the communal ownership of land that is owned by Aboriginal people, he said:

In fact, it's retarding our economic development ...

And this is important:

Where you cannot use land for economic benefit, that you've got it locked away, then what it's doing is we've been asset rich, but we're being cash poor. It's not putting any food or any clothes or any money in our pockets.

If you relate that statement of Warren Mundine to the actions of the Labor Party in Queensland, particularly those of the Premier and his Minister for Natural Resources and Mines, Stephen Robertson, you see that is exactly what they have done to the land-holders in Queensland. They have put a ban on the clearing of trees from 2006 for evermore without compensation. They will say that they are going to be paying compensation, but they have had the legislation passed by the house in Queensland and to date not one dollar has flowed to the land-holders or communities that are being impacted by that legislation.

Those words of Warren Mundine should ring loud and clear in the ears of Premier Beattie because, as Mr Mundine said, when

land is locked away and you cannot develop it in any sustainable way that is 'not putting any food or any clothes or any money in our pockets'. That is ultimately what is going to happen to those land-holders who by virtue of that legislation are not going to be able to manage—and I use the word 'manage'—their resources, their land and their grasses sustainably into the future. I am sure that the people of Canberra do not need any example other than the tragic bushfires here two years ago. They understand the tragic consequences of what occurred here, the impacts on the lives of so many people who lost their houses in those bushfires, because the national parks were not managed.

There were large protests in Charleville, which is in my electorate, over the weekend by land-holders demanding their property rights. All they have asked for is the right to sustainably manage their resources. They will deal with the issues of ecosystems and of retaining a certain amount of vegetation to ensure there are wildlife corridors. They will do all of that; they have agreed to that in the past. But what they will not agree to—and they will fight Beattie and the Labor Party all the way on this—is not having the right to make sure that they can manage sustainably the land resources that are so vital to their economic future. This issue must be on the agenda of the next Council of Australian Governments meeting so that we can get a national approach to land management, particularly as it relates to the vital issue of trees and how we manage those and the grasses that are so much part of all our ecosystems and the sustainability of land resources in Australia. (*Time expired*)

Kyoto Protocol

Ms VAMVAKINO (Calwell) (4.59 p.m.)—I want to raise the very important matter of the Howard government's refusal to ratify the Kyoto protocol. Today, there has

been a flurry of activity and debate in the House ahead of the Kyoto protocol coming into effect. I am pleased to be adding my voice, on behalf of the people I represent in the electorate of Calwell, to an issue that has wide-reaching implications for the entire world. This Wednesday, 16 February, the Kyoto protocol will come into effect. Across the globe we will see a series of official events that will be held to celebrate this unique exercise in international cooperation.

However, because of the government's stubborn refusal to ratify the Kyoto protocol, Australia will not be part of this historic event. Unfortunately, we will not be joining with the overwhelming majority of countries around the world in this symbolic and very important first step towards addressing the ever-increasing concern of climate change. On this occasion, Australia is not fulfilling its obligations as a good global citizen. That will make 16 February a monumental day for the world community but a sad day for Australia. This is my grievance today, just as it is, I am certain, the grievance of a majority of Australians, including business and environmental groups who would like to have seen the Howard government ratify the Kyoto protocol.

The environmental implications of climate change are not fanciful possibilities. They are occurring now and they are very real. There is an abundance of evidence supporting this worrying occurrence. There have been copious articles, analysis, expert opinions from the scientific world, international conferences and, more importantly, international studies warning about the potentially catastrophic consequences of global warming. There is now an indisputable international consensus of scientific opinion that the currently increasing levels of carbon dioxide and other greenhouse gases in the atmosphere, if continued, would lead to a significant rise in global temperatures over the next

century. Global warming is now considered one of the greatest threats to the future of life on planet earth. Global temperatures have already risen by 0.6 degrees over the past century, with predictions that this will continue to rise to about five degrees over the next century if levels of carbon dioxide and other greenhouse gases are not addressed.

A World Health Organisation report, co-authored by Australian National University scientist Tony McMichael, found that more than 160,000 people died in 2004 as a result of climate change that has occurred since the mid-1970s. Our seasons, albeit subtly, are changing. Last year, an Arctic climate impact assessment study found that the North Pole was warming at twice the rate of the rest of the earth. Not only are the implications of climate change being seen and felt now, but they will continue to escalate so long as we continue to ignore the factors which have stimulated them. The International Climate Change Task Force concluded in a report released only last month that the world has less than a decade to avert catastrophic climate change, with the likely result, if we fail to do so, being widespread droughts, crop failures, floods, rising sea levels, water shortages, storms and irreversible damage to some of the great wonders of the world. Included in this is Australia's very own Great Barrier Reef.

The Great Barrier Reef is an Australian icon; it is recognised around the world as a natural wonder. It is at risk of destruction within a few decades as sea temperatures rise and seas become more acidic and soak up more and more carbon dioxide, resulting in devastating coral bleaching. This has already occurred in the South Pacific in 2002 and in the Indian Ocean in 1998, where mass bleaching destroyed 16 per cent of the world's coral. We certainly do not want to lose the Great Barrier Reef to the same fate. The Kyoto protocol provides an international

response to the issues of climate change and has been ratified already by 141 countries, including, most recently, Russia. These countries are willing to seriously address climate change. Today, I would like to commend them all for their leadership and commitment to protecting our planet.

We would have been in good company standing with both the developed and developing countries as they prepare their economies for a future less dependent on carbon based energy production in an attempt to avert environmental disasters. Of the developed nations, it is common knowledge now that only Australia and the United States will not be a part of this unprecedented global effort. This is a terrible shame, and you have to ask why it is that the government is leaving Australia on the sidelines in this unique global effort. It appears that the government either does not have the same sense of urgency or compulsion to act as the rest of the international community, or that it does not fully appreciate the many positive implications that ratifying the protocol could bring to our economy and environment. Perhaps—and worst of all—it could be that the government simply does not care to be part of this international treaty effort and is quite happy to go its own way on a matter that begs unified global action.

We know that without addressing climate change we cannot tackle the environmental threats that I have mentioned, and that the environment and economy will suffer from these devastating outcomes. We know that Australia is likely to meet the five per cent emission reduction targets for the period 2008-12 that ratification would have required, so no added burden would be imposed on private industry. We also know that ratification would have no direct financial impacts on the Commonwealth budget. Above all, we know that ratification would, in fact, bring benefits to Australian busi-

nesses by enabling our participation in emission trading and renewable energy technology markets.

Despite these benefits, the Howard government has steadfastly refused to ratify the Kyoto protocol, because, in its somewhat arrogant, simple and short-sighted view, this government considers the Kyoto protocol as a less than perfect treaty. As such, it considers it okay to place Australian companies, our economy and our environment in a disadvantageous position. On this side of the House, together with most other Australians, we do not believe that it is okay. On the contrary, we believe it is preferable to work with the rest of the world within this global framework, the effectiveness of which can be improved over time. This is the common-sense thing to do and it certainly is the right to do.

The Boxing Day tsunami should remind us all just how fragile our planet and our environment are. It also showed us just what can be achieved when we come together as a world community. The Howard government's stubborn refusal to ratify the Kyoto protocol, in light of all the available information, is both irresponsible and illogical. Unlike the Howard government, Labor have consistently supported ratification of the Kyoto protocol. The many calls I receive at my electorate office, on a daily basis, support our position on Kyoto above that of the government. Again today we have demonstrated our commitment to Kyoto with the introduction of a private member's bill by the member for Grayndler calling on the government to ratify the Kyoto protocol. It is not too late. I want to take this opportunity to call on all members opposite to do the right thing, because I am absolutely certain that there would be many members on the other side of the chamber who would want the government to ratify the Kyoto protocol.

We on this side of the chamber commend those countries that have ratified the Kyoto protocol; we congratulate them on their courage and commitment. We say 'shame' to the government for stubbornly and irresponsibly refusing to ratify this very important international treaty. Shame on the government for refusing to acknowledge the importance of collectively addressing the potentially disastrous issue of climate change. Shame on the government for refusing to move forward with the international community to an era of global cooperation in averting this crisis. We can be successful in undoing the damage already done, and the damage that could be done in the future, only if we agree to work together. The Kyoto protocol is an important symbolic agreement, and Australia should and must be part of this global commitment. It is absolutely important to restore our position as a good global citizen. I therefore take this opportunity today to call on the government to ratify Kyoto now. Ratify Kyoto in the interests of Australia and ratify Kyoto in the interests of the international community and future generations.

Queensland Government

Mrs ELSON (Forde) (5.09 p.m.)—I rise today to canvass a number of issues of concern to my constituents. Firstly, I am going to apologise up front should I not be able to complete this 10-minute speech, because I am suffering from a very bad infected throat at the moment, but I am going to do my best. Recently I spoke in this place about the need for Queensland's state Labor government to meet its responsibilities with regard to funding for education services for children with learning difficulties. This time last year I begged the Queensland Premier to look at the impact that the review of special needs funding for Education Queensland has had on disabled children and their families. Many disabled children had their teaching support

seriously cut, which resulted in special needs children being placed in ordinary classrooms with little or no assistance. In late 2003 Education Queensland dropped the ascertainment level of nearly 1,000 disabled children, which in turn meant their teaching support was reduced or even entirely dropped.

Parents who secure a place for their children in the Special Education Developmental Unit at Mount Warren Park State School, in my electorate, have been dismayed to find that vital services like speech therapy are virtually nonexistent. That is the vital, basic service of speech therapy, and it is nonexistent. Commonsense would tell you that it is ridiculous to deprive children who have learning problems of a speech therapist at such an early age. Unfortunately, once again, I have heard nothing back from the state government on this matter. Local parents who have signed petitions and lobbied the state Labor member, Margaret Keech, continue to get no satisfactory response.

Honourable members would know that I do not use this place as a forum for bagging the state government. There have only been a very few occasions that I have done so in the past eight years. But there have been several issues recently which show it is pretty clear that the Queensland Labor government have simply lost the plot. They have made decisions that defy commonsense. I want to highlight a few of them and urge the state government to rethink their approach.

The first is the ridiculous decision to lock horse trail riders and beekeepers out of state forests. I do not know who the Premier was talking to prior to announcing this policy direction, but it definitely was not the peak bodies of the trail riders or the beekeepers' associations. They were shocked that this decision was made without any input or consideration from them. And now they are being told not to approach the \$100,000 con-

sultant that the state government hired to come up with a solution.

The whole decision does not make any sense whatsoever. There are thousands of hectares of state forest in Queensland with presently very limited access to cleared paths for horses and vehicles for beekeeping. In fact, they have no access to approximately nine-tenths of the forest, so logic tells us that they cannot possibly cause widespread disturbance to native animals—not by any stretch of the imagination. I have spoken to many horse trail riders and I have been told that they stay to the tracks because they would not want to risk hurting or damaging their horses. It is exactly the same situation with the beekeepers. They use the same trails as park rangers and they do not deviate from them, because they do not want to damage their vehicles or equipment. I simply do not know why the Premier is pushing forward on this plan when he still has not put forward any scientific proof to back his claims that these two pursuits are causing environmental damage.

As Helen Darlington of the Mudgeeraba and Hinterland Horse Trail Club said in the *Gold Coast Bulletin* recently:

These paths have been ridden since Queensland was settled. Horses have become part of our environment, it's our heritage.

She also stated that her club maintain fire-breaks and are of service to the forest. She says:

... but they have never even looked at what we do. Now we're the bad guys.

She is absolutely right. This decision does not make any sense at all to me. I suspect this decision is solely based on the claims of an environmental group. The Premier should know by now that you cannot make decisions based on the opinions of self-appointed special interest groups. The Premier has a responsibility to demand scientific proof and

data, and to consult with the relevant stakeholders to make a responsible and informed decision. The forests are beautiful places to spend time in. They are safe environments for trail riders. The alternative is that they will be forcing the riders onto our roads and placing riders and vehicle drivers at serious risk.

I have to ask: what damage have the honey bees done to our state forests? Certainly they were an introduced species in the late 1860s, but they now play a very important part in pollination. Where is the data to suggest that they are causing damage? I can speak first-hand about the care taken by beekeepers when they work in state forests. My husband is a beekeeper who currently has permits to work in state forests. I know his procedure when checking his hives. There is only limited road access, and they are the same roads that park rangers use. They are very rough and no-one would risk leaving these roads to venture further afield and causing extensive damage to their vehicles. Has Mr Beattie even considered the impact this hasty decision will have on our state's honey industry? I urge the Premier to sack his \$100,000 consultant, to go back to the drawing board, to invite all interested parties to a round-table discussion and to let them have input into this important decision.

The other matter I urge the Premier to look into is the recent case of the mother who had Queensland Department of Child Safety officers turn up on her doorstep when she was in the very early stages of labour to grill her over her birthing choice. Incredibly, the concerns arose when this mother of two decided she wanted to try to have her third child naturally after her first two babies had been delivered by caesarean section. Mrs Dagan had been booked to have a caesarean at the Royal Brisbane Women's Hospital but cancelled that booking four days earlier. Having found that Caboolture Hospital

would support her efforts for a natural birth, she booked in there. But the Royal Brisbane Women's Hospital reported her to the Department of Child Safety, and officers saw fit to visit her at her home at what should have been a special and private time. Despite the intrusion and distress that was caused to her, I am happy to say that Mrs Dagan went to Caboolture Hospital later that day and safely and naturally delivered her daughter Alesandra at 3 o'clock the next morning.

I am amazed that such a heavy-handed approach was taken with a woman who simply wanted to make every effort possible to deliver her baby naturally. Surely Child Safety officers have more pressing priorities. Tragically, we have had many cases in Queensland where the Department of Child Safety have failed to act in circumstances where it was abundantly clear that a child was in danger. Surely they should be more carefully monitoring those in at-risk households rather than harassing a responsible pregnant mother of two. Again, it is an action that defies commonsense. I sincerely hope Queensland Child Safety take a long hard look at their priorities and really get down to the task of protecting our state's children. There is a lot more that can and should be done for Queensland children suffering physical abuse, and that should clearly be the focus of the child safety bureau.

It has been just on a year now since the Beattie Labor government was re-elected. It is a real shame that they have failed to live up to the trust and faith that the Queensland people placed in them. I urge the Premier to stop the constant buck-passing, to take responsibility and to start fixing some of the messes that his own government has created. The three areas I have listed today are just a starting point. The Queensland government needs to take the windfall they have received from GST revenue and to start putting it back into the community, into our health services,

into our education system and into providing our children with special needs with the support they desperately need and deserve.

Earlier in this debate, the member for Moncrieff shared his concerns at the appallingly long waiting list in the dental health system in Queensland. The member for Lalor responded by protecting Mr Beattie and his lack of action. She stated that the federal government cut out the funding. This is a load of rubbish. It was a four-year funding program only. It was put in place solely to shorten the waiting list in Queensland. I was involved in this system, so I can talk firsthand about it. At the time, dental health workers were directed to go slow to shore up a further four years of funding once that expired. That is just ludicrous. They did not make one bit of difference to their waiting lists in the time that the funding was available to them. The only way to ensure public dental waiting lists are shortened is to only pay government employees in the dental service on a per patient basis or to provide vouchers to enable low-income earners to receive private dental therapy. This would then fix the long waiting lists. They would no longer exist. Premier Beattie should do this, but he will not because he prefers to sit on his hands and blame the federal government while our children and aged suffer needlessly. *(Time expired)*

The DEPUTY SPEAKER (Hon. I.R. Causley)—Order! The time for the grievance debate has expired. The debate is interrupted and I put the question:

That grievances be noted.

Question agreed to.

**PRIVATE HEALTH INSURANCE
INCENTIVES AMENDMENT BILL 2004
FINANCIAL FRAMEWORK
LEGISLATION AMENDMENT BILL
2004**

**FAMILY ASSISTANCE LEGISLATION
AMENDMENT (ADJUSTMENT OF
CERTAIN FTB CHILD RATES) BILL
2004**

Returned from the Senate

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

**AUSTRALIAN SPORTS COMMISSION
AMENDMENT BILL 2004**

First Reading

Bill received from the Senate, and read a first time.

Ordered that the second reading be made an order of the day for the next sitting.

**NATIONAL HEALTH AMENDMENT
(PROSTHESES) BILL 2004**

Second Reading

Debate resumed from 1 December 2004, on motion by **Mr Abbott**:

That this bill be now read a second time.

Ms GILLARD (Lalor) (5.20 p.m.)—The National Health Amendment (Prostheses) Bill 2004 amends the National Health Act 1953 to allow the Minister for Health and Ageing to determine in writing the prostheses that are to be covered by health funds, which of those will have no gap payable and which of these devices to be covered by health funds will have a gap payable by the health fund contributor—that is, by the patient—and the minimum and maximum benefit amount listed for each gap permitted for each device. In making these determinations, the minister may take into account advice from experts in the area of prostheses and in the health insurance industry. The bill requires that health funds must provide no-gap cover for at least one prosthesis in relation to every in-hospital procedure for which a Medicare benefit is payable. The stated aim of the bill is to enhance the value of private

health insurance and to increase choice for consumers.

Estimated savings from the measure are \$4.3 million in 2005-06 and \$20.6 million in 2006-07, based on an implementation date of 1 April 2005. It is interesting to note that the earlier bill which dealt with this matter and which was before parliament before the parliament was prorogued for the election proposed that savings of \$61.9 million would be made over four years based on an implementation date of 1 April 2005. So clearly the savings have been revised downwards. In addition, we can only presume that the full forward estimates figures are not given because to disclose them may enable someone to diagnose the anticipated escalation in private health insurance premiums over the life of the forward estimates that the Howard government are anticipating. As you would be aware, Mr Deputy Speaker Causley, the nature of likely increases in private health insurance premiums is a very sore point for the government, and they do everything they can to try to hide realistic estimates of how private health insurance premiums are going to escalate over the next four years.

This bill was first introduced into the parliament on 12 August 2004 and, as I said, it lapsed when the election was called. This bill only varies from the original bill in some relatively minor technical respects, although some of these may impact on patient costs. From the beginning, Labor has had concerns about this legislation. Let us be clear: the premise of this bill is all about saving money for the government and for the health insurance industry. The doctors' groups—or at least the AMA—have been consulted and so have the hospitals involved. However, it is clear that the major impact of this legislation will be on patients who will lose choice and certainty and face more out-of-pocket costs. I suspect that this is an issue that consumers are not in any realistic way aware of. Obvi-

ously, this is a very highly technical area in a highly technical bill, and it is only peak bodies in the health sector that have been consulted. I suspect that many patients will not find out about the impact of this bill until they need a hip replacement, a new heart valve or a stent to clear their arteries after a heart attack.

It is our view that Australians as patients and as purchasers of private health insurance have therefore been forgotten in this legislation. There is nothing in this bill that will ensure a patient is informed about their out-of-pocket costs and there is nothing in this bill that will ensure that any savings made by the insurance funds will be handed on to consumers. We clearly need some changes in this area—Labor is prepared to concede that—but there are many questions regarding the capacity of this bill to bring about the required change.

All of us in this House would know, from our day-to-day dealing with constituents, that one of the principal grievances that people have about private health insurance is that they pay for it for many years over their lives—many people pay at a time in their lives when they find making the premium payments a real strain on the family budget—they have an expectation when they come to use their private health insurance that it will pay for all of the costs associated with their care and they are horrified to end up with a bill for gaps.

Our concern with the implementation of this legislation is that the bill for gaps could be even higher because people have had recommended by their doctor—and without their own reservoir of medical knowledge, they necessarily have accepted their doctor's advice—the best medical device or prostheses for them, whether it be a hip or a stent or a new knee. They will think, cheerfully, when they go and have the procedure—well,

they might not be cheerful on the day of the procedure—that their private health insurance fund is going to pay for that device, only to find some time later that there is a gap payable and payable by them. In the case of some devices we are talking about gaps in the thousands of dollars. Our central concern about this bill is where it leaves patients, how patients will be told that there is likely to be only one medical device in a range of devices covered by their private health insurer without a gap and that they need to think carefully about the implications for them of a gap when they have a medical procedure which includes the use of a medical device.

We would all recall in this place that in April 2003 the Howard government announced the introduction of a range of reforms, which, it said, would 'make private health insurance more efficient, competitive and deliver better value for money for members.' That was the Howard government claim. It was stated that these reforms would tackle supply costs, with their subsequent pressure on premiums, by seeking to rein in the cost of prostheses and eliminating the second tier default benefit. Of course, the 'second tier default benefit' is one of those bits of jargon that those in the health sector all wander around talking about which is necessarily gobbledegook to almost anybody else. The second tier default benefit is about providing a reasonable private health insurance reimbursement level even when a particular private health insurance fund does not have an agreement with a particular hospital. If you are a private health insurance holder and you go to your local hospital, even if your private health insurance fund does not have an agreement with that hospital, a payment was defined that would flow from your private health insurer to the private hospital. This was particularly important for small, rural and remote private hospitals.

This package of measures—the prostheses reforms and the elimination of the second tier default benefit—was originally advanced together by the Howard government. Of course, the elimination of the second tier default benefit would have left patients in positions where, if they wanted to go to their local private hospital which did not have an agreement with their private health insurer, funds would not have flown from their private health insurer in respect of that hospital visit. So it would have further restricted choice.

The 2003-04 budget estimated that savings from these two proposals would generate \$49.6 million over four years. That was the original budget saving. It was clear to all in the health sector that these initiatives were being driven by the Australian Health Insurance Association, which certainly has access to the government's ear when it comes to matters of health policy.

Due in part—I would say—to tough questioning from Labor on these two issues and a push back from private hospitals and doctors' groups, particularly on the second tier default benefit proposal, the department and the minister actually moved to rescind that decision. It got too embarrassing for the Howard government to eliminate the second tier default benefit with the implications that would have had for a patient's ability to choose the hospital they wanted to go to, particularly in rural and regional areas. The first reform from that package remains—it is the prostheses commitment that we see in this bill.

Currently the way in which private health insurance intersects with the provision of prostheses is as follows. There is a list of items at schedule 5 which is entitled *Benefits payable in respect of surgically implanted prostheses, human tissue items and other medical devices list*—it probably does not make great reading on a Saturday afternoon,

but that is the list that defines all of these devices. It is a list of devices that health funds must fund for privately insured patients. Manufacturers or suppliers of prostheses must apply to the Commonwealth Department of Health and Ageing for their devices to be included on the list. The department then assesses the application against specific criteria. If a prosthesis is listed on schedule 5, private health insurers have to cover the full cost of the device and there is no gap. An expert committee, the Private Health Industry Medical Devices Expert Committee, oversees the listing of these devices on this particular list known as schedule 5. The committee includes representatives of consumers, the medical profession, private hospitals, private health funds, prostheses manufacturers and of course the government.

A major and justified complaint about the way in which the system currently works is that each private health insurance fund is required to notify each hospital which prostheses they will cover. Generally that causes a burden in terms of bureaucracy and paperwork. Under the current arrangements, the choice of prostheses for any particular patient is generally made by the doctor and the level of cover is provided by the fund. So we have a situation currently where, if you need one of these medical devices, if the medical device is listed on schedule 5—and schedule 5 is quite a comprehensive list—then it will be provided to you with no gap. We do acknowledge that this current arrangement comes with some deficiencies, including the paperwork burden which I have just pointed to. Industry data shows that, in the year to June 2003, prostheses costs to the private health insurance industry were \$546 million. That was up 24 per cent from the previous year. How do we explain that? It is obviously explained in part by the growth in new technologies and the ability to use these to bene-

fit patients—for example, we now commonly insert a stent into a patient to help deal with potential blockages rather than use bypass surgery.

The fact that there is a greater use of medical devices is not necessarily bad news for the health budget—and it is certainly not bad news for patients—because the use of some of these devices can prevent later and more complex conditions or the need for more complex surgery. The use of stents rather than bypass surgery is a clear example of that. The growth of these new technologies means that prostheses are the fastest growing sector of costs for private health insurance cover, and it is an area the private health insurance funds are understandably keen to reel in.

The drive up in costs really comes from three particular factors. The largest factor is the increase in utilisation. That is because more people are using their private cover to get the cataract surgery, the hip replacement or whatever it is that that they need. Consequently that has an implication for the number of medical devices used. I note the Howard government has promised to increase the private health insurance rebate for people over 65 and the potential for that to increase the take-out of private health insurance by older Australians is probably going to drive that cost pressure even harder. The second factor is the new technologies associated with the new procedures and new devices. The third cost pressure factor is supplier price increases. The bill is predominantly aimed at dealing with the increase in utilisation as well as moderating costs by only having one no-gap device and therefore driving demand towards the cheaper no-gap device.

The new process for the determination of which prostheses will be listed as no gap, or the ones that will have a gap and the pricing structure assigned to each category is un-

tested; and, I would have to say, very complicated. There is nothing to ensure that any more than one product is listed in each no-gap category or that new technologies are considered as they become available. The likely consequence is that only the oldest and cheapest products will be listed as no gap and everything else will have a gap associated with it. The current system for regulating prostheses, and particularly for evaluating their cost effectiveness, is very poorly developed.

Independent data upon which decisions about listing will be made is, and I suspect will continue to be, scarce. There is nothing to ensure that patients are provided with choice or that savings are passed on to consumers through a decreasing rate of private health insurance premiums. That is a very key point. If this legislation generates cost containment benefits for the private health insurance industry, there is nothing in this bill to prevent that being pocketed by the private health insurance industry and the same premium increases being asked for. There is nothing in this bill that will drive that cost containment through to the private health insurance premiums that ordinary Australians pay. Consequently we are concerned that the most likely outcome for patients is not that they will have cheaper private health insurance premiums but that they will have less choice and will pay greater out-of-pocket costs for medical procedures involving prostheses. The requirements to ensure that patients are informed about the costs involved in picking a device with a gap are also very weak in this legislation.

As I have said, this legislation is largely being driven by the private health insurance industry, though I would note that it is clear that they have not been able to get the complete control in this area that they wanted and were apparently promised by Senator Patterson when she was Minister for Health

and Ageing. We know, though, that this is a big issue that the industry is struggling with, and the minister's office is very keen to deliver for them. The Medical Industry Association of Australia has announced its 'cautious support' for the reforms but noted that consumers will face new gap fees for procedures that are currently fully reimbursed under private health cover. The AMA is also reasonably happy, but the AMA has some concerns about the ability to get new technologies listed quickly. It is interesting to note that it is adamant that it will not be the responsibility of doctors to ensure that patients are informed about the costs that may flow to them because of the existence of this legislation. That begs a very important question: who is going to do that?

Most people who need a medical procedure—a new hip, for example—are not necessarily doctors or nurses or experts in medical devices. They go to their doctor, get referred to a specialist and take advice. The balance of power in the making of decisions about health matters tends not to lie in the hands of the patient; it tends to lie in the hands of the person providing the medical service. They are the ones with the knowledge, and when we go to them as non-medical people and as patients we rely on their judgment. If the doctor, the specialist, forms the judgment that the best device for an individual is not a no-gap device but a device that will cost them perhaps thousands of dollars and it is not the doctor's responsibility to inform them of that gap, then whose responsibility is it? What is to prevent the situation which I believe many of us as local members know happens regularly now? Constituents come to our offices and tell us that, having used their private health insurance in the private hospital system or potentially having been a private patient in the public hospital system, they went into hospital thinking that all costs would be met and

they were amazed, appalled and distressed when, after having had the procedure, they received the advice that they were going to be charged substantial amounts of money. This is another factor in that melting pot.

So if the AMA's strongly held view is that doctors are there to advise on medical issues and not to provide advice on costs then it is incumbent on the government, it seems to us, to be trying to provide some answer to the question as to who it is incumbent upon to ensure that patients embarking down the route of using a medical device that has a gap associated with it understand the financial ramifications for them of making that decision. They need to understand what may be different about that device compared with the no-gap device and that, in view of the additional costs, they have made a deliberate decision that it is the device with the additional costs that they want and that they are prepared to pay for.

The Howard government are really caught in a web of their own rhetoric when it comes to this bill. If it were not about such a serious issue, it could cause one some wry amusement. On the one hand, the Howard government have championed private health insurance as being all about choice. Indeed, in question time and in policy statements when various members of the government, from the Prime Minister down, are out on the hustings, the rhetoric they use all the time is that they are about choice in health care. They also use the rhetoric of choice for other parts of the government system. They say that they champion private health insurance because it is all about choice. Caught in the web of their own rhetoric, the grand irony about this bill—brought to you by the Howard government—is that, sadly for patients, this bill will limit choice and increase out-of-pocket costs.

The Howard government have also consistently criticised Labor for being anti-doctor, a completely absurd allegation but one that we hear made frequently in this place often in the context of question time or in matters of public importance debates. It was certainly a claim that got a bit of a run during the recent election campaign. The Howard government are out there always trying to tell doctors, in particular, how much they empathise with them and trust them. However, once again caught in a web of their own rhetoric, the inherent assumption in this bill is that doctors are recommending to patients medical devices that are more expensive than the ones clinically required.

That must be the inherent assumption in this bill, because the bill asserts that, on a no-gap basis, medical devices that are clinically effective to do the job required will be the ones that have no gap. So you have to say that, if savings are going to be generated, those savings can only arise because it is the expectation of the Howard government that there are doctors out there at the moment who are recommending devices that are more expensive when a cheaper device would fit the clinical purpose. Unless you make that assumption, the whole bill falls away. The Howard government are making that assumption about doctors. They are assuming that doctors sit in their surgeries or in their specialist consulting rooms and recommend devices that are more costly than the devices which are clinically required. So there we go: we have swept away the Howard government's rhetoric about how supportive they are and how much empathy they have with doctors. If they really think that doctors are to be trusted to make the right decision on all occasions then it is very hard to see what this bill is doing in this House.

The government are involving themselves in an endless series of contradictions on health policy, and this bill is built on some of

those contradictions. They want more people to take out private health insurance, but they do not want them to use it. They promise more choice, but they collude with the private health insurance industry to limit that choice. They talk about the need to address the issues of healthy ageing, but they want older Australians to pay more for things like cataract surgery and hip replacements. They want the savings from reining in private health insurance costs, but they do nothing to ensure that they are handed on to consumers of private health insurance, private health insurance fund members or, might I say, through containing expenditure on the private health insurance rebate. They are doing nothing to ensure those savings are passed on to Australian taxpayers through the budget.

Labor determined that this bill ought to be referred to the Senate legislation committee to allow for the public discussion of its implications and its potential to be negative for private health insurance holders. That process has been completed, and the report has confirmed Labor's fears with regard to choice for consumers, impact on already rising out-of-pocket costs and informed financial consent. While there appear to be steps in place to establish guidelines, codes of conduct and standard forms for doctors to assist with the provision of appropriate information to patients, Labor is not convinced that these processes are sufficiently established or tested.

Given the level of uncertainty about the effects of this bill and our fears about its effects, Labor called for a review of the bill to be conducted after these new arrangements have been in operation for a period of time. We are deeply concerned about this bill and its implications for choice and out-of-pocket costs. Given there is an issue about the rising costs and utilisation of medical devices, the approach that we took was to say: 'Let's see how this bill actually works when it's in op-

eration, and let's make sure that it is reviewed in a timely and independent fashion.'

In a hitherto unknown act of cooperation between Minister Abbott and the opposition—hopefully a hallmark of things to come, rather than of things that have been—the minister has agreed that a Labor amendment to the bill itself will be accepted by the government. The import of the Labor amendment, which I will move when we reach the consideration in detail stage in the chamber, is to ensure that an independent review of the operation of the contents of this bill has to be undertaken as soon as practicable after 1 July 2007. That gives the bill a period to work and then sets a review date. We would then have the person who undertakes such a review giving the minister a written report no later than 1 October 2007 to ensure that that report ends up in the public domain, which is where it should be. The amendment provides that the report be tabled in each house of the parliament within 15 sitting days of its receipt by the minister so it will be available to all members of the parliament to assess.

We have taken some steps in the amendment to ensure that the person who undertakes the review is a truly independent person—that is, someone who is appropriately qualified. We freely concede that this is a technical area, so we need someone who is appropriately qualified but someone who has not served an organisation in the health sector or, indeed, has not served as an employee of the Commonwealth so recently prior to embarking on the review process that there might be concerns about conflict of interest questions applying. Of course, when we are dealing with conflict of interest questions, it is always appropriate to take the precautionary approach. You do not only have to avoid an actual conflict of interest to keep faith in processes but you also have to ensure there is no perceived conflict of interest. We believe

that the rules that we have set out about the person or persons who are to be selected to undertake the review ensure that they will not be able to be perceived to have a conflict of interest.

I thank the government for agreeing to this amendment. I think it stands in a proud tradition of Labor managing to improve things, even from opposition. Obviously in government Labor would run a much improved health system, though perhaps today is not the opportunity to spell out the myriad ways in which the health system would be much improved. Today actually stands as a moment when we are at least going to improve some functioning of the system from opposition, and that is by ensuring that this bill and its impact is properly reviewed. We are keeping a weather eye on questions like whether or not patients are facing increased out-of-pocket costs, whether or not the private health insurance industry is pocketing the savings that flow from this bill or passing them on to private health insurance fundholders, what implications it has for choice of medical device and whether or not people are being properly informed about the ramifications of this bill.

Dr SOUTHCOTT (Boothby) (5.50 p.m.)—One of the great successes of the Howard government's conduct of health policy has been to give people genuine choice of whether they are treated in the public or private system and to recognise the role that private health insurance plays in taking pressure off the public hospital system. Changes like the 30 per cent private health insurance rebate—and now a 35 per cent rebate for people over 65 and a 40 per cent rebate for people over 70—and lifetime health cover have restored the health of private health insurance. So, whereas the coverage rates were languishing down in the low 30s when Labor was last in office, now almost 45 per cent of the population are covered by private

health insurance. During the last nine years, we have seen under Ministers Wooldridge, Patterson and now Abbott a great expansion of the number of products which offer no gap for a hospital stay and also simplified billing. Hearing the shadow minister speaking, there was no recognition of the way this has changed over nine years—that now we have far fewer episodes where there is any sort of gap to pay for the in-hospital care—and also no recognition of the simplified billing.

In 2001 a decision was taken to deregulate prostheses. One of the unintended consequences of that has been for prostheses to emerge as a significant cost driver for private health insurance premiums. For example, 15 years ago—in 1989-90—prostheses accounted for only 1.7 per cent of total hospital benefits, whereas they now account for 12 per cent of total hospital benefits. In the two years from 2001-02 to 2003-04, the growth in prostheses has been 29 per cent. The Parliamentary Library, in their digest for the National Health Amendment (Prostheses) Bill 2004, showed that, whereas there had been fairly steady growth in the amount that the private health insurance industry was spending on prostheses, after 2001 the growth took off. It is thought that the growth in prostheses alone is responsible for two per cent growth in private health insurance premiums each year. A lot of claims are made; but, again, no recognition is given to the fact that any increase in private health insurance premiums has to be considered by the Minister for Health and Ageing, the Treasurer and the Prime Minister. They look at the funds' reserves to see whether their premium rises are justified.

Following that change in 2001, in 2002 the Australian Health Insurance Association, public hospitals and private hospitals made a joint submission to the Department of Health and Ageing. This bill was based on those proposals. The legislation is supported by the

Australian Health Insurance Association and the Medical Industry Association. While cautious, the Medical Industry Association have welcomed the constructive and practical reform of the existing arrangements. The intention of the bill is to reduce the cost pressures on premiums, to provide increased choice to patients and to improve administrative arrangements, which are currently quite complex.

The bill applies to surgically implanted prostheses—that is, those prostheses which are implanted in hospital. It includes things like pacemakers, cochlear implants, artificial hips and the screws used in joint and bone replacement—grommets and so on. About 9,000 items are currently listed on the prosthetic schedule. The bill puts emphasis on the clinician's decision so that they will have to take account of the cost-effectiveness of a prosthesis and decide whether a prosthesis is right for a patient. Currently cost does not come into it at all. Funds are required to pay 100 per cent of every prosthesis, regardless of whether it is a \$9,000 or a \$30,000 prosthesis. That is the current situation.

Under this bill, cost will have to be taken into account by the clinician. Currently, health funds must meet 100 per cent of the cost of all surgically implanted prostheses listed under the prostheses schedule, so there is no incentive at all for cost containment. The idea of the legislation is that funds will be required to cover 100 per cent of no-gap prostheses; there will be no out-of-pocket cost for these prostheses. There will also be gap-permitted prostheses where the health funds will pay a minimum benefit level and there may be a gap for consumers. These are to be decided by the minister.

There will be one product with no gap for each procedure related to an MBS item, and the price for it will be set by the minister. If the bill is passed, it should at least reduce

one of the drivers of growth in premiums. It should take away one of the things which has been responsible for the two per cent increase in private health insurance premiums and it should remove an important source of private health insurance premium rises. This is an important bill; it does involve cost containment for private health insurance premiums. I commend the bill to the House.

Ms HALL (Shortland) (5.57 p.m.)—I rise to speak on the National Health Amendment (Prostheses) Bill 2004 or, should I say, ‘the bill that seeks to reduce choice for people who need medical prostheses and that increases profits for health insurance companies’. I was very interested to hear the previous speaker, the member for Boothby, talk about how this bill will increase choice for patients who have private health insurance and then talk about the current situation where 100 per cent of all surgically implanted prostheses are covered. That will change under this legislation and only those prostheses that are listed will be covered. In my language, that is not about increasing choice but about reducing choice. Patients will have limited choices.

As I have just stated, prostheses are currently covered by health funds and there is no gap payable at all. Where prostheses are covered by health funds and a gap is payable by the health fund contributor, the minimum and maximum benefit amounts listed for each prosthesis will be permitted under this legislation. We will have a two-tiered system where some medical prostheses will be covered, while others will have a gap that the patient will need to cover.

This legislation, which was first introduced prior to the last election, was put on the backburner until after the election. I represent in this parliament an older electorate where many of the residents require hip replacements, knee replacements and stents.

Under this legislation a number of those people who require such operations and who have private health insurance will be paying more but will have limited choice.

Already people who have these operations are often faced with significant gap payments. Those gap payments are not for the medical device but rather for the operation. I was talking to a constituent very recently who had a knee replacement. After all the medical expenses, the gap cost was \$3,000. Add to that a gap for the medical devices or prostheses and there is a greater increase in the cost for those people who need these operations and who actually save money in their own way. Unfortunately, I see this legislation as designed to increase the profit for the private health insurance industry, reduce costs for the government and, at the same time, reduce the choice for people who need these devices.

In April 2003, the Howard government introduced a range of reforms to make private health insurance more efficient and competitive and deliver better value for money for members. Following those changes the private health insurance companies increased their premiums. One thing that has been constant as far as private health insurance is concerned is the increase in premiums. Another thing that is constant is the fact that patients who undergo procedures in private hospitals end up paying a gap. To my way of thinking, the private health insurance industry has failed many people who take out private health insurance. I do not see how this legislation will do anything to help those people I represent in this parliament pay for their operations. I do not see any way that this will increase the quality of the operations or of the medical devices that are used. I do not believe that a result of this legislation will be that the private health insurance industry will decrease the premiums that they charge their customers.

Earlier I mentioned the reforms that were proposed in 2003. The Howard government at that time said that the reforms would tackle supply costs and subsequent pressures on premiums—note that they did not state then that they would do anything to reduce premiums. They sought to rein in the costs of these medical devices and eliminate second-tier default benefits. I think the shadow minister covered the issue of second-tier default benefits quite admirably in her contribution to this debate, and I do not intend to spend any more time on it. A major justification for some of the complaints about the present system is that, currently, each fund is required to notify each hospital of which prostheses they will cover. The way the system will work is that the choice of prosthesis will generally be made by the doctor, the level of cover will be provided by the fund and either the hospital or the patient will be left to fund the gap.

The growth in new technology and the ability to use these devices to benefit patients—and the kinds of medical devices we are talking about, as I have mentioned earlier, are stents being used instead of bypass surgery—have represented an enormous cost saving in health, because it is much more efficient for a person to have a stent inserted than to have bypass surgery and it is much less debilitating for that person. Prostheses is the fastest growing area of the private health insurance sector, and that is why the industry would like to reel in the costs.

I stated at the start of my contribution that one of the main reasons for the introduction of this bill is to limit the cost to private health insurance companies, but the thing that really concerns me is that we have had this escalation in private health insurance premiums. That is a cost to government because of the 30 per cent rebate, so every time private health insurance premiums increase there is also an increased cost to government.

The government should be addressing that a little more effectively than they are at the moment. As I said, there are going to be enormous savings to both government and the private health insurance industry, but I do not see how there is going to be a saving to patients who need these medical devices.

Another thing that concerns me is that patients will be losing choice, paying more and losing certainty. Currently there is a choice as to which medical device to use. I see that it is probable that only one medical device will be listed to be used. Consequently, if patients choose to have any other medical device or prosthesis, they will pay more. The cost is being shifted from the health insurance provider to the patient, and that patient is losing the certainty. Already I, as do most members of this parliament, have people visiting me in my office telling me about the enormous bill that they have received following their stay in a private hospital. I see that as a big issue. This will do absolutely nothing to ensure that there is a decrease in premiums.

The big issue, as I have said, with private health insurance is the cost, the gap, and I believe very strongly that this will increase the gap. This legislation will make sure that one item only is going to be covered by private health insurance. The aim is to reduce supply costs, and I am worried that it is going to be just another case of profit to the private health insurance industry and premiums continuing to increase.

When we consider health in this parliament we are considering a very important issue. It is about the wellbeing of Australians. It is about ensuring that Australians can get the medical treatment that they need and deserve and that they can get quality treatment, quality health care, quality services and quality medical devices and prostheses. This system will not ensure that out-

come for Australians. It will not ensure it for elderly Australians, for all those older residents in the Shortland electorate, for all those residents who have private health insurance who currently rely on this government to ensure that they have access to the latest technologies and that the prosthesis they receive is actually the best possible prosthesis.

I believe that this new system will be more bureaucratic. Currently, the choice of what prosthesis will best suit the person's need is made by the doctor. It is quite well noted that everybody is not suited by the same medical prosthesis or device. People have individual needs and the doctor should make that choice. Some bureaucrat sitting in an office should not be making a decision that a particular prosthesis will be the prosthesis that suits all Australians who have a medical device inserted.

Prostheses supply and implanting has been one of the fastest growing costs for the private health insurance industry due to our ageing population. These medical devices have really changed the lives and lifestyle of many elderly people. I was speaking to one older woman who had a hip replacement. After she had that hip replacement she said that she had been given her life back. Having that prosthesis implanted in her hip changed her quality of life.

This is going to be an ongoing problem in our society; it is not going away. More and more people are going to need to have these medical prostheses inserted. But it also has a positive side. These people are not disabled; they do not need to use health dollars in other areas. These people can lead active lives and do not require access to aged care dollars. These are people that can live normal lives, and I think it is very important that this continues to develop.

The other thing that worries me about this legislation is that many of the people that

access these prostheses will be getting older prostheses. They will not be able to access the latest technology. Remember, I just spent a little bit of time talking about the bureaucracy involved in this new process. Once an item is listed, it is listed. I am very worried that as new technologies come on the scene they will not be listed at an appropriate time or with appropriate speed and that older, cheaper devices will remain listed. As a consequence, patients in Australia will be missing out on what is best for them.

This is all about decreasing the supply price. It is not about what health legislation should be about: the best possible outcome for patients. There is nothing to ensure that cost savings in this legislation will be passed on to the patients. I think I mentioned that earlier but I think it is so important that I should reiterate it here. There is absolutely no incentive for the private health insurance industry to decrease its premiums. There is less choice, and I think it is a certainty that there will be a greater gap.

This legislation proves that this Howard government—a government that constantly promotes itself as being the protector and advocate of consumer choice—is actually introducing into this parliament legislation that is anti consumer choice. It is about limiting consumer choice and about a less than optimal outcome for people that need medical devices. People rely on the Howard government to ensure that they get the best devices and that those devices are covered by their private health insurance. Currently they do not pay a gap, and under this legislation many Australians will be paying gaps on the medical devices that they have inserted. That is a situation that does not exist at the moment and it is a situation that will not benefit all Australians.

Mr RICHARDSON (Kingston) (6.15 p.m.)—I rise to support the National Health

Amendment (Prostheses) Bill 2004. In April 2003 the government announced a new range of measures to improve the regulatory framework and to introduce greater competition into the private health insurance industry, which is so very important. One of the measures announced was the change in the manner of the funding of prostheses by health funds. This bill amends the act to require registered health benefit organisations—health funds—to offer a no gap and gap permitted range of prostheses in relation to every in-hospital procedure on the Medicare Benefits Scheme, MBS, for which they provide cover.

The bill amends the act to allow the minister to determine in writing no gap prostheses and the benefit amount for each no gap prosthesis, and gap permitted prostheses and the minimum and maximum benefit amounts for each gap permitted prosthesis. For the benefit of the House I will outline what prostheses are. Prostheses are artificial devices that are attached to the body as an aid or a substitute for body parts that are missing or non-functional. Prostheses include bridges, dentures, artificial parts of the face, artificial limbs, hearing aids and implanted pacemakers. The amendments to the National Health Act 1953 proposed by schedule 1 of this bill relate only to surgically implanted prostheses—that is, prostheses which are implanted during a surgical procedure performed in hospital. These include a wide range of aids and devices such as heart pacemakers, cochlear implants, artificial hips, screws used in joint or bone reconstructions and repairs, grommets and vein stents.

This bill is an important legislative measure because what has been happening is that the cost of prostheses and medical devices has been growing at an unsustainable rate over the last 10 years. For the funds, this means the growth increases the health funds premium rates to a significant extent. So, in

comparison to 2000-01, there has been approximately an average 29 per cent increase in benefits paid for prostheses in 2003-04, and the total of benefits paid for that year was over \$647 million.

Prostheses benefits now account for 12 per cent of total hospital benefits. Current rates of growth in prostheses costs are estimated to cause a two per cent growth in premiums each year, which is not a good outcome for my constituents in Kingston, for any other health fund members in South Australia or nationally. Most people would appreciate the importance of limiting, where we can, upward pressures on the cost of premiums to constituents who have private health insurance. To date, health funds meet 100 per cent of the cost of all surgically implanted prostheses and other medical devices listed on the government's prostheses schedule—schedule 5 to the determination under paragraph (bj) of schedule 1 of the National Health Act 1953—and, as such, there are incentives for ensuring value for money in the current arrangements. For example, there is little evidence based assessment of safety, effectiveness and cost effectiveness, and pricing arrangements are left to individual funds and suppliers.

Therefore, with the measures contained in this bill, we can look forward to competition in pricing and more evidence based assessments of safety and effectiveness. The existing prostheses arrangements are unique in private health insurance regulation in that consumers cannot choose to purchase a health insurance product that may include copayments or gaps for prosthetic items. Consumers cannot decide that they do not wish to insure for more expensive or unproven items. This is not the case for any other item or service covered by health insurance.

Health funds must offer at least one hospital cover policy covering all episodes of hospital treatment. Members of health funds will still have the ability to choose to pay lower premiums for lesser benefits. Where a member has elected not to be covered for a particular hospital procedure—for example, cardiac surgery or hip replacement—the health fund will not be obliged to pay benefit for that hospital procedure, for the cardiac surgery or hip replacement, including the benefit for associated prostheses.

In making decisions regarding listing and benefit levels of prostheses that health funds will be required to cover, the Minister for Health and Ageing will be able to take into account advice from the experts in the field of prostheses and in the health insurance industry. Determinations made in relation to the listing of no gap and gap permitted prostheses and the benefit levels of prostheses will be legislative instruments. Health funds will still be able under these provisions to provide, in accordance with their applicable benefits arrangements, cover for prostheses which are not listed on the no gap or gap permitted prostheses determination—by way of example, the more expensive prostheses relating to MBS procedures and prostheses not related to MBS procedures. It is important to note that these initiatives do not affect the ability of health funds to provide cover for prostheses under their tables of ancillary health benefits for ancillary cover.

Since August 2004 there have been opportunities for further stakeholder consultations, and these have secured additional amendments to improve the bill. Further, one of the most important changes to this bill is the calculation of the amount of benefit that health funds are required to pay for prostheses provided to private patients treated in a public hospital. In many cases public hospitals will be able to purchase prostheses from suppliers at prices that are below the determined bene-

fit amount or minimum benefit amount, which of course is a welcome outcome for hospitals and consumers, in particular the older and ageing population in my electorate and in many other electorates.

Once this bill is passed it is proposed that the new arrangements will commence by mid-2005, and the minister will issue a determination listing prostheses under the new arrangements. The new schedule will commence at least two months after the determination, to allow industry to have sufficient time to put arrangements in place for the new schedule. The current arrangements contained in schedule 5 of the National Health Act 1953 will remain in place until the minister issues the new prostheses determination that lists the no gap and gap permitted prostheses. Once the new prostheses list has been issued, current listings of prostheses under schedule 5 will be repealed.

Contrary to the statements made by the Labor Party earlier today, one of the principles that underpin the government's prostheses reform policy is that the clinician should be required, where reasonably possible, to ensure that the patient is fully informed of the total cost of the procedure, including any gap cost for prostheses. The minister will be advised by an expert committee on the listing and pricing of prostheses. Committee members will include representatives of clinicians, health funds, private hospitals, suppliers and the Department of Veterans' Affairs as well as consumers. In addition the committee will be supported by clinical advisory groups, mainly of expert clinicians, who will provide advice on the clinical effectiveness of prostheses, and a benefits negotiating group to advise on the appropriate level of benefits for the products.

There is an ability to appeal on process regarding which prostheses or groups of prostheses should be listed and the maximum

benefit payable by health funds for each product or group of products. The determinations regarding the listing of no gap and gap permitted prostheses and the benefit levels of prostheses will be disallowable instruments. This means that the determinations will have to be tabled in, and subject to scrutiny and possible disallowance by, parliament. Clinician choice of prostheses will not be adversely affected under these new arrangements. This will allow an appropriate, clinically effective prosthesis to be available at no gap for every Medicare Benefits Schedule listed procedure. If the clinician decides in consultation with their patient to use a prosthesis not listed on the no gap list, the patient will have to pay the difference, depending on their private health insurance cover. I am pleased to support this bill. I commend this bill to the House.

Mr TICEHURST (Dobell) (6.27 p.m.)— I rise this evening in support of the National Health Amendment (Prostheses) Bill 2004. As the newly appointed Chair of the government backbench Committee on Health and Ageing, I would like firstly to express my ongoing commitment to seeing this reform process through and to ensuring that the significant work that has occurred to bring about these reforms is not threatened, particularly when it comes to the stages of implementation. This bill has been modified slightly from the one that lapsed in the House when the election was called. This was done to avoid some unintended consequences. It amends the National Health Act 1953 to implement parts of the new scheme to regulate the provision of private health insurance benefits for prostheses and medical devices.

In relation to hospital cover, health funds currently meet 100 per cent of the cost of all surgically implanted prostheses and other medical devices listed on the prostheses schedule issued under the National Health

Act. Under current arrangements, the cost to health funds of prostheses and medical devices has been growing at an unsustainable rate over the last decade and it is recognised by health funds as a significant driver of premium growth. Despite what some of the members opposite would like to have people believe, current arrangements are administratively cumbersome for the industry. They limit consumer choice if people wish to purchase, for a lower premium, a health insurance product that may include copayments or gaps for more expensive prosthetic items. We are working to address this issue.

This bill is not a savings measure. The primary aim of the new arrangements is to reduce pressure on private health insurance premiums in ways which do not compromise clinical care. This bill amends the National Health Act 1953 to require registered health funds to provide hospital cover for no gap and gap permitted prostheses provided as part of an episode of hospital treatment involving a professional service for which a Medicare benefit is payable. The amendments will mean that health funds will no longer provide 100 per cent cover for every prosthesis item. The minister, by determination, will set the benefit amounts for the two levels of health fund cover for prostheses products provided for in the bill: no gap prostheses and gap permitted prostheses. For no gap prostheses, the prostheses will be covered 100 per cent by health funds, with no gap payable, at the benefit amount listed for each no gap prosthesis. There will be no out-of-pocket costs to the consumer. For gap permitted prostheses, the prostheses are to be covered by health funds but, depending on the consumer's level of cover, a gap may be payable by the health fund contributor. The size of the gap will be limited because the maximum level of gap payable will be determined by the minister, ensuring consum-

ers do not get charged significant out-of-pocket costs.

When making a no gap or gap permitted prosthesis determination, the minister may take into account advice from experts in the field of prostheses and the health insurance industry. Essentially this system will work like the Pharmaceutical Benefits Scheme, which subsidises the cost of listed medications: a committee will determine the most appropriate and least expensive prostheses for the condition, based on medical evidence. These new arrangements will give consumers a choice of a prosthesis with no out-of-pocket costs, or a more expensive prosthetic device if they are willing to pay an out-of-pocket cost where their health fund is not covering some or all of the gap. In all instances, at least one product with no gap will be listed for each procedure related to an MBS item. This means that for a group of clinically alike prostheses consumers will have access to at least one item that is available at no gap.

The government is committed to ensuring that no health fund member be deprived of access to a no gap prosthesis should the patient require it. A principle of the revised bill is that fitness for purpose should be a key criterion in determining access to a no gap prosthesis. That a prosthesis is less expensive does not mean it is the most clinically appropriate device for the purpose needed by the patient.

Industry has been widely consulted in the development of the new arrangements and will also be involved in the implementation of the arrangements. The proposed amendments have the strong support of industry. In fact, further stakeholder consultations have resulted in a number of additional amendments being made to improve the bill. The changes are necessary to ensure that the intended outcomes of the reforms are achieved.

The most significant change to the bill is the benefits payable by health funds for prostheses that are provided to private patients treated in a public hospital. In many cases public hospitals will be able to purchase prostheses from suppliers at prices that are below the determined benefit amount or minimum benefit amount. Because of their size, public hospitals can often negotiate discounts that are simply not available to smaller private hospitals or health funds. The changes to the bill will allow health funds and public hospitals to agree on the payment of a benefit amount below the benefit set by the minister for a no gap prosthesis and below the minimum benefit amount for a gap permitted prosthesis.

A non-statutory advisory committee has been established to advise the minister on the listing of, and benefit-setting for, prostheses and devices. Its composition includes representatives of clinicians, health funds, private hospitals, suppliers, the Department of Veterans' Affairs and consumers. The chair of the committee is an independent clinician. To support the committee there are clinical advisory groups, comprised mainly of expert clinicians, to provide advice on the relative clinical effectiveness of prostheses, and a benefits negotiating group to advise on appropriate levels of benefits for the products.

To sum up this important piece of legislation, the new arrangements are designed to ensure that people with private health insurance have affordable access to quality prostheses. For every hospital procedure involving a prosthesis there will be at least one prosthesis available at no cost to the fund member. Whilst managing costs is important, an overriding consideration is that Australians have access to quality prostheses. This bill is all about giving members of health funds a choice about the prostheses they can elect to be covered for, certainty about how much they will pay for the prostheses, and a

guarantee that there will always be an appropriate prosthesis available in each product grouping at no cost to the patient. In addition, changes to the arrangements will make a significant contribution towards reducing pressure on health insurance premiums by decreasing the growth in the outlay for benefits.

I acknowledge the contribution of all stakeholders who have contributed to the development of the new arrangements for the coverage of prostheses for consumers with private health insurance. The new administrative arrangements have been developed with extensive consultation and the involvement and support of stakeholders over several months, and the progress to date, on what is a complex issue, has been very positive. I commend this bill to the House.

Mr ABBOTT (Warringah—Minister for Health and Ageing) (6.34 p.m.)—in reply—I thank all who have contributed to this debate, particularly my colleague the member for Dobell, who has just spoken. I can safely say to the House that this debate has been conducted in a constructive fashion, largely free of the ideological fervour which all too often in the past has marked debates on private health insurance. It is just possible that the opposition might finally be coming to the view that private health insurance is here to stay, that the private health sector is a valuable complement to the public health sector in this country and that we cannot have a viable private health sector without a viable private health insurance sector.

The National Health Amendment (Prostheses) Bill 2004 is designed to ensure that we have a viable private health insurance sector, because it is a sensible and rational way of dealing with the rapidly increasing costs and sophistication of the prostheses that are available to people. The bill essentially proposes that we have a system for

dealing with prostheses paid for under private health insurance that is analogous to the system we have long had in place for the treatment of drugs under the PBS. We have long had a situation where the PBS will pay for the least expensive clinically effective drug—a benchmark drug—and if companies insist on charging more than the benchmark price for a particular drug then the patient has to bear a modest premium. So the situation we are seeking to put into place with this bill is analogous to the Pharmaceutical Benefits Scheme, which has long operated and long been accepted by both sides of this parliament.

It is a regrettable fact that the cost of prostheses has been skyrocketing—rising by close to 30 per cent over the last few years—and so this bill is designed to ensure that in any relevant class of prostheses there will be at least one clinically effective prosthesis available at no charge. A series of committees has been set up to ensure that this is achieved. The principal committee has representatives from groups of clinicians, the funds and the medical manufacturers. It has a distinguished clinician, Dr David Weedon, a former president of the AMA, as chair.

Just so that there is no doubt, I would like to repeat that there will be a no gap prosthesis for each medical or surgical procedure for which a private insurer offers cover. There will not be just one per category but there will effectively be a benchmark prosthesis. There will never be an option where a patient is forced to accept the gap. The process will adapt to accept new technologies and new products as they come on the market.

This is good legislation. It will protect the clients of private health insurers and it will ensure that we have a viable private health insurance sector in the future. This is innovative for the private health insurance sector. There has been a long, and at times complex,

series of consultations with the funds, clinicians and medical prosthesis manufacturers. As other speakers have said, it has been a very constructive process and there has been good will all round. But I accept that this is new territory for many of these people and therefore there should be a swift review of the operation of the new scheme. I am prepared to accept the opposition's amendment for a review within about 2½ years. This is a sensible system. I think the moves that the government has made are sensible, but they will take time to bed down. They may well need finetuning, and a review would be a good way of working out the best way to proceed once we have seen how the new system is working in practice. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Ms GILLARD (Lalor) (6.40 p.m.)—Thank you, Mr Deputy Speaker. I thank the clerks for their assistance, as well. I move the opposition amendment which has been circulated in my name:

Schedule 1, page 10 (after line 2), at the end of the Schedule, add:

12 Review of operation of this Schedule

- (1) The Minister must cause an independent review of the operation of the amendments made by this Schedule to be undertaken as soon as practicable after 1 July 2007.
- (2) A person who undertakes such a review must give the Minister a written report of the review not later than 1 October 2007.
- (3) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sit-

ting days of that House after its receipt by the Minister.

- (4) In this item:

independent review means a review undertaken by persons who:

- (a) in the Minister's opinion possess appropriate qualifications to undertake the review; and
- (b) include one or more persons who are not and have not been in the last 5 years employed by a registered organization, the Commonwealth or a Commonwealth authority and have not, since the commencement of this Act, provided services to a registered organization, the Commonwealth or a Commonwealth authority under or in connection with a contract.

This is the amendment that I foreshadowed in my speech in the second reading debate and it has the purpose of ensuring that an independent review of the National Health Amendment (Prostheses) Bill 2004—and the changes that it makes to arrangements for prostheses—occurs, that the minister causes the review to commence as soon as practicable after 1 July 2007 and that it reports no later than 1 October 2007, and that the minister causes a copy of the report to be tabled in each house of parliament within 15 sitting days of its receipt. To ensure independence there is a series of criteria about the nature of the qualifications and preclusions of the person, or persons, who undertakes the review. As the minister has indicated in his contribution, this amendment has been moved by me on behalf of the opposition and has been agreed to by the government, and I thank the government for that.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr ABBOTT (Warringah—Minister for Health and Ageing) (6.42 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**BROADCASTING SERVICES
AMENDMENT (ANTI-SIPHONING)
BILL 2004**

Second Reading

Debate resumed from 2 December 2004, on motion by **Mr McGauran**:

That this bill be now read a second time.

Mr STEPHEN SMITH (Perth) (6.43 p.m.)—Labor welcomes the opportunity to debate the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004 and I do so in my capacity representing the shadow minister for communications, Senator Conroy, who is in another place. While this bill contains a relatively minor amendment to the antisiphoning regime, the legislation does give the parliament the chance to debate the merits of the scheme and ensure that it is achieving its objective and is operating effectively.

The antisiphoning regime was implemented by the previous Labor government as part of the introduction of the pay TV industry. The rationale underlying the introduction of the regime was that the commencement of pay TV should be about increasing the diversity of television coverage in Australia. The then Labor government did not want the Australian community to be forced to pay to watch events that they had traditionally watched on free-to-air TV. The antisiphoning list prevents pay television licensees from acquiring the rights to broadcast events of national importance, such as major sporting contests, before free-to-air broadcasters have had an opportunity to obtain the rights. The

current list includes iconic events such as the Melbourne Cup, the AFL and NRL grand finals, test matches and one day cricket matches involving the Australian cricket team, and the Olympic and Commonwealth Games.

The antisiphoning regime allows free-to-air broadcasters to purchase rights to listed events free from competition from pay television licensees, with the objective of ensuring that listed events are broadcast live on free-to-air television. At present, only around one in four Australian households has access to pay television services.

Labor remains strongly committed to the existence of an effective antisiphoning regime to help ensure that events of national significance are available to all Australians, regardless of whether they can afford access to pay TV. It is important to note that the list does not necessarily guarantee that events on the antisiphoning list will be shown on the free-to-air networks. In some cases, due to the cost involved or other programming commitments, commercial networks and the two national public broadcasters will decline to bid for events on the list. Indeed since the introduction of the original antisiphoning list the parliament has adopted the antihoarding measure, which ensures that free-to-air television cannot obtain the rights and sit on them and not show them. At present the Broadcasting Services Act provides for the automatic delisting of an event six weeks before it is due to take place. Once an event has been delisted, pay TV licensees are then free to acquire the rights.

This bill makes a minor amendment to the antisiphoning provisions of the Broadcasting Services Act 1992 by extending the automatic delisting period for events on the antisiphoning list from six weeks to 12 weeks. The subscription or pay TV, industry has long argued that six weeks is an insufficient

period in which to properly promote and schedule events they have acquired following any delisting, and Labor finds this argument persuasive. In recent times there have been several occasions where pay TV licensees have picked up events that have been rejected by the free-to-air networks. The Australian cricket tour to India last year is a prominent recent example. It is a reasonable argument that, when a pay TV operator picks up the rights to these events, they should be given sufficient time to market their products to the paying public.

These amendments do not undermine the fundamental principle behind the antisiphoning regime—namely, that free-to-air broadcasters should have first opportunity to acquire events of national significance. While Labor does support the extension of the automatic period, we do have other concerns about the detailed operation of the antisiphoning regime as it currently stands. As a consequence, Labor in the Senate has referred this bill to the Senate Communications, Information Technology and the Arts Committee for inquiry, which will enable all interested parties the opportunity to contribute to the detail of that debate and inquiry.

Today I would like to draw attention to two key issues that Labor believes need to be examined both generally and as part of that inquiry. The first relates to a major omission from the present antisiphoning list. In April last year the government released a revised list covering events to take place between 1 January 2006 and 31 December 2010. Whilst the list is generally relevant, it is relevant in the context of this bill because in his second reading speech the Minister representing the Minister for Communications, Information Technology and the Arts in this place drew attention to the changes in the list as operating together with the provisions of this bill to improve and enhance the regime. Sports fans, and soccer supporters in particular,

quickly noted that, while the list includes the 2006 FIFA or soccer World Cup in Germany, the 2010 World Cup finals tournament was omitted. When I say sports fans and soccer supporters, I of course in particular draw attention to Senator Conroy's obsessive devotion to this sport.

If this list stands unamended, pay TV licensees will be able to obtain exclusive rights to the tournament before free-to-air broadcasters have had the opportunity to do so. The failure to list the 2010 World Cup significantly increases the likelihood that it will be available only on pay TV. Despite repeated requests, the Howard government has provided no explanation as to why the World Cup is worthy of protection in 2006 but not in 2010. At first, it was widely thought that this was an oversight and that the government would move to amend the list. It was difficult to believe that it was the intention of the government to deny soccer fans the opportunity to watch the Socceroos at the 2010 World Cup on free-to-air television. Nearly a year later, however, despite repeated questioning from Labor, Senator Conroy and soccer fans around the country, the government has failed to ensure that the 2010 tournament is on the antisiphoning list.

During the recent election campaign Labor stated that it would act to ensure that the 2010 World Cup is added to the list. Labor remains committed to this position, and Senator Conroy will move amendments in the other place to achieve this objective when the bill is debated in that place. The government, however, need not wait until the bill is debated in the Senate. The Minister for Communications, Information Technology and the Arts, Senator Coonan, could add the 2010 World Cup to the list tomorrow if she wanted to. Labor once again encourages her to do so. There is an urgent need for action in this matter. While the 2010 tournament is some way off, FIFA is negotiating broadcast-

ing rights this year, and the government should act now to maximise the chances of the World Cup being shown on Australian free-to-air television.

The second issue which Labor is determined to examine, both generally and as part of the Senate inquiry to which I have referred, is claims that there is a loophole in the antisiphoning regime which is undermining the effectiveness of the regime. As members would be aware, there has recently been extensive media coverage about the possibility that this year's Ashes test cricket series in England will not be broadcast on free-to-air television, despite the fact that it is on the antisiphoning list. Ashes test matches contested in England have been broadcast on free-to-air television in Australia since 1972. My memory is that, from 1972 until the early 1980s, that was on the national public broadcaster the ABC, and thereafter on commercial free-to-air television—Channel 7 showing the last series and Channel 9 the series before that.

The prospect that they will not be broadcast in 2005 has understandably generated considerable public outcry. Free-to-air commercial broadcasters argue that one reason why they are unlikely to broadcast the series is a loophole in the antisiphoning regime. The current regime only restricts the ability of pay TV licensees such as Foxtel to acquire events on the antisiphoning list. In the case of the Ashes, Fox Sports, a pay TV channel provider, has acquired the rights rather than the licensee, those rights having been acquired from the England and Wales Cricket Board—the ECB as it is known these days.

It is important to recognise that Fox Sports has acquired only the pay TV rights, not the free-to-air rights. Commercial free-to-air broadcasters contend, however, that covering the Ashes is financially viable for them only if they are able to obtain exclusive

rights. They argue that the objectives of the antisiphoning regime will be undermined unless entities associated with pay TV licensees, such as channel providers, are prevented from acquiring broadcast rights to an event before free-to-air broadcasters have had the opportunity. In response, pay TV operators have countered that there is no loophole and that the bottom line is that the free-to-air networks do not want to disrupt established prime time programs to televise the cricket. Further, they argue that the right to exclusivity was never the intention of the antisiphoning regime.

Labor has not come to a final conclusion on whether the regime needs to be strengthened in this respect. The forthcoming Senate committee hearings will focus much attention and deliberation on this issue. If Labor does come to the conclusion that there is an opportunity for pay TV licensees to use associated entities to undermine the effectiveness of the antisiphoning regime, it will move amendments to restore the integrity of the regime. Of course, any amendments made by this bill will not ensure that the Ashes are broadcast on free-to-air television. Cricket fans are relying on government intervention to ensure that that is the case.

The forthcoming series is expected to be the most competitive in decades. According to the latest International Cricket Council rankings, the ICC rankings, this will be a clash between the two top-ranked teams in world cricket. Irrespective of whether they are the two top-ranked teams in world cricket, they are certainly the two top-ranked teams as far as cricket spectating is concerned in Australia.

Labor have called on the Prime Minister to intervene and ensure that the series is available on free-to-air television. While we are encouraged by the sympathetic comments he has made, there has been little indi-

cation that the Prime Minister is willing to actively broker a solution. It is time for the government to enter into serious discussion with the commercial free-to-air broadcasters and the ABC and SBS to ensure that the Ashes are available to all Australians this winter.

As far as the bill is concerned, Labor are concerned to ensure that the antisiphoning regime works. In Labor's view, the measures contained in this bill are consistent with the key tenets of the regime. While the free-to-air networks should have first opportunity to acquire events of national significance, these amendments ensure that pay TV licensees have the opportunity to properly promote events that are declined by the free-to-air networks. Labor will therefore be supporting the legislation in this House. We will, however, as I have indicated, use the Senate inquiry that is currently under way to explore several aspects of the operation of the antisiphoning regime and consider moving amendments to the bill if the evidence received by the inquiry demonstrates a need for changes to maximise the effectiveness of the scheme.

Having made those remarks directly to the detail of the bill, it is important to make some more general remarks about the forthcoming Ashes series in the United Kingdom and the circumstances that the community now finds itself in. From the outset, I declare my conflict of interest—my over 20 years membership of the WACA, my vice patronship of the Mount Lawley District Cricket Club and the Bayswater Cricket Club in my electorate, and my longstanding membership of the dads grandstand of the Maylands Junior Cricket Club.

There is an important issue here which confronts the community and the Howard government. It is clearly the case that recent Ashes series from the United Kingdom have

not been without their difficulty for free-to-air commercial broadcasters or, indeed, for free-to-air broadcasters generally, including the two great national, public independent broadcasters—the ABC and SBS. As I mentioned earlier, my memory is that the first free-to-air broadcast of an Ashes cricket series from the UK was in 1972. With the last Ashes series we saw in 2001, Channel 7 acquired the rights and had difficulty matching the broadcast of the series, in particular the first session, with its other programming. I played some small part at the time when I was wearing the cap that Senator Conroy now wears, which is shadow minister for communications, and argued very strongly that the first session needed to be shown on free-to-air television. To its credit, Channel 7 ensured that, whilst it did not show the first session, it was shown on Channel 31. That created some difficulties around the nation because, as members of the House might know, Channel 31 has very effective coverage in Perth and Melbourne but not necessarily in other parts of the nation. But at least an effort was made then to satisfy the community interest that the Ashes series should be seen on free-to-air TV and to make some compromise or accommodation to the programming difficulty that it caused.

In the 1997 series, members might recall that Channel 9 had the rights. We have come to know Channel 9 as the cricket channel. Members might recall that there was a clash between one of the test matches—from memory, the third test—and Wimbledon and Channel 9 determined that it would prefer to pursue its Wimbledon programming but that an accommodation was again made and the third test was shown on the ABC. So over recent periods there have been programming difficulties thrown up by the broadcast of the Ashes series. On this occasion the government and parliament should strive and the free-to-air industry, both the commercial

broadcasters and the public, national broadcasters, should strive to find a solution. I say that because, if the Ashes series is not broadcast on this occasion on John Howard's watch, it will be lost to the free-to-air viewing public forever.

Why do I say that? If you go to the first antisiphoning list which was promulgated in 1994 by the then Minister for Communications and the Arts, Michael Lee, in respect of cricket the regulation is as follows:

... The following cricket events conducted during the period commencing at the commencement of this notice and ending at the end of 31 December 2004:

5.1 each "test" cricket match involving the senior Australian representative team selected by the Australian Cricket Board, whether played in Australia or overseas ...

The revised, updated or new antisiphoning list promulgated to take effect from 1 January 2006 and ending on 31 December 2010, in respect of cricket, says:

7.1 Each "test" match involving the senior Australian representative team selected by Cricket Australia played in either Australia or the United Kingdom.

A qualitative difference—an overseas test cricket match from 1994 to 2004 now in England. Why has that occurred? That has occurred because over that period the free-to-air commercial broadcasters and the national public broadcasters consistently failed or refused to show series from the West Indies, India, South Africa, Sri Lanka or Pakistan. The two most vivid illustrations of that would be the failure or refusal of the free-to-air commercial broadcasters to broadcast the two most recent series from India.

What occurred as a consequence? Public policy practitioners like me, the minister and the government could no longer find the public policy argument to justify the retention of the series on the antisiphoning list. If the Ashes are not shown this year on free-to-air

television on John Howard's watch, they will be lost forever to the Australian free-to-air viewing public. There is a seminal issue here which the government, the community and the party need to address.

I acknowledge there are problems for the first session, but I notice that the ABC, the national public broadcaster, appeared today before Senate estimates. They said 'Look, we can find a solution for the first session. If the parliament agrees on a one-off basis to alter the genre requirements for the ABC's digital station, we will put the first session on ABC digital. This is a compromise not unlike Channel 31—limited viewing, but at least an effort is made and you might actually find some incentive for the take-up of digital TV at the same time.' This is an effort to which the government and the parliament could respond by allowing the ABC, on a one-off basis, utilisation of cricket or sport as part of its digital genre.

That is not to say this is just an issue for the ABC. I do not cop the argument that we go to the ABC first. This is an issue for all the free-to-air broadcasting industry: Channel 7, Channel 9, Channel 10, ABC and SBS. If, as I say, it is not shown on free-to-air television, on one or a combination of those stations, on John Howard's watch, the Ashes series from England will be lost forever. It is not just an issue for the ABC. Where has Channel 9 been in this? Channel 9 has come to be known as Australia's TV cricketing station. Where is Channel 9 in this? Paralysed by a conflict of interest, with an interest both in free-to-air commercial TV and in Foxtel?

Channel 7, burned by its previous bad experience of being bagged up hill and down dale on the last occasion, initially refused to show the first session and then, to its credit, made an arrangement with Channel 31. Channel 10, to its credit, took an Australia v

West Indies series very shortly after the antisiphoning list was introduced but has never shown any interest in cricket since. This is not just an issue for the ABC, and the first and primary obligation does not fall to the ABC. There is an obligation on all of the commercial free-to-air industry to come to the party on this.

This is also an issue, in my view, for the government and the England and Wales Cricket Board—these days known as the ECB. As I understand it, the ECB has granted live and exclusive pay TV rights to Fox Sports—not to Foxtel but to Fox Sports. This is the loophole issue that I referred to earlier when going through detailed consideration of the bill. As I have said, this ought to be the subject of intense investigation by a Senate committee. This is seen by some as a way of getting around the antisiphoning list, which has as its aspiration that the free-to-air broadcasters get first bite of the cherry and if they do not bite the cherry then it goes elsewhere.

As I read the legislation—and I might be wrong—Fox Sports have the pay TV rights. There is an assumption that they will be shown on Foxtel. That will occur only if the Ashes are delisted. If the Ashes are not delisted, Foxtel cannot lawfully show that series. John Howard, the Howard government and the minister have a decision that they can make to put maximum pressure on the England and Wales Cricket Board to ensure that the England and Wales Cricket Board are negotiating in good faith and fairly with the ABC, SBS, Channel 7, Channel 9 or Channel 10.

There is an issue here for John Howard cricket tragic. On his watch will the Ashes series be lost forever? Will he contemplate intervening to ensure that the Ashes series will not be delisted automatically under the current legislation or the legislation as

amended by the bill, which will go through this House and presumably the Senate? Will he intervene to make sure that the Ashes series is not delisted unless and until he is satisfied that the England and Wales Cricket Board has negotiated in good faith with the ABC or anyone else with a view to ensuring that the Ashes series is shown on free-to-air television this winter in Australia?

The TV experience of the England and Wales Cricket Board these days is exclusively subscription or pay TV. Maybe the ECB needs a wake-up call, and maybe Fox Sports and Foxtel need a wake-up call. It is open to this government, this parliament and John Howard on behalf of the community to put maximum pressure on the ECB to make sure that the ABC or anyone else gets a fair go at putting this Ashes series on free-to-air TV. If it is not, it will be lost forever on John Howard's watch.

There is a very serious public policy point here. Throughout the last parliament—and no doubt in this and future parliaments—on a regular basis we have had people from the free-to-air TV industry, the commercial free-to-air broadcasters, the national public broadcasters or the subscription TV industry, coming in and out of our doors saying, 'Take this thing off,' or, 'Put this thing on.' So what do we know? We as public policy practitioners know that, unless something which is on the antisiphoning list is actually shown on free-to-air TV, you end up having no case, no argument, no justification or no rationale for keeping it on that list. There can be no better example in this context than the change that we have seen in the antisiphoning list so far as cricket is concerned. The original list was 'Test cricket whether played in Australia or overseas'. The current list, changed recently, is 'Test cricket played in Australia or the United Kingdom'. Why did that occur? Because our commercial free-to-air broadcasters and our national public broadcasters did

not show overseas test cricket matches other than those in the United Kingdom—and if this one is not shown the list will be changed and they will be lost forever.

So there are some serious questions here. Will the government intervene to ensure that the Ashes series is shown on free-to-air TV? Will the government intervene to make sure that it puts maximum pressure on the England and Wales Cricket Board to negotiate in good faith with Australia's free-to-air television industry by making it clear that it will intervene and not delist the Ashes series from the antisiphoning list until it is satisfied that there have been negotiations in good faith? As I read the legislation, and I might be wrong, unless there is a delisting, Foxtel cannot lawfully show the Ashes series on subscription TV in Australia. This is the choice the government has got: lose the Ashes series forever from free-to-air TV or, instead of just being a pretend cricket tragic, actually intervene by being an activist government to ensure that the intent of the legislation and the intent of the regulation as originally enacted in 1994 and as revised and renewed and reviewed and updated in 2004 for the next 10 years is met in the public interest, which is ensuring that Australian free-to-air television viewers—three out of four households—are able to see the Ashes series on their television sets this winter.

In conclusion, I could not make all these points without complimenting my local newspaper, the *West Australian*—which, as some would know, is not necessarily something I do every day—for the campaign that it has waged to draw these things to public policy attention. I commend the bill to the House.

Mr TURNBULL (Wentworth) (7.10 p.m.)—I was transfixed by the eloquent delivery of the honourable member for Perth in this debate on the Broadcasting Services

Amendment (Anti-Siphoning) Bill 2004. Sitting back here as an old television broadcaster, reflecting on his elegant appearance and wondering whether he could have a career in television, I realised that his future is not in front of the cameras but actually behind them. His true aspiration is not to be on television but to actually run a television network. He said there is a precious or serious public policy point. He said that about three minutes before he sat down, and I was waiting for him to get to that. What I was hoping he would say, but he did not, was that politicians should not seek to run television networks. If the honourable member for Perth wishes to do that, he should resign from the parliament and seek a position in the television industry.

The difficulty with his contention about losing the Ashes on the Prime Minister's watch is that, assuming the 2005 Ashes are not on free-to-air television, his case for blaming that on the Prime Minister is based on the Indian test matches not being any longer on the antisiphoning list, yet he himself said that the reason they were not taken up, as indeed were other international test matches, was a commercial decision by the free-to-air television networks. He has to decide whether he wants to let the free-to-air television industry run its own business or whether he believes it should be run by this parliament or the Prime Minister or perhaps the member for Perth. I have no objection to his running a television station or indeed a newspaper—I think Fairfax is still looking for a chief executive—but he should do so after he has disengaged himself from his parliamentary duties.

Mr Martin Ferguson—Perhaps the Packer stable is enough.

Mr TURNBULL—Well, 20 years ago, I used to come down to this great city to represent the arguments of the free-to-air televi-

sion stations. I well remember, and this is something that would never happen under a coalition government, sitting with Sam Chisholm and with Bob Lansdown, who I think was then the secretary of the communications department—I cannot remember what we were arguing for but no doubt we had the public interest firmly in mind, as everyone in the television industry always does where every claim is an ambit one and every bow that is drawn is long—and Mr Lansdown, who was perplexed, turned to us and said, ‘You know what I’ve got?’ We thought he was going to tell us he had a terrible illness. He said, ‘I’ve got a policy vacuum.’ We were filled with sympathy; tears welled in our eyes.

Mr Martin Ferguson—And you eased the policy across the table.

Mr TURNBULL—Broadcasters are always keen to suggest policies. That is why the members of this House—this parliament in fact—need to be very objective and keep the public interest in mind when they consider the competing arguments from the pay TV networks, pay TV stations and free-to-air stations.

By way of background, I think it is important to recognise that sport has become increasingly significant for both free-to-air and pay television. When I first worked in the television industry nearly 30 years ago, there was no pay TV, DVD or video industry in Australia. Movies became available on free-to-air television generally about a year after they had been shown in the cinemas, so there were two windows: theatrical and free-to-air television. Today a movie has a theatrical window; a DVD or video window; a pay per view window, where you pay your pay TV service to watch that movie; a pay TV window, where you see it on a movie channel; and, at the end of that long chain, the free-to-air television stations who get to broadcast

the movie. Shortly there will be a video on demand window as well. I am told Telstra is looking to acquire movie rights with the goal, when technology permits, of selling movies through its broadband service, just as music is being sold through the internet.

As a consequence, movies have become less compelling content on the free-to-air, and the best evidence of that is both the 9 and 10 networks dropping their Sunday night movies. Historically—another change—US made-for-television drama was relatively cheaper than it is today and there were more episodes in each annual series. Until the change of television ownership occurred in the late eighties, when all three networks changed hands, television drama was bought from the United States generally as a series. Since then, however, the studios have insisted on output deals which mean that an Australian television network has to buy a package of the output of the studio, which will include many movies and many series—most of which will have no prime time commercial value in Australia whatsoever. You can get lucky, of course, as the 7 network recently has with its Disney output deal. However, the consequence is that the usable, commercial, valuable American series are in reality more expensive than they were in the past. As a consequence of the fracturing of the US television market by the multiplicity of channels, networks are no longer making as many episodes in a series each year, so there are fewer episodes of those series that do work in Australian prime time.

All this has resulted in not only more Australian drama being made locally but, most significantly in the context of this bill, a shift to sport, news and current affairs. Today television schedules are full of news, sport and current affairs, both pay and free-to-air. News and current affairs are cheaper than drama; they are by definition current and,

therefore, the network which presents them will show them for the first and generally the only time. These changes have also made sports particularly important, as premium sporting events of the kind listed in the antisiphoning list have a unique quality and, of course, they are live.

Pay television in Australia is also quite different to the two markets with which it is often compared. I think the member for Perth was comparing pay TV in Australia with that in the UK. Australia on the one hand and the United States and the UK on the other are very different. In the United States, the take-up of cable television, as it is known, was driven by poor reception of free-to-air TV. They had an older broadcast protocol, and cable TV was originally rolled out so that people could actually see the pictures on free-to-air. In the UK, which shares with Australia the PAL standard—a more advanced standard—the advance of pay television was assisted by the nature of UK free-to-air services, which are very limited compared to Australia or the US and, without wishing to offend the UK broadcasters, a little more high-minded than popular taste prefers.

But, even in those markets, a key driver for pay TV subscriptions has been access to premium sporting events. In the United Kingdom, where there is also a limited version of an antisiphoning list, the main pay TV operator, BSkyB, effectively created a new soccer competition—the Premier League—in order to be able to offer this elite sporting contest exclusively and thus drive subscriptions. Super 12 rugby is another example of a made-for-pay sporting series. So it is fair to have some sympathy with the complaints of the pay television industry. It too suffers from similar problems with respect to movies, as do the free-to-air. So what is the ‘must have’ it can offer, its unique selling proposition? The obvious an-

swer is sport and, were the antisiphoning list to be abolished tomorrow, I have no doubt that pay TV would use exclusive access to many of these events to encourage Australians to subscribe to pay TV to see the events they have been used to seeing on free-to-air for free—if you accept that watching the advertisements is free. This would build on the formidable success of Fox Sports, which is certainly one of the best sports channels in the world and probably the most compelling part of the Australian pay TV offering.

The scheme of the legislation is to make it a condition of the licence of pay television operators that they not acquire the exclusive rights—I emphasise exclusive rights—to televise an event on the antisiphoning list unless it has been acquired by a national broadcaster or a commercial free-to-air broadcaster serving more than 50 per cent of Australia. The consequence of this is that listed events are available to pay TV prior to the date of the event: firstly, when free-to-air has already bought them; secondly, when the minister uses her discretion to remove them from the list because of lack of interest from free-to-air—and there have been a lot of events removed from the list where, months in advance, it has been perfectly clear that free-to-air has no interest in taking them up—or, thirdly, under the current legislation, six weeks prior to the broadcast date.

The principal effect of this bill is to extend from six weeks before broadcast to 12 weeks the period when pay TV can acquire a listed event. This is a sensible amendment. The previous de-listing period was criticised as being too short. Certainly six weeks is probably an inadequate period to promote an event on pay TV, especially since the principal means of promotion for pay TV is via its printed television guide, which clearly needs a lengthy lead time to print and distribute.

All of the competing interest groups of free-to-air broadcasters and pay TV broadcasters have complaints—and they always will. It is the nature of the industry that the contenders for the favour of this House and of the government will have entrenched positions, argued eloquently and with great vigour. The pay TV industry argues for a free market. The problem with that, of course, is that the net result is likely to be icon events being available to only 24 per cent of the Australian population. Depending on the dollars, this may suit some sports rights owners—like the NRL, which has made a submission to the Senate committee—but realistically the NRL, Cricket Australia and like organisations need the broad reach of free-to-air television to connect with their supporters and their whole community backing their sport. Do not forget it is also very important for the onfield sponsors that their signs along the sides of the pitch are seen by the largest possible audience. One cannot help but think, with respect to the sporting organisations, that their real complaint is that antisiphoning chills the competitive battle between broadcasters and diminishes the dollars they ultimately receive. They have a valuable product, and they are entitled to get the benefits of a competitive market to maximise the return for it.

The pay TV industry and the sporting bodies also argue that the antisiphoning list should not include all of an event, such as Wimbledon. Obviously, they argue it is impossible to broadcast every match on free-to-air—there simply are not enough channels—so they contend that only the most important components of a relevant tournament should be listed so that the rest can be broadcast on pay TV. Similarly, with single events of long duration, they contend that unless the whole event is broadcast it should be available to pay TV as well. This is the ‘use it or lose it’ argument.

An obvious solution is for non-exclusive rights. For example, I am advised that the 2005 Ashes are being offered to free-to-air networks on a non-exclusive basis—I think this was the member for Perth’s understanding also—so that it would be available with ads on a free-to-air network, if one chose to take it up, and without ads on pay TV. The problem with this, argue the free-to-air television industry, is that the 24 per cent of the population who have pay TV will watch the Ashes on pay TV, without the ads, reducing the audience for free-to-air television and rendering it uneconomic. They point out that the 24 per cent who can afford pay TV can also afford to buy the goods and services advertised on free-to-air television. They argue that this is a significant audience loss. The commercial free-to-air will go so far as to say that, if they cannot have it exclusively, it is not worth having at all. On the other hand, we have to recognise that broadcasting the first session of an English test in prime time is notoriously difficult for free-to-air. The normal prime time program is thrown out and it can be subject to the vagaries of the weather. Rain not only interrupts play but interrupts advertising revenues.

The argument about the Ashes is a complex one. The free-to-air are concerned by what they identify as a loophole. Companies which are not pay TV broadcasters but may be associated with them—such as News Corporation or Fox Sports—can buy the pay TV rights to an event. The free-to-air rights remain available. Apparently that is the case with the 2005 Ashes. For the reasons I have just mentioned, the free-to-air broadcasters, at least the commercial ones, find it difficult to justify broadcasting English test cricket in prime time and hard to justify broadcasting it at any time, let alone on a non-exclusive basis.

The free-to-air industry has submitted to the Senate Environment, Communications,

Information Technology and the Arts Committee that this loophole should be closed. I have not seen any proposed amendments in the submissions to the committee, and I doubt if it would be possible for it to be practically done, even if it were thought desirable. We have no jurisdiction over the England and Wales Cricket Board or over any other owners of sports rights. The television industry is a fascinating and contentious one. It is full of colourful characters. The members on the opposition frontbench have referred to a few, and I have referred to a few others. No regime will satisfy everyone, and this House will no doubt carefully monitor the realities of the industry in the years ahead to see how the antisiphoning regime is working in practice.

The amendments, in my view, are sensible and constructive. The new list is a careful balancing of the interests of the public, on the one hand, and the legitimate commercial interests of the industry on the other. I noticed the member for Perth observed that the 2006 FIFA Soccer World Cup is on the list and asked why the 2010 World Cup was not there. It is always possible for the minister to put it there if a significant case were made. That, no doubt, will be debated as time goes on.

The most important thing to remember about this area of industry is that it is changing so rapidly. In just a few years we have seen massive changes in the television industry. We will see it over the next few years in effect merging with what we now call the internet. Ubiquitous broadband will make the boundaries between television and the internet almost meaningless. It ill behoves us to try to lay down some hard and fast policy prescription, as the member for the Perth did, out into the future without recognising that just as the industry is changing and just as its players are hard-headed, practical and nimble in pursuing their own interests, so gov-

ernments and members of this House have to be practical, thoughtful and nimble in protecting the interests of the Australian public.

We, after all, are the only ones who are committed to looking after them in this debate; everybody else is quite rightly pushing their own barrow. We have to be very focused on that public interest and modulate our approach as technology and economic circumstances change. There have been massive changes in the industry over the last few years; there will be more massive changes in the future. But the fundamental principle to which we are committed is that these iconic sporting events that are vitally important to the culture of Australia should be available to all Australians. It is our job to see that that can be done.

We can only do it up to the point of laying a framework where it can be done. It is not for this parliament or for any government to try to run a commercial television network—that way disaster lies. We have to allow the market to work with sufficient guidance to ensure that there is a level playing field for the free-to-air. I believe the current regime essentially does that. If circumstances change, if technology changes, then no doubt it will be reviewed as all of these areas are reviewed constantly. This is a very dynamic field. I commend the bill to the House.

Mr MURPHY (Lowe) (7.28 p.m.)—I thank my friend and colleague the member for Wentworth for his contribution. Whilst I will speak tonight in support of the amendments to the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004, I also want to take the opportunity while the member for Wentworth is in the chamber to respond to his comments on the contribution made by my colleague, the former shadow minister for communications and member for Perth, Mr Stephen Smith.

I agree with the member for Wentworth that politicians should not run our television networks. I agree with the member for Wentworth when he said in his contribution that, 20 years ago when he came down here to work for Mr Packer, he had the public interest in the forefront of his mind. I also agree, and I have been seeing this for the period that I have been in this House, that the broadcasters and the media owners are always keen to suggest policies to government and to opposition spokespeople and others who have an interest in this area. I have a great interest in the fourth estate because I think it is as crucial to our democracy as my right to stand here tonight representing my electorate of Lowe and making my contribution to this debate.

The member for Wentworth quite correctly made numerous references to the relevance of the public interest in this bill and the role of the media. He touched on the role of the internet—and I know he probably knows a lot more about the internet than I do—as well as the convergence of the media, just how meaningless some of the technology might be today and how government will respond to the dilemmas that are facing the media proprietors, particularly because they, more than anyone, have a great interest in this.

I would like to draw my friend's attention to question No. 11 which I put on the *Notice Paper* in February 2002, during the last parliament. I would like to let you read that, member for Wentworth. I asked Senator Alston, who was then communications minister, to confirm how much of the commercial media our two dominant players—namely, Mr Packer and Mr Murdoch—own in Australia. The member for Wentworth I am sure knows that the Murdoch stable, News Ltd, owns two-thirds of the metropolitan dailies, three-quarters of the Sunday newspapers, 50 per cent of the suburban

newspapers, 25 per cent of the regional newspapers, online services and a quarter monopoly share in Foxtel pay television. The Packer family's PBL owns the dominant free-to-air television network, with an audience varying from 50 to 70 per cent—the leading commercial television network.

Mr Turnbull—They wish it was that!

Mr MURPHY—It is certainly more than 50 per cent. I make the point that they even pride themselves by words to the effect—I am almost bored hearing it—that more people get their news and information from Channel 9 than any other source, which I think is very relevant to this debate. They own something like 65 magazines, of which 30 rate among the top magazines. They own the very popular web site ninemsn.com, and it goes on and on.

So what I am saying to the member for Wentworth is that the Packer and Murdoch stables have a stranglehold on commercial networks in Australia. I think that is very interesting, particularly in relation to this debate. I do not expect the member for Wentworth to sit here and listen to my entire contribution on this bill, but I wanted to take this opportunity. He, probably better than most, particularly with his references to the public interest, might take up the debate in the party room and with the government with regard to what the government are going to do not only in relation to this bill, the amendments to which I am supporting, but in relation to their agenda to concentrate media ownership in this country. That is what concerns me and certainly my constituents.

You will recall during the last parliament the Broadcasting Services Amendment (Media Ownership) Bill 2002 was introduced. That bill, in its initial form, proposed that a media proprietor in Australia could own television stations, newspapers and radio stations in the one market. However, with all

the lobbying and negotiating, when the bill reached the Senate there was a preparedness by the government to knock out one of those areas of the media and have two out of three. So it exposed the agenda of the government that a media proprietor could own both print media and a television network in the one market.

The DEPUTY SPEAKER (Mr Baldwin)—Order! The member for Lowe will bring his comments back to the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004.

Mr MURPHY—It is a free-flowing debate. There is an amendment to this bill, Mr Deputy Speaker, and, with great respect, it is relevant because our two biggest media proprietors own a quarter monopoly interest in Foxtel, our only pay television network, and of course Telstra owns the rest. I am very concerned because the member for Wentworth has spoken extensively—and correctly, I might add—about the public interest and how we should all be most concerned in this debate about the public interest, as he was 20 years ago when he came down here with Sam Chisholm. He had the public interest—the common good—in the forefront of his mind with his negotiations, notwithstanding that at that time he was on the payroll of Mr Packer and doing, I presume, a very good job.

But he has a different role here now: he is an elected federal member. My concern in this debate is that our two dominant media proprietors have a big interest in monopoly pay television, and free-to-air television in the case of Mr Packer, while Mr Murdoch, of course, has been interested in Channel 7 and Channel 10. Under the bill proposed in the last parliament, Mr Packer, for example, could have bought the only significant print media, which was Fairfax, and in the bill's original form probably could have bought

Macquarie or Southern Cross radio. Equally, Mr Murdoch could have bought a free-to-air television network like Channel 10 or Channel 7.

That would have led to a very significant concentration of media ownership in Australia. I am sure that the member for Wentworth, who would understand the public interest better than I would, would be very concerned, as anyone else listening to this debate tonight would probably be, irrespective of their politics. They would be very worried about the concentration of media ownership in Australia. At the heart of a democracy is the media because the media report what is said here, and news and information are given to the public and that influences the way they think and the way they vote. The role of the fourth estate is terribly important.

I am very worried—and I pick up the point where the member for Wentworth started with his comments in relation to the member for Perth: that politicians should not run our TV networks. He is quite right. But, equally, I want to say here tonight that the media proprietors should not be running our democracy. If we allow the concentration of media ownership in Australia to the point where our existing key players are allowed to hang onto everything they own and concentrate media ownership, that is a great threat to the public interest—which the member for Wentworth spoke about that extensively—and the future of our democracy.

I think I have a question on tomorrow's *Notice Paper*—I lose track of the number of questions I have put on the *Notice Paper* in relation to this matter. I might just draw them to the attention of the House and of the member for Wentworth, because I think that he more than anyone else could stir a very great debate in the government party room about the future of our media laws in Australia.

lia. I read different reports every day about this antisiphoning legislation. I draw to the attention of the member for Wentworth my questions Nos 24, 26, 27 and 28, which I put on the *Notice Paper* on 17 November, and also my questions Nos 160 and 161—and this is very interesting, because Mr Samuel from the ACCC gets involved here, and he is going to have a very big role in the future of our media over the coming months before the government gets control of the Senate. I would like the member for Wentworth to have a look at that. I would like the chance to have a talk with him about this because I know he is genuine when he says that any of these discussions and debates about the media and particularly this antisiphoning legislation should be about protecting the public interest. I am very worried.

In the last parliament when the bill was watered down a little bit so that media owners were not allowed to own print, radio and television in the one market, it was ultimately defeated in the Senate because Senate Harradine put up a very sensible amendment. That amendment would have stopped, for example, Mr Packer buying Fairfax and Mr Murdoch buying Channel 7 or Channel 10. Clearly, in my view and with great respect, it was the agenda of the government to allow that to happen. I do not think that any Australian, whatever their politics, believes that media proprietors should be running Australia's democracy. I think they would like to think that if they vote for the member for Lowe or for the member for Wentworth they will get someone who truly represents them and speaks up for them and who does not think: 'What does Mr Packer think or what does Mr Murdoch think? We have to do what they want to do.' Rather, they would like to think that we, as independently elected people in a very democratic country, come to this House and speak honestly, openly and truthfully about the real agenda. Quite hon-

estly, I think that the agenda of the government is probably looking after our two largest players.

I will bring John Singleton into this debate because he has got an interest in this. He has foreshadowed that he would like to introduce a fourth television network—and we know we have a moratorium on that until the end of 2006—a 100 per cent Australian content free-to-air television network in Australia. I think that would be pretty good. It would probably have only a five per cent market share so it probably would not make a big dent in Mr Packer's advertising revenue. I am not sure what impact it might have on the Murdoch stable. They are obviously exercising their options with regard to how much more of Australia's media they want to hold.

The point that I am making here in this House tonight is that I am implacably opposed to further concentration of media ownership in Australia because of the implications that has for the public interest that the member for Wentworth has spoken about and the future of our democracy. I cannot see that it is any good to allow our two biggest players to hang onto everything that they own and to allow them to own even more. The most significant print media in Australia is already owned by Mr Murdoch. The only thing that he obviously cannot have is Fairfax, because he would then have just about every significant newspaper in a major capital city. The only thing that Mr Murdoch does not have is a free-to-air television network. So if you let Mr Packer have Fairfax and Mr Murdoch have a free-to-air television network—as I think I said in the address-in-reply debate last November—we may as well shut down this parliament tonight and print out a how to vote which says '1 Packer, 2 Murdoch' and then we would only worry about the donkey vote. That is how serious it is to the public interest. That is how serious it is for the future of our democracy.

I am really pleased that the member of Wentworth is in this House because with his background—and I notice the member for Curtin is here—he would understand it better than most. I think he has a great contribution to make in his party room on this. This is something that I have been interested in from the very first day that I came into this House. I think it is a very sad day if we allow—

Mr Martin Ferguson interjecting—

Mr MURPHY—The member for Batman is acknowledging it. We have got form, I will acknowledge, on this side—

Mr Martin Ferguson interjecting—

Mr MURPHY—You have to be because we know that in 1987 the cross-media ownership rules were put in place and we know the agenda of the Hawke government at that particular time. I plead guilty on behalf of the government of that time: we have got form, too. I am trying to send a message through you, Mr Deputy Speaker Baldwin, to the member for Wentworth to do something about this because I think he, more than anyone, has an opportunity to bring the government to their senses. This is very critical for the public interest that the member for Wentworth understands. This is very critical for the future of our democracy. We cannot allow concentration of media ownership because we might as well forget about standing here speaking up for our electorates. In the final analysis, the power and the clout of PBL and News Ltd is such that they can elect a government or elect an opposition, and that should be of grave concern to everyone irrespective of their politics.

I am very grateful to the member for Wentworth for raising this through his speech in the second reading debate. I would like him to have a look at the questions that I have put on the *Notice Paper* previously and to debate it in his party room to see if we can get some sense into the government, because every

day I read different reports in the media about what the government's agenda is. I put question No. 583 on the *Notice Paper* to try to get the government to explain. I am not disingenuous at all in this debate because, as the member for Batman has acknowledged, I have been like a dog with its bone on media ownership in Australia.

Question No. 583, which appeared on yesterday's *Notice Paper*, is a question to the Prime Minister. It asked him whether he had read Tony Wright's article in the *Bulletin* of last week—I think the member for Wentworth worked for the *Bulletin* at some stage, and I would like him to have a look at that question. I wanted the Prime Minister to confirm what Tony Wright reported the Prime Minister as saying, which was:

If we end up with everyone coming in for a chop and the thing being impossible to resolve, we'll just leave it as it is.

I have asked the Prime Minister—and perhaps the member for Wentworth can get something out of him in the party room—whether he can explain what he means. I have asked further: will he guarantee that any bill that is to be reintroduced by this government into the parliament will not allow further concentration of media ownership? To me, what was reported—and these are the Prime Minister's most recent comments on this matter—suggests that it is the Murdoch empire and the Packer empire controlling the Prime Minister, because I do not think for one minute that the Prime Minister is going to do anything to upset Mr Packer and Mr Murdoch. I feel, particularly from what I have read in this most recent article—and I follow this with great interest—that the Prime Minister is paralysed. I think we have an excellent opportunity with the member for Wentworth to get some serious debate in the party room on this very important issue of our media laws, because on 1 July the government have—(*Time expired*)

Mr LAMING (Bowman) (7.48 p.m.)—I rise with great enthusiasm, not necessarily to speak about media ownership and media concentration. Should I accidentally stray onto matters relevant to the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004, such as antisiphoning, I trust the member for Lowe will, on the grounds of relevance, draw me back to it!

Antisiphoning was introduced to ensure that events of national significance and cultural importance that are traditionally available on free-to-air television remain so in the face of competition from pay TV operators. That is important, given that only approximately one in four Australian households have access to pay television. The rationale for antisiphoning is sound. It also gives free-to-air television broadcasters priority over pay television licensees in acquiring broadcast rights to listed events. Extending the automatic delisting period, which is what we are talking about tonight, is intended to preserve the balance between these two competing priorities. It will allow pay TV operators a reasonable opportunity to acquire rights that have not been taken up by the free-to-air broadcasters and it will allow them the time to arrange coverage and to market those programs to viewers. So this amendment better balances the competing interests of the two groups and it doubles that period in which pay TV can negotiate directly with a rights holder to particular events. It is my view that delisting these events 12 weeks prior strikes that appropriate balance.

The government has made two commitments regarding the antisiphoning matter. The first is to streamline the operation of the antisiphoning regime to enable the automatic delisting of those events as I have described. The second is to develop a new list of protected events from 2006 through till the end of 2010. The new list retains nationally significant sporting events and adds some new

ones, specifically the Olympic and Commonwealth games, both of which are important to the Australian public. The events removed from the list are largely those that have received little or no free-to-air coverage despite their inclusion on the antisiphoning list in the past. These changes better reflect the attitudes of Australians and the commercial realities of the sporting and broadcasting sectors.

I was interested and keen to respond to the comments from the member for Perth, who detailed two concerns. The first was the failure to list the 2010 World Cup. I should point out that it is my understanding that FIFA has indicated that there will be an open tender process for that event within which all providers and all broadcasters can compete. That seems an appropriate way to handle what will obviously be a very popular event. The second area of concern was the 2005 Ashes test cricket series, which is coming up soon. This has attracted substantial interest to the antisiphoning debate in the media recently. Already those rights have been purchased by a pay television operator. It is my understanding that the ABC is in a strong position to put in a bid for the free-to-air rights for this upcoming event by negotiating with the England and Wales Cricket Board, although I do note that there may be residual issues regarding genre restrictions on what the ABC can broadcast on its digital channel.

But far from it being, as the member for Perth attempted to portray it, a case of market failure over the broadcast of the Ashes, this is simply an example of an overseas rights holder, faced with the opportunity to gain additional revenue on top of pay TV and its domestic revenues in the UK, possessing as much incentive to come to a working agreement with Australian free-to-air broadcasters as they have already with pay TV operators. These negotiations are rightly a matter for the free-to-air broadcasters and

those with whom they are negotiating, in this case with the ECB. It is important to point out that this will not always be a smooth process but that does not mean that the system is failing.

Some of the vague recommendations that have been proffered by the member for Perth are an example of that, that there are really no clean, simple and easy interventions in antisiphoning that will give the right result all the time, particularly early on. We must remember that it is often a case of long and protracted negotiation. I am confident that the ABC or whichever other group decides to seek those rights will strive to eventually find a solution. It is the wrong approach to believe that someone should intervene or that it is upon somebody else's head should they not be broadcast.

There has been some discussion of a loophole in the antisiphoning legislation which relates to the ability of a non-pay television licensee to purchase the rights to listed events prior to free-to-air operators having that opportunity. The antisiphoning licence condition imposed on pay TV licensees does not prevent an associated company that is not a subscription television broadcasting licence holder, such as a pay TV channel rights holder, from acquiring those free-to-air rights. But if a pay TV licensee then acquires those rights from the associated company before they have first been acquired by a free-to-air broadcaster, or the event has been de-listed, then the pay TV licensee is in breach of their licence condition. So it is important to note that, if a free-to-air broadcaster considers that it has not had a reasonable opportunity to acquire the rights to a listed event, it can still apply to the minister for the event to be retained on the list and not be subject to automatic de-listing. That will prevent exclusive pay TV broadcast of the event.

This decision today and this legislation complete the government's commitment to the antisiphoning review and the revision of the antisiphoning list. It is right that the amendment to the alleged loophole is not linked to this bill at this time. The government will continue to monitor the operation of the antisiphoning list to ensure it properly reflects the attitudes of Australians and the commercial realities of both the sporting and broadcasting sectors.

It is economic reality that the cost of programs and balancing the interests of viewers are considered when bidding for programs, and that includes the acquisition of broadcasting rights. Far from being an example of a government taking sides or helping one broadcasting group over another, this amendment ensures there is a better balance between competing demands. I support the extension of this de-listing period, particularly given that the rights to a number of events on that list are not currently being taken up by free-to-air broadcasters. It is right that the government ensures free-to-air rights are available for acquisition and broadcast—there is no dispute about that. It demonstrates a fundamental lack of understanding to blame government every time broadcasters and rights holders are slow to come to an agreement on broadcasting rights. The English cricket board has no interest in losing the broadcasting revenue from free-to-air broadcasts in Australia, so there is obviously room for further negotiation.

Negotiations will be tight. They will be tough and ongoing. They will start, stop and start again. But intervening in this market with overly complex systems, as the opposition appear to be suggesting, would only invite rights holders to ratchet up their asking price. That would become a slippery slope that would lead to ridiculous prices being asked and the government being compelled to transfer uneconomical sums to national

broadcasters. Antisiphoning is a complex area, and with every external intervention there are unintended consequences and complexity added to the negotiation. I note the lack of concrete opposition proposals to address some of the deficiencies they allege are occurring. I congratulate the government for meeting its reform commitments in this area. I commend the bill to the House.

Mr GRIFFIN (Bruce) (7.57 p.m.)—We are here tonight to speak on the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004. The bill makes a minor amendment to the antisiphoning provisions of the Broadcasting Services Act 1992 by extending the automatic de-listing period for events on the antisiphoning list from six weeks to 12 weeks. Antisiphoning is something we often find ourselves talking about in the context of broadcasting policy, but a lot of people do not really understand the background to it. It took me a bit of reading to get on top of it. In consulting the *Bills Digest* I found a couple of paragraphs I will quote which give the background to the antisiphoning regime:

Section 115 of the Broadcasting Act is the key legislative provision in what is known as the 'anti-siphoning' scheme. The scheme 'protects the access of Australian viewers to events of national importance and cultural significance on free-to-air television' by preventing pay-TV operators from siphoning off television coverage of those events before free-to-air broadcasters have had an opportunity to obtain the broadcasting rights. (Free-to-air television providers include national broadcasters, such as the ABC and SBS, and commercial television broadcasting licences.)

Subsection 115(1) provides that the Minister for Communications, Information Technology and the Arts ... may, by notice published in the Gazette, specify 'an event, or events of a kind, the televising of which should, in the opinion of the Minister, be available free to the general public'. Subsection 115(1A) provides that the Minister may amend the notice to specify additional events

or events of a kind. The list of events (usually contained in a schedule to the notice) is referred to colloquially as 'the anti-siphoning list'.

As earlier speakers have said, it is a complex area and one on which it is hard to get the balance right. When we look at the question of antisiphoning, and if we look at it in the context of current discussion about the Ashes, what it is about is ensuring broad access for the community to watch events that are seen to be significant or culturally important. In the context of sporting events, these are often ones involving Australian teams or Australians overseas—and the Ashes is, of course, a particularly iconic and important sporting event. When we look at it in that context, it is a complex issue. We have to balance the question of ensuring access versus ensuring pay TV is not unfairly disadvantaged, and there are a number of different views on this across various interested parties. As earlier speakers in this debate have said, it is an issue on which there are strongly held views within the sector. But in the chamber here tonight speakers have focused on the issues as they see them with respect to policy and also to the community, and on how it will actually operate.

The particular change that this bill covers is minor but broadly supported. Increasing that period from six weeks to 12 weeks is certainly not designed to stop commercial free-to-air broadcasters from applying to receive rights and bidding for them; it is designed to give pay TV broadcasters more time to set their programs and be in a situation where they can properly maximise their revenue and the notice they give to their subscribers about programs they have sought and gained.

The debate tonight has focused on the question of the antisiphoning regime—how it is working, and some of the problems. A couple of particular areas have been mentioned. I mentioned the Ashes, and I will

come back to that in a minute. There have also been a couple of points raised about the World Cup. As I understand it, World Cup 2010 is currently not on the antisiphoning list provided by the government. World Cup 2006 is on the list but World Cup 2010 is not—at least, not at this stage. That seems to me to be an obvious anomaly. The member for Bowman mentioned earlier FIFA's announcements that the advertising and bidding processes for television rights would be fair and reasonable. I think that misses the point about the circumstances around the antisiphoning regime, which is about ensuring the opportunity for free-to-air broadcasters to bid before they get rolled by the increased commercial weight of the pay TV broadcasters. Therefore, I do not think that takes care of it. And it is certainly something the government has to have a look at.

In the context of the Ashes, it has also been mentioned that there is an apparent loophole in the regime, which relates to the fact that on this occasion Fox Sports have acquired the rights as a pay TV channel provider rather than as a licensee and in that way have circumvented the intended operation of the antisiphoning regime. By having those rights, they have created a situation whereby it becomes not as commercially viable for commercial free-to-air broadcasters to bid to gain the Ashes coverage. That is true but it does not address the central question, which is that the Ashes test matches in England have been televised in Australia since 1972, when I was the ripe old age of 12—and, Lord knows, that was an awfully long time ago now. Therefore, we are dealing not only with an iconic sporting event but also with a longstanding event with respect to television coverage. Although it has been patchy at times, the fact is it has still been televised on every occasion, going back over 30 years. So to see a change along these lines at this time is of great concern.

The Prime Minister has had a couple of comments to make about this. I would like to quote what he has said on this particular matter from a couple of transcripts. At a recent press conference, the Prime Minister was asked:

Are you happy that the ABC is negotiating on the Ashes to get it on free-to-air TV?

PRIME MINISTER: Well I was interested to read that and I'll no doubt have some further discussions. I would like the Ashes to be available free to air for all Australians, it's one of the great iconic sporting events of the year. Whilst I remain very confident about the outcome I think England has a much stronger team, I've been watching some of the tests on television in South Africa and they are presenting a much stronger challenge and I therefore would be very disappointed if one way or another, and I don't quite now how yet, if one way or the other we couldn't have the Ashes on free-to-air television.

JOURNALIST: Would you be supporting the ABC's bid?

PRIME MINISTER: Well I want to talk to the ABC, I want to find out a little bit more about what they have in mind.

At another press conference, the Prime Minister was asked:

Mr Howard, is there any movement on the free to air telecast of the Ashes?

PRIME MINISTER: Any movement on the what?

JOURNALIST: The free to air telecast of the Ashes, is there any chance the government ...

PRIME MINISTER: Oh that continues to engage me. I think that's all I can say at the moment. I would like to see the Ashes on television—there are a number of things I'm looking at.

JOURNALIST: The ABC or SBS [inaudible] legislative—

whatever that means in the context of this particular transcript—

PRIME MINISTER: I haven't really sort of got to that.

JOURNALIST: Would you like to see ABC telecast it?

PRIME MINISTER: I don't want to be more specific at this stage.

JOURNALIST: Has the ABC asked for some money to specifically telecast the Ashes?

PRIME MINISTER: The ABC is always asking for money—no disrespect to the ABC—

although it is hard to say there was not some disrespect intended.

I draw your attention to part of what the Prime Minister said: 'There are a number of things I'm looking at.' Earlier speakers have asked what our position is with respect to this. Just remember—I am sure that you do; I know I do—that there was an election a few months ago and you guys won it. In those circumstances, the Prime Minister is saying he is looking at a number of things. It is incumbent on him to let us know what those things are. He should come out publicly and say what they are. He should inform the public, the community—who care about and are concerned about this issue—and the parliament that represents them what he is intending to do. Obviously, from what he has said, he is intending to do something or some things. Again, we need to know the detail.

There has been a bit more happening in the last day or so with respect to this. The ABC was before a Senate estimates committee earlier today. Again, I think a couple of comments they made are relevant to the debate on the antisiphoning legislation. ABC Managing Director Russell Balding said the station's initial bid had been knocked back by the England and Wales Cricket Board but discussions were continuing. He said:

I can confirm we are in negotiations with the England and Wales Cricket Board, the ECB. However, they have rejected our initial bid. Nonetheless, discussions are continuing.

Mr Balding said that no dollar figure had yet been put on what the ECB would accept as an appropriate bid. He said the price the ABC was willing to pay took into account

the fact that no other Australian free-to-air networks were bidding, that the rights were non-exclusive and that two-thirds of games would be shown after 10 p.m. Mr Balding said:

Our indications coming back from the ECB are that we have a long way to go.

The Minister for Communications, Information Technology and the Arts, Helen Coonan, today confirmed that the ECB had applied to have the Ashes dumped from the antisiphoning list but said that she had not made any decision on this issue. A starting point would be for the minister to address that particular attempt by the ECB to remove this event from the antisiphoning list. It would send a clear message about how the government views this issue and it would send a clear signal to the ECB that we are concerned about what they are doing. It would also help maximise the pressure on the ECB to come to a reasonable deal with the ABC.

The ABC has also made a request to the parliament, as I understand it, to lift the genre restrictions—it mentioned that in the context of the Senate estimates—that prevent it from showing sport on its digital channel. This change would allow the ABC to show the first session of play while maintaining its commitment to news and current affairs on its main channel. We certainly support that call to lift the genre restrictions on a one-off basis. This would have the added benefit of driving the take-up of digital television. Certainly, if the government refuses to act on this matter, Labor will be looking to introduce a private member's bill to give all members of parliament the opportunity to support that sort of action and to ensure that this iconic event is seen on TV.

I would like to finish on another point with respect to this bill. This has been an issue which has gained a lot of comment in

the public sphere from former cricketers, members of the community and politicians in state parliaments and in other places. Those comments have generally been very supportive of the fact that this event should be shown on free-to-air television. I would like to pick up on the comments of the Treasurer as quoted in the *West Australian* on 1 February:

Federal Treasurer Peter Costello has thrown his weight behind *The West Australian's* push for the coming Ashes series to be shown on free-to-air television by urging the ABC to pick up the coverage.

He said yesterday that the ABC should ditch its current affairs shows and put the cricket on in their place.

"I think it should, there you go, it's a scoop," said Mr Costello, who arrived in Perth yesterday to campaign in the State election campaign.

"The ABC should cancel all its current affairs programs and news services and broadcast the cricket, that's my view.

"Unfortunately, we don't run the ABC. It's got an independent board. If we ran the ABC it wouldn't report the news the way it does, I can tell you. (It would have) cricket and football, something the people really want."

Although I think I understand the spirit of what the Treasurer was on about with respect to supporting the Ashes being televised, I ask myself about the nature of the way he has dropped that into the middle of an election campaign, the flippant way in which he has endeavoured to address the issue, and the dismissive way he treats current affairs and matters such as those on the ABC. I guess that probably says something about the way the Treasurer handles these issues—and many other issues, in another sense. The Treasurer and I share something: we both laugh at our own jokes, and that is always a very dangerous thing to do in politics.

Mr CIOBO (Moncrieff) (8.10 p.m.)—I am certainly very pleased this evening to

speak to the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004. This is an important bill because it goes to the core of what is very near to the hearts of so many Australians: those events, in particular sporting events, for which Australians have a passion. Our passion for sporting events is renowned around the world—particularly for that great game known as cricket.

I turn very quickly to a number of points that previous speakers have raised, in particular with respect to the Ashes series. I am informed that as of 11 February 2005 the free-to-air broadcasting rights for the upcoming Ashes series had not been purchased. They remain available for purchase from the England and Wales Cricket Board, the ECB. The pay television rights for the 2005 Ashes series have been purchased by Fox Sports and the government's position is that it would be pleased to see the Ashes broadcast on free-to-air television but it is a matter for the free-to-air broadcasters whether they are interested in negotiating with the ECB to acquire the rights. It was informative to hear from the shadow minister earlier about Mr Balding's comments on behalf of the ABC, and I am confident that, given the interest that extends across this nation to watching the Ashes series—and providing that there is bona fide goodwill from the ECB on this matter—there will be an opportunity for the series to be viewed on free-to-air television. We certainly hope that will be the case.

I am certainly very pleased to speak about the operation of the antisiphoning bill that is before the chamber this evening, because I know that many of my constituents on the Gold Coast have a particular interest in continuing to have opportunities to watch on free-to-air television those nationally significant and culturally important events that are listed as part of the antisiphoning regime. These rules were introduced to ensure that events of national significance and cultural

importance, which have traditionally been available on free-to-air television, would continue to be available to free-to-air broadcasters despite the introduction of pay television services in Australia.

The rules operate by giving free-to-air television broadcasters priority over pay television licensees in acquiring broadcast rights to listed events. Having reviewed this, the government is of the view that with fewer than one in four Australian households currently having access to pay television services, the rationale for the antisiphoning regime still exists. Although the Gold Coast has a higher than national average penetration rate of pay television into households, there remains nonetheless a very strong community sentiment that there should be access on free-to-air television to these major nationally significant and culturally important events.

To remove the antisiphoning regime would be to deny many Australians the opportunity to watch these events when a free-to-air broadcaster either decided not to take up the opportunity of broadcasting an event or when a pay TV provider had access to and acquired the broadcasting rights prior to a free-to-air operator acquiring those rights. So in this instance it is clear that, whilst there remains strong community interest in ensuring that free-to-air licensees have the chance to broadcast these types of events and programs, they should continue to do so.

The government has developed a new list which will protect those listed events which are to take place between 1 January 2006 and 31 December 2010. This new list retains nationally significant sporting events and adds some new ones—specifically, the Olympic and Commonwealth Games, both of which have a particular prominence in Australian public life. The events removed from the list after the government reviewed the anti-

siphoning regime are largely those that have received either little or no free-to-air coverage, despite their inclusion in the antisiphoning list. There are two ways in which a sporting event listed on the antisiphoning list may be de-listed. First, sporting events that are on the antisiphoning list will be automatically removed from the list six weeks prior to their commencement if a free-to-air broadcaster has not acquired the rights. The minister can also decide that an event should be retained on this list and not be subject to the automatic de-listing period. This would occur in those instances where the minister is satisfied that the free-to-air broadcasters have not had a reasonable opportunity to acquire the rights to the event in question. It is an important safeguard because it does ensure that, where you have an event that occurs very quickly, there is ample opportunity, despite the operation of the six-week period under the original regime, for the minister to extend that period.

The second limb available is that the minister is permitted to remove an event from the antisiphoning list prior to the six-week automatic de-listing period. This may occur where, for instance, the minister considers that the free-to-air broadcasters have had a reasonable opportunity to acquire the rights to the event but have declined to do so and, further, where the minister is of the opinion that removing the event from the list is likely to have the effect that the event will be televised to a greater extent than if it had remained on the list. That is the way that the list operated prior to the government's review and prior to the introduction of this bill into the House. At the time that we announced the new list which will protect listed events to take place between 1 January 2006 and 31 December 2010, the government also committed to streamlining the operation of the antisiphoning regime to enable the automatic de-listing of those events that the free-

to-air television networks do not intend to broadcast 12 weeks before the event's commencement, rather than the currently operating regime of six weeks.

Extending the automatic de-listing period will improve the efficiency of the de-listing provisions of the antisiphoning scheme, to the benefit of sporting bodies and viewers, by allowing pay television operators a reasonable opportunity to acquire rights not taken up by the free-to-air broadcasters, to arrange coverage and to market the programs to viewers. I have to say that on the Gold Coast I have had many instances—and I am pleased to say that they have been less so recently but certainly going back a year or two—where irate constituents have contacted my office in anger. With a particularly large ex-Victorian population now residing on the Gold Coast, a large number of them wanted to watch their AFL games, and frequently it seemed that they were denied the opportunity as a consequence of the free-to-air broadcasters choosing not to exercise their right to broadcast those games. Under this new, 12-week listing provision, if a broadcaster chooses not to acquire rights to broadcast an event that is on the list, the pay TV operator will have the opportunity to do that in a more timely manner now, given that they will have a 12-week period in which to both promote and subsequently broadcast that particular event. That is a good win for Gold Coast residents and a good win for the constituents in my electorate.

I wish to make some comments about the Labor Party's 'use it or lose it' policy that it took to the last election. Whilst it is not technically within the core of the subject matter of this bill, it is pertinent to this debate more generally. Labor said in its election policy that it was going to strengthen the antisiphoning list and introduce its so-called 'use it or lose it' system. But Labor did nothing except demonstrate once again its lack of

understanding of the complexities of the antisiphoning scheme and its practice of looking for quick, bandaid fixes which do not actually do the job. A revised antisiphoning list combined with ongoing monitoring and review achieves the same outcomes as a 'use it or lose it' scheme, without the complexity and uncertainty that the Labor Party policy would have brought in had Labor been in a position to introduce it.

Furthermore, events may be removed from the list if they do not receive consistent levels of free-to-air coverage. The relatively short period of operation of the new list of five years also places a level of pressure on broadcasters to exercise their rights before the list is reviewed again. The government's approach has always been appropriate, and it is certainly preferable from the point of view of broadcasters, sports bodies and viewers. I have had that point made very clearly to me on a number of occasions now.

A final point that I want to raise with regard to this bill is the issue of the so-called loophole that the previous speaker from the opposition made reference to. I have previously heard the term 'loophole' with respect to the antisiphoning list insofar as it pertains to the ability of non-pay TV licensees to purchase the rights to listed events prior to free-to-air operators. The government has made very clear its position. It has said previously that this issue is something it is prepared to look at, but I would still note that there is no evidence to suggest that the antisiphoning rules are being infringed. The antisiphoning licence condition imposed on pay TV licensees does not prevent an associated company that is not a subscription television broadcasting licence holder, such as a pay TV channel provider, from acquiring free-to-air and/or subscription rights to listed events.

Nonetheless, if a pay TV licensee then acquires those rights from that associated com-

pany before they have first been acquired by a free-to-air broadcaster or the event has been de-listed, then that pay TV licensee is in breach of its licence condition. If a free-to-air broadcaster considers that it has not had a reasonable opportunity to acquire the rights to a listed event, it can still apply to the minister for the event to be retained on the list and not be subject to automatic de-listing, thereby preventing exclusive pay TV broadcast of the event. This government remains committed to the antisiphoning regime as it currently operates. Any significant changes to the way this complex regime works need to be undertaken in consultation with all relevant stakeholders. I am very positive and pleased that the government will continue to monitor the operation of the antisiphoning list to ensure it properly reflects the attitudes of Australians and the commercial realities of the sporting and broadcasting sectors.

In summary, the antisiphoning bill before the House this evening does two key things. Firstly, it continues to provide flexibility to ensure that pay TV operators have a better chance to access listed events, with the more appropriate period of 12 weeks rather than the traditional period of six weeks. Secondly, it ensures that people in the community who want to watch on free-to-air television important sporting and cultural events that are listed will still retain their ability to do that on free-to-air and through free-to-air licensees, where they choose to exercise their right to have first bite of the cherry when it comes to these events. This an important bill and I commend it to the House.

Mr NEVILLE (Hinkler) (8.22 p.m.)—I am pleased to speak tonight on the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004. I am a strong supporter of antisiphoning as a principle of regulating an efficient, an effective and a fair broadcasting sector. I have spoken previously in parliament about antisiphoning, and

my views remain unchanged—those being that the broadcasting of all major sporting, cultural and current affairs events, whether they be of a national or an international nature, should be freely available to all Australians. And this is only possible if free-to-air television networks have first bite of the cherry, so to speak, when it comes to securing broadcast rights to significant events such as the Olympics, NRL matches, the cricket et cetera. This is especially important given that almost every Australian has access to at least four, and in most instances five, free-to-air networks. And, thanks to the coalition's Television Black Spots Program, that coverage has moved even further.

Fewer than one in four Australians subscribes to pay television networks. For many Australians, knowing that they can switch on their television sets and watch a football grand final, a test cricket match or the Melbourne Cup is just as important as ready access to Australian-made drama or daily news bulletins. But just because an event is listed on the antisiphoning notice does not mean it will be broadcast on a free-to-air network; it simply means that free-to-air broadcasters have the ability to acquire broadcasting rights to listed events free from any competition from pay television networks.

The current antisiphoning list covers a wide range of popular sports and tournaments, but it must also be said that there are several sporting events which are not listed and are subsequently broadcast only on pay TV networks which have outbid free-to-air networks for broadcasting rights. An obvious example is the ongoing ability of Foxtel to outbid SBS for broadcasting rights to the European Cup soccer matches—something the pay TV giant has managed to do since 1996.

Just as viewers expect a fair go in accessing telecasts of iconic sporting and cultural

events, our pay television services deserve a fair go in broadcasting them as well. Should the free-to-air networks forgo broadcasting a listed event, it is only fair and proper that pay television networks have a clear run at gaining rights to the telecast and setting up the appropriate mechanisms to broadcast that program. Quite simply, there is no reason why, when free-to-air networks do not wish to take up their broadcasting options, people who watch cable and satellite type services should not be given the opportunity to watch those general sporting events. I do not agree with dog in the manger tactics on the part of free-to-air networks which would prevent pay television operators accessing events by last-minute decisions and the like.

The new antisiphoning list which has been developed protects listed events occurring between 1 January 2006 and 31 December 2010. Listed events are those which are seen as being of national significance and cultural importance. It replaces the previous list which was implemented in 1994 and has been updated to include such events as the Olympic Games and the Commonwealth Games. It also has revised listings for horse-racing, AFL, rugby league, rugby union, cricket, soccer, tennis, netball, golf and motor sports.

Events which have been removed from the list because they have received little or no free-to-air coverage despite their listing include the Australian National Basketball League play-offs, the overseas Formula One Grand Prix and Motorcycle Grand Prix events, the Australian National Soccer League events, each round of the US golf open and US PGA championship, and the Hong Kong Sevens rugby.

As it stands, free-to-air networks have had exclusivity in securing broadcast rights to these events up until six weeks of the event taking place. Given that legislation is already

in place to protect the rights of the free-to-air networks to get in first, I think it is equally important to create an environment where pay television networks can take up unwanted programming and broadcast it to the public. That is the purpose of this legislation which extends the delisting period of significant sporting and cultural events from six weeks, or 1,008 hours, to 12 weeks, or 2,016 hours, before an event gets under way. This requires a legislative amendment to the Broadcasting Services Act 1992, and this bill seeks to give effect to that decision.

Why is this being done? Because, in the instance of free-to-air television networks declining the broadcast rights to an event, a pay television network which has subsequently acquired the rights needs an appropriate and adequate amount of time to prepare for the broadcast. This involves the actual acquisition of the broadcast rights, the scheduling of programs, the negotiation of advertising contracts and the implementation of promotional activities to draw an audience.

It is important to note that, if a free-to-air broadcaster considers that it has not had a reasonable opportunity to acquire the rights to a listed event, it can still apply to the minister for the event to be retained on the list. So there is a safety net, if you like, for the free-to-air networks. This means the event would not be subject to automatic delisting, thereby preventing exclusive pay TV broadcasting of the event. It is also important to note that, if a free-to-air broadcaster acquires the right to televise a listed event, it is not an exclusive right to broadcast the event because, if the free-to-air broadcast can reach more than 50 per cent of the population, a pay TV operator may also acquire a right to broadcast the same event.

There have been arguments put forward from both directions on the antisiphoning

issue and the amendments contained in this bill. On the one hand, the pay television sector and the Australian Competition and Consumer Commission argue that antisiphoning rules effectively give the commercial networks a statutory monopoly and no corresponding obligation to show any of the events for which they have broadcast rights. On the other hand, the Greens claim the extended 12-week delisting period will unfairly force free-to-air networks to lock in program schedules three months prior to broadcast.

The former opposition spokesman on communications, the member for Melbourne, Mr Lindsay Tanner, made the point that he supported this legislation when it was first introduced and believed that the delisting time lapse should be taken out from six weeks to 12 weeks. There are degrees of merit in all these arguments, but we must endeavour to find the fine line that falls between the various points of view.

By doubling the delisting period this legislation will give pay television operators twice the time frame to organise their broadcasts, while still protecting free-to-air broadcasters who do not have the bidding firepower of some of the pay television broadcasters. This legislation continues to ensure that free-to-air networks are given every chance to purchase broadcasting rights to iconic sporting and cultural events, which is quite clearly in the public interest. It also protects the public interest by guaranteeing that pay television operators have a realistic chance to broadcast events the networks do not want. That is the bottom line.

I look around Australia quite a lot and I see how fiercely Australians love their sport. At the time of the World Cup the Gladstone area in my electorate of Hinkler did not have SBS. I remember the absolute monotony with which my phone rang for me to do something about it. In the end, Channel 10

was good enough to broadcast some of the key games to allow the people in the northern part of my electorate to enjoy that World Cup. We can gauge from that that there is a strong rigour in the free-to-air market to see that these iconic sporting events and cultural activities reach the television screens of the broad mass of Australians.

The other group—the one in four Australians who choose pay TV—should not be excluded by dog in the manger tactics. This 12-week rule will make it a lot easier for them when a film, an iconic event or something of that nature is not required by the free-to-air networks. It will give them sufficient time to put their negotiations, their scheduling and their marketing activities in place. I think this is a good bill, it has broad bipartisan support and I commend it to the House.

Debate interrupted.

**QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS**

**Small Business: Ballarat Small Business
Incubator**

FRAN BAILEY (McEwen—Minister for Small Business and Tourism) (8.34 p.m.)—Mr Deputy Speaker, I seek the indulgence of the chair to add to an answer I gave at question time.

The DEPUTY SPEAKER (Mr Jenkins)—Indulgence is granted. The minister may proceed.

FRAN BAILEY—Senator Julian McGauran has indicated to me that he is terminating his arrangements with the Ballarat incubator. I am advised that Senator McGauran had only recently entered into this arrangement to rent a small office to provide assistance to the local community, that he had established and furnished that office at his own expense and that he was paying rent to the Ballarat incubator. A number of other

organisations also have space in the incubator. The purpose of the incubator is to enable small businesses to establish offices by providing access to office accommodation and support services at modest cost. In these circumstances I have asked my department to clarify with the Ballarat business incubator the status of existing tenants. I thank you for your indulgence.

**BROADCASTING SERVICES
AMENDMENT (ANTI-SIPHONING)
BILL 2004**

Second Reading

Debate resumed.

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (8.35 p.m.)—In April 2004, the government announced changes to the antisiphoning provisions of the Broadcasting Services Act 1992. In the government's view, the antisiphoning scheme is still needed. With fewer than one in four households having access to subscription television at this time, it remains important to ensure that as many viewers as possible are able to access events of national significance and cultural importance on free-to-air television.

In addition to extending the antisiphoning scheme and developing a revised list of events, the government committed to extending the automatic delisting period from six to 12 weeks. The Broadcasting Services Amendment (Anti-Siphoning) Bill 2004, which gives effect to that commitment, will improve the efficiency of the operation of the delisting provisions of the antisiphoning scheme, to the benefit of sporting bodies and viewers. Extending the automatic delisting period to 12 weeks will allow pay TV operators a reasonable opportunity to acquire broadcasting rights, arrange coverage and market the programs to viewers.

Of course, it remains possible for events to be delisted earlier than the automatic period by making an application to the Minister for Communications, Information Technology and the Arts. In that instance, the minister may remove a particular event from the antisiphoning list: for example, if the minister is satisfied that the free-to-air broadcasters have had a reasonable opportunity to acquire the rights but have declined to do so. Critically, the existing protections for free-to-air viewers remain in place. The minister will retain the ability to keep an event on the antisiphoning list beyond the automatic delisting period if the free-to-air broadcasters have not had a reasonable opportunity to acquire the free-to-air rights to that event.

The member for Perth criticised the absence of the 2010 FIFA World Cup soccer tournament on the antisiphoning list. The government acknowledges that Australians have a wide range of views about the sports that they like to watch on television. The antisiphoning list is designed to protect a limited range of events which are considered to be of national importance and cultural significance. For other events it is open to the free-to-air and pay television broadcasters to negotiate the acquisition of broadcasting rights according to their own commercial interests. The 2010 FIFA World Cup is not on the revised antisiphoning list which the government published in April 2004 following extensive consultation with stakeholders. It is therefore open to both free-to-air and pay television broadcasters in Australia to compete to purchase the rights to televise this event.

The programming decisions made by broadcasters, including the acquisition of broadcast rights, are based on a number of factors, including the cost of the program and the balance of interests of their viewers. Ultimately, the government would not, as a matter of principle, dictate the day-to-day

decisions on programming which are taken by either the national or commercial broadcasters. The member for Perth indicated that the opposition intends to move an amendment in the Senate, presumably in an effort to have the 2010 FIFA World Cup added to the antisiphoning list. While it is not clear what form such an amendment would take, given that the list is a matter for the minister rather than the parliament, it is also relevant to note that the inclusion of an event on the antisiphoning list does not mean that the event will necessarily be broadcast free-to-air and certainly does not mean it will be broadcast live or in full.

This leads me to another event which has been the subject of debate this evening, the 2005 Ashes Test cricket series. The current antisiphoning list includes the Ashes, and the free-to-air rights to that event remain available. Therefore, it is still open to the free-to-air broadcasters to negotiate with the England and Wales Cricket Board to acquire the free-to-air broadcast rights for this event. It is ultimately a decision for free-to-air broadcasters whether coverage of the Ashes tour will be freely available in Australia. It is not a decision of government. While the government can ensure that free-to-air rights are available for acquisition, it would not be appropriate for the government to go the next step and dictate to broadcasters what programming they should actually deliver to audiences. Obviously, many people will be disappointed if the Ashes are not shown on free-to-air television, but I am still hopeful that a free-to-air broadcaster will acquire the rights.

Several members have also mentioned the issue of what is referred to as a 'loophole' in the antisiphoning scheme. This relates to the ability of pay television licensees to purchase the rights to listed events prior to free-to-air operators. The antisiphoning licence condition imposed on pay TV licensees does not

prevent an associated company that is not a subscription television broadcasting licence holder, such as a pay TV channel provider, from acquiring free-to-air and/or subscription rights to listed events. The antisiphoning rules are intended to prevent pay TV from gaining exclusive access to events on the list unless the free-to-air broadcasters have had an adequate opportunity to acquire the rights but have declined to do so. However, the rules do not guarantee that free-to-air broadcasters can acquire exclusive rights. If a free-to-air broadcaster considers that it has not had a reasonable opportunity to acquire the rights to a listed event, it can still apply to the minister for the event to be retained on the list and not be subject to automatic delisting, thereby preventing a pay TV broadcast of the event. I note that the member for Perth indicated that the opposition has not formed a final view on this issue. While the government has said this is an issue it is prepared to look at, I note that there is no evidence to suggest that the antisiphoning rules are being infringed.

In conclusion, the amendment which is the subject of this bill is a commonsense amendment to improve the operation of the antisiphoning scheme by allowing subscription television operators a reasonable opportunity to acquire, for the benefit of viewers, sporting bodies and broadcasters, those rights not taken up by free-to-air broadcasters. The government will continue to monitor the operation of the antisiphoning list to ensure that it properly reflects the attitudes of Australians and the commercial realities of the sporting and broadcasting sectors. I commend this bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education,

Science and Training) (8.43 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Mr FARMER (Macarthur—Parliamentary Secretary to the Minister for Education, Science and Training) (8.44 p.m.)—I move:

That orders of the day Nos 4 to 17, government business, be postponed until the next sitting.

Question agreed to.

WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL REFORM) BILL 2004

Second Reading

Debate resumed from 10 February, on motion by **Mr Andrews**:

That this bill be now read a second time.

upon which **Mr Stephen Smith** moved by way of amendment:

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:

- (1) confirms that the protection from being unfairly dismissed is a fundamental issue for Australian workers and their families irrespective of the size of the business in which they are employed; and
- (2) calls on the Government to work with small business, employees and peak bodies to make unfair dismissal laws more effective by addressing procedural complexities and costs”.

Mr SLIPPER (Fisher) (8.45 p.m.)—This is the third effort I have made in the House to complete this speech, having been interrupted by question time and the adjournment on two previous occasions. The Workplace Relations Amendment (Fair Dismissal Re-

form) Bill 2004 has been much maligned and subjected to a campaign of vilification by members of the opposition. They are suggesting that there are draconian provisions in this bill—which, as most people in Australia appreciate, will simply encourage people to put on extra staff. This bill, if it becomes law, will create tens of thousands of extra jobs right around the country and give so many more Australians the opportunity of getting one foot on the employment ladder.

I just want to point out to the House that there are a number of very substantial safeguards which will remain for workers after the Workplace Relations Amendment (Fair Dismissal Reform) Bill 2004 passes into the law of this nation. The bill will not exclude employees of small businesses from the unfair termination provisions of the Workplace Relations Act. All small business employees, including casuals, fixed-term employees, trainees and probationary employees will still be able to bring an application in relation to a termination that is motivated by any of the prohibited grounds in the Workplace Relations Act. These prohibited grounds are: temporary absence from work because of illness or injury; trade union membership or participation in trade union activities; non-membership of a trade union; seeking office as, or acting or having acted in the capacity of, a representative of employees; the filing of a complaint or the participation in proceedings against an employer, involving alleged violation of laws or regulations or recourse to competent administrative authorities; race, sex, colour, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin; refusing to negotiate in connection with, make, sign, extend, vary or terminate an AWA; absence from work during maternity leave or other parental leave; and temporary absence from work because of the

carrying out of a voluntary emergency management activity.

An aggrieved small business employee will also still be able to bring an application for unfair termination under the Workplace Relations Act where his or her employer has failed to provide the employee with the required period of notice or has failed to notify the relevant authorities in the case of a redundancy. Employers and employees will still be able to agree to workplace-specific termination rights and include these in certified agreements and AWAs. All employees will also retain the remedies available to them under the common law and under federal and state antidiscrimination legislation.

As I pointed out during earlier contributions to this debate, the re-introduction of the bill does provide a key opportunity for the Beazley opposition to prove that they have some economic credibility. Are they prepared to update their approach to the economy? Are they prepared to encourage job creation? Are they prepared to accept the verdict of the Australian people, as cast at the last election? Are they prepared to support this government in its absolute determination to deliver on the promise it made to the Australian people—namely, that the unfair dismissals law would be reformed and that businesses which employ fewer than 20 employees would be exempted from its draconian provisions?

I also pointed out earlier that this is the 41st attempt by this government to amend the unfair dismissals law. Yet, despite the fact that, come 1 July this year, the government through the support of the Australian people will have a majority in the Senate, we find that Labor continues its outdated and archaic opposition to the will of the Australian people as expressed at the election. It continues its opposition which, in effect, will condemn many more Australians to life on

the dole queues. Really, the Australian people could not contemplate electing the Labor Party to office while the Labor Party has such an outdated and out-of-touch approach to economic reality.

We have a situation where we have a law on the statute books of this nation which discourages employers from putting on extra staff. The wife of the former shadow minister for small business, the member for Hunter, said that she was loath to actually put on extra staff because she was frightened of the unfair dismissals law. I think the member for Rankin said that he would be somewhat hesitant to put on staff because of the draconian provisions of this law. Every member of parliament would have had numerous examples cited to him or her of circumstances where people who really ought to be thrown out of the workplace in fact are able to mount either successful unfair dismissal claims or, alternatively, because it costs so much for a small business to defend against these claims, are able to extract a substantial amount of money from an employer as the price of the employer simply operating the business.

A couple of examples are worthy of note. Most small business employers would be familiar with an unfair dismissal horror story involving abuse of the current system. For example, one case involved a farm worker who was in a relationship with the farmer's stepdaughter and assaulted her. He was awarded reinstatement on the grounds that there was no 'procedural fairness' when he was summarily dismissed a week after the alleged assault. Another case involved an employee who was serving a period of statutory probation as defined by the applicable award and had worked only eight days who, nonetheless, submitted an unfair dismissal claim, claiming \$5,000 for 'pain and suffering'. Although the application was clearly untenable and outside the jurisdiction of the commission, the employer had to spend 20

hours preparing for the hearing to have it struck out.

Another case involved an employer taking over a business and setting a new productivity target for an employee who he believed was underachieving. The employee objected to this request and resigned. On three occasions during the notice period the employer asked him to reconsider. He refused and then filed an application alleging that he was constructively dismissed. The employer was then subjected to the financial and time expenses of two conciliation conferences.

We have a situation where the Labor Party in office brought in the unfair dismissals law which, during the many years that it has been in operation, has cost many tens of thousands of Australians the opportunity of getting a job. The current situation indicates that unfair dismissals laws are costing Australia 77,000 jobs.

The government is very proud of the responsible approach we have taken with employment creation. We are proud that since 1996 we have created so many job opportunities for Australians, but we remain absolutely appalled, as do the Australian people, at the approach of the Labor Party, which refuses to give people the opportunity of getting a job. (*Time expired*)

Ms BIRD (Cunningham) (8.53 p.m.)—The member for Fisher has outlined a series of what he calls ‘horror stories’. I can assure him that that cuts both ways. Indeed, many people in our community have a litany of horror stories to tell about being unfairly dismissed. That is why the Labor Party opposes the Workplace Relations Amendment (Fair Dismissal) Bill 2004. This bill, if passed by the Senate, will establish a two-tier employment relationship in Australia, which is untenable. It will provide protective laws for one group of Australian workers in the small business sector and a different set

of non-protective laws for another group of Australians in the same businesses. The only thing that will set them apart is the date that this bill will receive royal assent.

But, as expected, this legislation follows a trend now firmly established by the Howard government. The government is ideologically committed to a two-tier Australia for everything. We see it in health care, education, telecommunications and infrastructure—the list goes on. Now we see it in industrial relations and small business.

The bill amends the Workplace Relations Act 1996 to protect small businesses from unfair dismissal claims. The bill proposes to prevent employees of small businesses from applying under the act for a remedy for an unfair dismissal and will require the Australian Industrial Relations Commission to order an application for unfair dismissal by a small business employee invalid if the commission is satisfied that the application is outside the jurisdiction of the commission. The commission would have such power to make such an order without holding a hearing. The bill defines a small business as a business with fewer than 20 employees, including any casual employees who have been engaged by the employer on a regular and systemic basis for at least a 12-month period and an employee whose employment was terminated.

This bill, despite numerous title changes to make it look more reasonable and respectable, has been rejected by the Senate each and every time it has been proposed. Last year it was meant to be the big issue, the important issue, for small business. The bill was introduced on 8 December last year, during the last 48 hours of sitting for that year.

It is said that the bill will provide small business with certainty. Let us be clear that what we are debating is the Howard govern-

ment amending its own unfair dismissal laws, not the laws of former Labor governments. We are amending the laws of this government. This bill, like its manifestations in the past, is a political exercise. This bill is the same as those bills presented previously. It is unfair on small business workers. The minister's own words tell us how unfair this bill is. The Minister for Employment and Workplace Relations states:

This provision will only apply to the new employees of a small business. All existing employees who have access to unfair dismissal remedies in their current jobs will continue to do so.

The *Australian Financial Review*, on November 20 last year, let the secret out on the government's industrial relations agenda. The story was titled 'Remember HR Nicholls? A new industrial relations agenda is born'. The story told us that Australia's big business representatives—and that is what they are; there is not a small business person among them—are circling the wagons of the Howard government. One member of the society anonymously told the *Review*:

They are pretty convinced that he—
that is, the Prime Minister—

is going to do nothing because of his natural 'softly-softly' approach and they don't know whether Kevin Andrews has the intestinal fortitude.

The story, and its anonymous source, goes further:

How do we help this government from going down the route of Fraser and how do we make sure Kevin Andrews is supported in cabinet, because some of this stuff can get hard and could affect the government's electoral support?

It is true that such ideological obsessions can 'get hard'. Making it easier to sack small business workers will affect the government's electoral support. The anonymous HR Nicholls Society member quoted by the *Review* at least has some political sense.

Let me be clear: nothing would give me greater pleasure than to campaign at the next election on this issue in my electorate. I would welcome the Prime Minister or the Minister for Employment and Workplace Relations standing with me in Wollongong Mall—if they can ever work out where it is—and telling people that the great reform of the government was to make it easier to sack them. I have no fear in opposing this bill. The minister and others have loudly told the media that if Labor is to restore its economic credibility it has no choice but to pass this bill. I will not vote to pass a bill that makes it easier for an employer to sack a worker unfairly. This bill is a sop to big business and reflects the ideological baggage that the government carries around with it all hours of the day.

On 7 December 2004, the *Sydney Morning Herald* reported a speech by Bishop Kevin Manning. The Bishop's speech, I am sure, would not have been missed by the minister. The Bishop said:

I can't imagine Justice Higgins entertaining the idea that a worker's right not to be unfairly dismissed depends on the size of the enterprise for which they work.

Bishop Manning revealed some personal experience of a niece sacked for refusing to work on Christmas Day. I thought, and business leaders have always told me, that working on Christmas Day was voluntary. Stories like this one from families and particularly from parents of young people who have experienced an unfair dismissal would be common—and I am sure they are—to the electorate officers of members on both sides of this House.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 9.00 p.m., I propose the question:

That the House do now adjourn.

Melbourne Ports Electorate: Child Care

Mr DANBY (Melbourne Ports) (9.00 p.m.)—Child care in Australia has reached a crisis point. Despite the government's rhetoric and superficial assistance with tax concessions, the situation is getting worse for the majority of Australian parents. Two important issues in child care today are adequate numbers of places and the quality of services provided, both of which are still to be dealt with by effective federal government measures.

The lack of child-care places is particularly acute in my own electorate of Melbourne Ports. At present there are approximately 1,300 places in the city of Port Phillip, from Port Melbourne to St Kilda. The area has a waiting list with approximately 1,600 children on it, which has increased by 41 per cent since last May. Port Phillip council's statistics suggest that the number of children aged under four will continue to increase, ensuring that the problem will only grow. After visiting the Elwood Children's Centre at the suggestion of my friend Sonia Hood, I am very pleased that some of the great community based child care that the Port Phillip council is running will be kept in existence.

Unfortunately, in Elwood two of the child-care centres, operating on church property, recently announced they would close. The kinder at Scott Street Presbyterian, where I went myself as a child many years ago, is slated for closure this year. Despite an approach I made to the Anglican Diocese of Melbourne, St Bede's have decided there are greener fields for them in the outer suburbs and are unable to find the funds to keep the property available for the extra year that the child-care operators there need to relocate. Hopefully, the Catholic Church at St Columbus will be able to help that group of parents and young children.

The inability of our federal government to respond to the cost of running such centres with well-targeted and effective policies to support community based child care is becoming increasingly clear. By contrast, the Victorian government has committed \$16 million over three years to help establish new community based child-care centres. The Howard government has not provided one cent towards community based child care, despite the obvious need I have just outlined. Instead it prefers the dubious proposition that private child care will step into the breach.

A standard child-care operation requires 70 to 80 children to run at a profit. This is not always possible in community based child care, particularly in the inner city. Community groups are far more likely to be able to operate at lower cost, particularly if they are operating from the premises of such worthy organisations as churches, which have been very supportive in the past. Private operators are charging around \$82 a day, whereas community centres charge around \$66.

I question this trend towards private child care in Australia and I think that the operation of some of the private providers would lead the public to think very much the same way. Staff taking on the role of cleaners and having to bring music in themselves as it is not provided are examples of the fact that some of the child-care operators now regard the child-care industry as recession proof, and that is their main objective.

After the recent round of mergers, ABC Childcare now owns 771 centres, comprising 22 per cent of the total Australian market. The ACCC gave no reasons for approving the merger and provided no analysis of its impact for different parts of Australia. They have nonetheless accepted that prices will rise unless ABC's freedom is curbed. Not only has the Howard government been un-

able to prevent the demise of community based child-care programs in the face of exponentially growing need but also it has failed to prevent the industry from being compromised by self-interested corporate behaviour.

This government, as I think the regional rorts program is showing, is born to rort. The Stronger Families and Communities Strategy, which I have discovered is operating in some electorates that favour the government, is providing some level of capital assistance to certain child-care centres. I recently had a conversation with a former member for Wakefield and discovered that, rather than coming to his electorate, one of these Stronger Families and Communities Strategy capital programs helped a child-care centre in the nearby electorate of Makin. Isn't that surprising, given the tradition of being born to rort?

The government has introduced programs to help jobless parents pay their average of \$1,800 a year for child care, but what child-care places are they paying for? They need to introduce more rigorous spot checks to look at the quality of service. A total of 174,000 children are unable to find adequate child care. The government needs to do more in the area of community child-care. (*Time expired*)

La Trobe Electorate: Palliative Care

Mr WOOD (La Trobe) (9.05 p.m.)—I rise to speak tonight on palliative care in the electorate of La Trobe. Presently in La Trobe there is no palliative care hospice, so we have the situation that happened to the Elmer family—Rosie and Maurie and their father, Jeff, who was terminally ill. In order to receive palliative treatment, Jeff had to travel, firstly, to Box Hill and then on to Caulfield and Kew. You may ask what problems that would cause the family. Every morning, either Rosie or Maurie had to drive their

mother, Alice, to see Jeff. So they would leave the family business at the London art company, which they no longer own, and drive Alice in to see Jeff each day. They would drop her off at the palliative care hospice and then return to their business. At the end of the day they would go back to collect her.

A group of local people decided that a hospice was required in the electorate of La Trobe. They decided to establish Fernlea House palliative care because they could see there was such a vital need for this facility. They fought for a number of years with the state government, trying to gain funding, but had no luck. I went to a public forum in Upwey where we tried to persuade representatives from the state government that this was an absolutely vital service. I take my hat off to Jan Lancaster and her partner, Murray, who decided that they would not receive any government or local assistance. They went ahead and purchased a property at 147 Monbulk Road in Emerald with their own money. They decided that they would then apply to the council to approve a palliative care hospice.

I am very proud to say that this issue was raised during the federal election and the government led by the Prime Minister, and ably assisted by Tony Abbott, allocated \$800,000 over two years to Fernlea House palliative care. The first year it would receive \$350,000 and the next year \$450,000. This became a great issue in the campaign which was very well supported by local people. Fernlea House committee has been absolutely inspirational in working by themselves. I assisted in a fundraiser on 3 December when they had an art gallery opening.

They have a bit of a dilemma. The 1968-71 Melbourne metropolitan planning process established nine green wedge zones in non-

urban zones for open space or parkland between Melbourne's main transport corridors. It has outlined acceptable non-urban uses including recreation, landscape protection, resource utilisation, farming, flora and fauna and conservation. The Planning and Environment (Metropolitan Green Wedge Protection) Act 2003 was designed to enforce the maintenance of development-free green wedge zones on the fringes of Melbourne. Fernlea House committee purchased their proposed hospice in the green wedge zone and we have been working with the Shire of Yarra Ranges trying to see if there is any way we can get around this planning obstacle. We have had no luck.

I am working well with two local Labor state members, James Merlino from Monbulk and Tammy Lobato from Gembrook, who have decided that this is an absolute and vital necessity for this area. They have given it support and they will be writing to the new planning minister, Mr Rob Hulls, to enforce the point that this hospice is desperately needed for this area and is supported by the council, state Labor members and, even more so, by this government. Again I would like to thank the Minister for Health and Ageing, Mr Tony Abbott, for his personal support in this project. More importantly, I would like to thank the Fernlea House committee which has on board Leonie Humer, Glenis Francis, Leonie Williams, Eilene Hannan and Saskia Van Deventer. These committee members have been pushing this project in their own time for so many years without any government assistance. (*Time expired*)

Elections: Informal Voting

Mrs IRWIN (Fowler) (9.10 p.m.)—A matter of great concern to me and many others of this House is the very high number of informal votes in House of Representatives elections. In the 2001 election my electorate

of Fowler recorded the highest level of informal voting in Australia at 12.8 per cent. I am pleased to say that the Fowler electorate was not at the top of the list at the 2004 election. That place is now held by the neighbouring electorate of Reid. The informal vote in Fowler fell to 9.1 per cent and in fact Fowler now ranks No. 4 on the informal voting league table, although that is hardly cause to celebrate.

There are some good reasons why informal voting in Fowler has fallen, the most obvious of which was that there were only five candidates in 2004 compared to 10 in 2001. There has also been an ongoing program of presenting voting instructions in the most common community languages other than English. The District Returning Officer for Fowler, Karen Ricketts, has made an outstanding effort—and I congratulate her—to present material in community languages at certain polling booths where it is known that there is a high number of voters fluent in those languages. I must say that this has been fairly successful, with booths such as the Cabramatta PCYC, which has a very high number of Vietnamese and Chinese speakers, recording lower informal voting than a number of other booths in Fowler.

However, in looking for the single most important factor in informal voting, there is a clear link between high levels of informal voting and high numbers of electors from non-English-speaking backgrounds. To confirm this, I have looked at the pattern of informal voting in Labor held seats in New South Wales. I looked at Labor held seats only in order to rule out some other influences. The picture that emerges makes the link obvious. The five Labor electorates with the highest number of people born in non-English-speaking countries—that is, Fowler, Reid, Watson, Blaxland and Prospect—also had the highest informal vote, with a range of 9.1 per cent to 11.7 per cent. The five

electorates with the lowest number of people born in non-English-speaking countries—that is, Hunter, Shortland, Richmond, Charlton and Newcastle—had the lowest informal vote, with a range of 3.6 per cent to 5.3 per cent. Clearly, the rate of informal voting more than doubles in electorates where lack of English skills and knowledge of voting procedures are more common.

But this is not the only factor. Taking the same electorates and comparing the informal vote levels for the Senate with levels for the House of Representatives we find that the level of informal voting is almost halved. In Reid the informal vote was 11.7 per cent in the House of Representatives ballot but was only 6.3 per cent for the Senate, while in Richmond—and it is lovely to see the capable member for Richmond in the chamber this evening—there was an informal vote of 3.6 per cent in the House of Representatives ballot but only 2.1 per cent for the Senate.

In every one of the 21 Labor held seats in New South Wales the informal vote for the Senate was significantly lower than the informal vote for the House of Representatives. Given that the Senate ballot paper was definitely the size of a tablecloth, and seemingly more complicated, we might not have expected that result. However, as Senate voting requires the voter to place only one number on the ballot paper, it must be the simpler and better understood marking of the ballot paper that accounts for the difference in informal voting levels. And it may be the case that the differences in voting procedures lead to the confusion which causes informal voting in the House of Representatives full preferential voting system.

A high rate of informal voting among voters from non-English-speaking backgrounds is not acceptable. As I have said, some districts have taken steps to inform voters of the correct method of making a formal vote, but

much more needs to be done. We cannot claim to have a democratic system when more than one voter in 10 is effectively denied their right to vote and participate in the democratic process. (*Time expired*)

Bass Electorate: Flagpole

Mr BRUCE SCOTT (Maranoa) (9.15 p.m.)—I rise tonight in the adjournment debate to discuss an issue that is not only close to my heart but I would hope close to the heart of all Australians. I am not quite sure that it is close to the heart of all the members of the Labor Party because of their policy in relation to the Australian flag, for it is to speak about an issue surrounding the Australian flag on which I rise in the adjournment debate tonight. As the member for Bass has already brought to the attention of this House, a 72-year-old war veteran in Launceston currently faces the prospect of a \$50,000 fine just for proudly flying the Australian flag on his house. It is the same flag under which he served for six years. It is a downright appalling situation that a veteran of this nation who has served this country in the defence forces of Australia for six years is being fined, with a possible jail sentence if he does not pay that fine, merely for flying the Australian flag. That a council, a local government or a state government would even contemplate fines for patriotically flying the Australian flag is absurd. It is beyond belief and, above all, it is un-Australian.

I have had the great honour of being at Gallipoli. To see young Australians sitting there awaiting the early dawn patriotically wrapped in the Australian flag says something to me about how the young people of Australia feel about the Australian flag. I have seen our sportsmen and sportswomen at the Olympic Games, the Commonwealth Games or other sporting events brought to tears with a sense of pride when the Australian flag is raised because of their achieve-

ment on the sporting field or at a sporting event. That too says something to me about how young people from all walks of life feel about our Australian flag.

It appears that, because Ian Garwood did not apply for town planning approval from the Launceston City Council to have the flagpole constructed on his heritage listed house, he has breached the Tasmanian Historic Cultural Heritage Act. This act requires any outside structures to have town planning approval. Does this also mean that other structures typically iconic in the Australian backyard also require approval? It begs the question: does one need to have approval for a dog kennel in the backyard, that old shed or perhaps a barbecue? That is the way the law would be written, as I understand it. It really does beggar belief.

Mr Garwood took matters into his own hands when he refused to pay the permit fee of \$160 to apply for approval of the alleged—I repeat alleged—illegal structure. After Mr Garwood brought this matter to the attention of the media, the council then decided to waive the fee. However, Mr Garwood is still standing firm and will continue to refuse to apply for approval of the flagpole, which is crucial to flying the flag that is so close to his heart.

I commend the actions of Mr Garwood in standing up for his fundamental right to fly the Australian flag. It is also highlighted by the fact that in this House we see four Australian flags flying. Mr Speaker, that was an initiative of a former occupier of the chair in which you sit tonight, Speaker Sinclair. I am proud, as this government is very proud, that we do support so strongly our Australian flag.

I have spoken to my colleague Michael Ferguson, the member for Bass, and unless this matter is satisfactorily resolved we will be moving to introduce a private member's

bill to amend the Flags Act 1953. This will ensure that every Australian throughout the country will not be impeded in their right to proudly display the Australian flag. To further reinforce this government's commitment to the flag, I remind the House that it was this government that introduced the requirement for all schools, as a condition for receiving Commonwealth funding, to have an operational flagpole in the school grounds. In support of that requirement, we have made \$1,500 available to establish flagpoles at all schools.

Kyoto Protocol

Mrs ELLIOT (Richmond) (9.20 p.m.)—Australia must ratify the Kyoto protocol immediately. It comes into force in just two days time. It is appalling that Australia is yet to ratify the protocol. Per capita, Australia is the highest emitter of greenhouse gases. A single person in Australia generates the same amount of greenhouse emissions as 20 people in India and 10 people in China, yet Australia remains one of only two developed countries that have not adopted the protocol. Addressing the problem of climate change makes good sense for Australia—environmentally, economically and socially.

Burning fossil fuels and deforestation are increasing greenhouse gas emissions to unacceptable levels. We know that as a consequence the climate is changing and the world is heating up. The evidence is indisputable and paints a frightening picture. The oceans are warming, snow and ice cover are decreasing and sea levels are rising, placing coastal communities like mine at risk. Droughts are becoming more frequent and more severe. The risk of natural disasters, such as bush fires, is increasing and the world's coral reefs are at risk of collapse in a few decades. According to the CSIRO, Australia is already hotter and drier than it was 100 years ago. Just another two degrees Cel-

sus increase in average global temperatures would severely damage the Great Barrier Reef, Kakadu's wetlands and the alpine regions of south-eastern Australia.

The poorest countries are the most vulnerable to the effects of climate change. As a developed nation, Australia has an international responsibility to reduce the impacts of global warming, especially when it is our closest neighbours who will be most affected. Sixty per cent of the additional 80 million people projected to be at risk from flooding are expected to be in southern Asia, with 20 per cent in South-East Asia. The Kyoto protocol is the only legally binding international agreement that addresses the problem of global climate change. It sets up a framework for global reductions in greenhouse gas emissions that can be applied for decades to come. Here, the CSIRO report is encouraging. It shows that global action to reduce greenhouse gas emissions would halve the negative impacts. The big question for Australia is whether we want to pass on a hotter, drier continent with more extreme weather to our children and the children after them.

Economically it also makes good sense for Australia to ratify the protocol. Over three-quarters of Australia's merchandise exports goes to countries that have ratified the protocol. The government's position locks Australian industry out of growing international markets in environmental goods and services. The world market for environmental goods and services is estimated at \$US515 billion. By 2010 it is forecast that this market will have grown to \$US688 billion. Australian companies could expand into new export markets, reduce environmental damage and earn credits for Australia's national greenhouse gas emissions account all at the same time. By refusing to ratify the protocol the Howard government has ensured that these opportunities will not be available to Australia.

lian businesses. For the economic, environmental and social future of Australia, this government has an obligation and a responsibility to ratify the Kyoto protocol. To protect our planet for future generations, we must immediately ratify the Kyoto protocol.

Father Paul Hanna OAM

Mr PRICE (Chifley) (9.24 p.m.)—I wish to avail myself of the opportunity to advise the House about how delighted I was to see Father Paul Hanna from the Holy Family Parish receive an Order of Australia this year. Father Paul had served for too many years at the Holy Family and before that he was secretary to the bishop at Blacktown. He was an inspiration to all, and I think the closest thing to a saint we will ever have resident in our parish. He developed a holiday program so that those families who had never seen water or who had never been over the mountains were able to go away on a trip. Many thousands of people over a long period—I do not have the exact number of years—benefited from that program. He established a food cooperative—and I was a proud one dollar shareholder—where people could buy food to make their scarce resources go further.

He started the Holy Family education program. Its genesis was in literacy. In its heyday it was dealing with something like 600 people—many adults and many going to school. In fact one of my staff members has a daughter who benefited from that program, who was successful at school and has gone on to have a very successful career after school. There were many in the electorate, adults and children, who benefited from that program. Father Paul was also a very good priest. He would never ask people their religion, background or wealth when it came to burying family members. People of all religions have been buried at the Holy Family, and it was always done with dignity. The

Holy Family has been the centre for reconciliation in Chifley. We are one of the last groups to still be marching to celebrate reconciliation, but we are doing much more than just that. There is now a primary school that reaches out to quite a number of young people and a significant number of Aboriginal children.

I could go on and on. The Holy Family runs the largest number of people doing community service, thus preventing people from being in jail. That is the sort of organisation it is. If I said Father Paul was a meddling priest it means that he did not ever compromise about the needs of the community he sought to serve. He used to speak out quite regularly. For a politician, I have to say, it could sometimes be very uncomfortable dealing with him, but I make no secret of the fact that I totally admired him. For any priest it is not only how you deal with your community and your parishioners but it is also the message you give. The Holy Family Church has always been a tremendously welcoming place, not one that forever holds you up as having failed the tests that are placed upon you, but one that understands that lots of people fail. We are going to miss Father Paul Hanna at the Holy Family parish but, on behalf of all his parishioners and the wider community, we rejoice in the singular honour and recognition for him that is an Order of Australia.

Question agreed to.

House adjourned at 9.29 p.m.

QUESTIONS IN WRITING**Taxation: New South Wales Bar Association****(Question No. 11)**

Mr Murphy asked the Treasurer, in writing, on 17 November 2004:

- (1) Further to the answer to question no. 3016 (*Hansard*, 15 June 2004, page 29857), where does the Commissioner of Taxation's Report for 2002-2003 focus on the current activities of barristers and solicitors.
- (2) How is the ATO's relationship with the Bar Association addressing the incidence of the non-compliance of barristers and solicitors.
- (3) Will he ensure that the new process for identifying people including barristers and solicitors and other professional groups who are not complying is reported in the Commissioner of Taxation's Annual report.

Mr Costello—The answer to the honourable member's question is as follows:

- (1) The Commissioner of Taxation's Report for 2002-03, at pages 172 to 174, describes the activities being undertaken by the Taxation Office to deal with issues of non-compliance with tax laws by the legal profession.
- (2) The ATO is liaising with all regulators of the legal profession across Australia and, with them, is working on methods of improving the profession's capacity to comply with tax laws.
- (3) Yes. The recent Commissioner of Taxation's Report for 2003-04 describes the outcomes of the Legal Profession Project at pages 157 to 159.

Education, Science and Training: Domestic and Overseas Air Travel**(Question No. 337)**

Mr Quick asked the Minister for Education, Science and Training, in writing, on 2 December 2004:

- (1) For the year 2003-2004, what sum was spent by the Minister's department on (a) domestic, and (b) overseas air travel.
- (2) For the year 2003-2004, what proportion of domestic air travel by employees of the Minister's department was provided by (a) Qantas, (b) Regional Express, and (c) Virgin Blue.
- (3) For the year 2003-2004, what was the actual expenditure by the Minister's department on domestic air travel provided by (a) Qantas, (b) Regional Express, and (c) Virgin Blue.
- (4) For the year 2003-2004, what sum was spent by the Minister's department on business class travel on (a) domestic routes, and (b) overseas routes.
- (5) For the year 2003-2004, what sum was spent by the Minister's department on economy class travel on (a) domestic routes, and (b) overseas routes.
- (6) For the year 2003-2004, what proportion of the expenditure on air travel by the Minister's department was on the domestic routes (a) Sydney to Canberra, (b) Melbourne to Canberra, (c) Sydney to Melbourne, (d) Sydney to Brisbane, (e) Melbourne to Hobart or Launceston, and (f) Sydney to Perth.
- (7) For the year 2003-2004, how many employees of the Minister's department had membership of the (a) Qantas Chairman's Lounge, (b) Qantas Club, (c) Regional Express Membership Lounge, and (e) Virgin Blue's Blue Room paid for by the department.

Dr Nelson—The answers to the honourable member's questions are as follows:

(1)—

- | | |
|--------------|-------------|
| (a) Domestic | \$4,471,213 |
| (b) Overseas | \$616,138 |

(2) and (3)—

- | | | |
|---------------------|-------------|--------|
| (a) Domestic Qantas | \$3,433,440 | 76.79% |
| (b) Domestic Rex | \$36,903 | 0.83% |
| (c) Domestic Virgin | \$15,247 | 0.34% |

(4)—

- | | |
|-----------------------------|-------------|
| (a) Domestic Business Class | \$1,073,473 |
| (b) Overseas Business Class | \$391,340 |

(5)—

- | | |
|----------------------------|-------------|
| (a) Domestic Economy Class | \$3,397,739 |
| (b) Overseas Economy Class | \$163,499 |

(6) Domestic

- | | |
|------------------------------|--------|
| (a) Cbr/Syd | 11.03% |
| (b) Mlb/Cbr | 16.25% |
| (c) Syd/Mlb | 2.85% |
| (d) Syd/Brn | 1.22% |
| (e) Mlb/Hobart or Launceston | 2.14% |
| (f) Syd/Perth | 2.63% |

Note :

The information was sourced from Qantas Business Travel [the Department's previous travel services provider] for the period 1 July 2003 to 30 March 2004 and from SYNERGI Travel [the Department's current travel services provider] for the period 30 March 2004 to 30 June 2004. The reports include all departmental air travel expenditure [ie; for employees and contractors].

(7) (a) nil, (b) nil and (c) nil. The Department's travel policy precludes funding staff memberships of airline lounges or clubs.

Employment and Workplace Relations: Australian Workplace Agreements

(Question No. 392)

Mr Bevis asked the Minister for Employment and Workplace Relations, in writing, on 9 December 2004:

- (1) Does he recall telling the House on 2 December that 587,698 Australian Workplace Agreements have been approved, claiming record growth in AWA use.
- (2) Can he confirm that in his department's evidence to a Senate estimates hearing in May 2004 it reported that there were a maximum of 240,000 active agreements, less than half the number he reported to the House.
- (3) Is he aware that only 3% of all Australian employees are subject to an AWA and that this is less than any other type of employment instrument.

- (4) Can he explain the discrepancy between the figure he reported to the House and the figure his department gave in evidence to the Senate estimates hearing.

Mr Andrews—The answer to the honourable member's question is as follows:

- (1) Yes.
- (2) In response to a question in Senate Estimates hearings on 31 May 2004 from Senator Wong, the then Employment Advocate Jonathan Hamberger, in relation to AWAs, stated that "there would be just under a quarter of a million active".
- (3) No. I am advised that an estimated 4.3 per cent of Australian employees currently have their terms and conditions of employment established under an AWA and that they are the fastest growing form of industrial instrument.
- (4) The figure of 587,698 AWAs reported to the House on 2 December was the number of AWAs approved from the inception of the Office of the Employment Advocate to the end of November 2004. The figure provided in the Senate estimates hearings in May 2004 was an estimation of the number of AWAs in operation at that time.

Until December 2004, the number of AWAs in operation was estimated by calculating the number of AWAs approved in the previous two years. However, there was concern that, because most AWAs have a nominal expiry date of three years, this methodology significantly underestimated AWA coverage. Therefore, the OEA now estimates the number of AWAs in operation at a particular point in time by using the statistical proxy of *AWAs approved in the last three years*, consistent with the statutory maximum three year nominal expiry date for an AWA.

Lowe Electorate: Child-Care Centres

(Question No. 397)

Mr Murphy asked the Minister representing the Minister for Family and Community Services, in writing, on 9 December 2004:

- (1) How many (a) community-based, and (b) private childcare centres are located in the electoral division of Lowe and what is the name and address of each centre.
- (2) In respect of each centre, what sum, excluding payments made on behalf of parents through the Child Care Benefit and other benefits, did the Commonwealth provide for the financial year (a) 2000-2001, (b) 2001-2002, (c) 2002-2003, and (d) 2003-2004 and from which programs was the funding provided.
- (3) How many children in the electoral division of Lowe have Commonwealth-funded childcare places in (a) community-based, and (b) private childcare centres.
- (4) How many children in the electoral division of Lowe are (a) under two years of age, and (b) under two years of age and enrolled in (i) community-based, and (ii) private child care centres.
- (5) How many Commonwealth funded places for (a) Before School Care, (b) After School Care, and (c) Vacation Care are there in the electoral division of Lowe.
- (6) Which organisations in the electoral division of Lowe coordinate the provision of these services.

Mr Hockey—The Minister for Family and Community Services has provided the following answer to the honourable member's question:

- (1) (a) (b) In September 2004, there were 80 Australian Government funded child care services in the electoral division of Lowe. Of these, 54 were community services and 26 were private services. The name and address of each service is as follows:

Service name	Address
ABBOTSFORD AFTER SCHOOL HOURS CARE	ABBOTSFORD COMMUNITY CENTRE, 350 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ABBOTSFORD BEFORE SCHOOL HOURS CARE	ABBOTSFORD COMMUNITY CENTRE, 350 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ABBOTSFORD COMMUNITY CENTRE INC VACATION CARE	350 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ABBOTSFORD LONG DAY CARE CENTRE	348 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ACTIVE KIDS PRESCHOOL CENTRE OF EXCELLENCE - HOMEBUSH	40 HORNSEY RD, HOMEBUSH WEST, 2140, NSW
ADAMS LANE PRE-SCHOOL	43 GALE ST, MORTLAKE, 2137, NSW
ALL HALLOWS OOSH CARE	1 HALLEY ST, FIVE DOCK, 2046, NSW
ARDILL HOUSE CHILDRENS CENTRE	132 DAVIDSON AVE, NSW, 2137, NSW
ARDILL HOUSE COMBINED OSHC	132 DAVIDSON AVE, CONCORD, 2137, NSW
ARDILL HOUSE VACATION CARE	132 DAVIDSON AVE, CONCORD, 2137, NSW
ASHFIELD KINDY GARDEN	89 FREDERICK ST, ASHFIELD, 2131, NSW
ASHFIELD-STATHFIELD MONTESSORI KINDERGARTEN	THE EDWIN CENTRE, 57 EDWIN ST, CROYDON, 2132, NSW
AUMPA LAUMPA LAND	STRATHHAVEN UNIT, 1 / 23 GEORGE ST, NORTH STRATHFIELD, 2137, NSW
BRUNSWICK COTTAGE CHILD CARE CENTRE	1A EAST ST, FIVE DOCK, 2046, NSW
BRUNSWICK HOUSE	173 GREAT NORTH RD, FIVE DOCK, 2046, NSW
BURWOOD CHILDCARE CENTRE	WESTFIELD SHOPPINGTOWN, 40-42 VICTORIA ST, BURWOOD, 2134, NSW
BURWOOD FAMILY DAY CARE	132 DAVIDSON AVE, NORTH STRATHFIELD, 2137, NSW
CITY KIDZ PRE-SCHOOL	41 WILLEE ST, ENFIELD, 2136, NSW
CITY OF CANADA BAY COUNCIL FAMILY DAY CARE	DRUMMOYNE MUN COUNCIL, 1A MARLBOROUGH ST, DRUMMOYNE, 2047, NSW
COLLEGE STREET KINDERGARTEN	61 COLLEGE ST, DRUMMOYNE, 2047, NSW
COMBINED SANTA SABINA COLLEGE OSHC CARE	SANTA SABINA COLLEGE/JUNIOR SCHOOL, 59 THE BOULEVARDE, STRATHFIELD, 2135, NSW
CONCORD AFTER SCHOOL HOURS CARE	2 CRANE ST, CONCORD, 2137, NSW
CONCORD BEFORE SCHOOL HOURS CARE	2 CRANE ST, CONCORD, 2137, NSW
CONCORD CHILDREN'S CENTRE	2 CRANE ST, CONCORD, 2137, NSW
CONCORD FAMILY DAY CARE	132 DAVIDSON AV, NORTH STRATHFIELD, 2137, NSW

QUESTIONS IN WRITING

Service name	Address
CONCORD WEST COMBINED OOSH	CONCORD WEST PUBLIC SCHOOL, 378 CONCORD RD, CONCORD WEST, 2138, NSW
CONCORD WEST LONG DAY CARE	345 QUEEN RD, CONCORD WEST, 2138, NSW
CONCORD WEST VACATION CARE	CONCORD WEST PUBLIC SCHOOL, 378 CONCORD RD, CONCORD WEST, 2138, NSW
CROWDED HOUSE AFTER SCHOOL CARE	DRUMMOYNE PUBLIC SCHOOL, RAWSON AVE, DRUMMOYNE, 2047, NSW
CROWDED HOUSE BEFORE SCHOOL CARE	DRUMMOYNE PUBLIC SCHOOL, RAWSON AVE, DRUMMOYNE, 2047, NSW
CROWDED HOUSE VACATION CARE	DRUMMOYNE PUBLIC SCHOOL, RAWSON AVE, DRUMMOYNE, 2047, NSW
CROYDON AFTER SCHOOL HOURS CARE	CROYDON PUBLIC SCHOOL, YOUNG ST, CROYDON, 2132, NSW
CROYDON PARK COMBINED OSHC	CROYDON PARK SCHOOL, 113 GEORGES RIVER RD, CROYDON PARK, 2133, NSW
CROYDON PARK VACATION CARE SERVICE	CROYDON PARK SCHOOL, 113 GEORGES RIVER RD, CROYDON PARK, 2133, NSW
DAISY DAY CARE	6 CONDER ST, BURWOOD, 2134, NSW
DOBROYD POINT AFTER SCHOOL CARE	DOBROYD POINT PUBLIC SCHOOL, WARATAH ST, HABERFIELD, 2045, NSW
DOBROYD POINT BEFORE SCHOOL CARE	DOBROYD POINT PUBLIC SCHOOL, WARATAH ST, HABERFIELD, 2045, NSW
DOBROYD POINT VACATION CARE	DOBROYD POINT PUBLIC SCHOOL, WARATAH ST, HABERFIELD, 2045, NSW
ELLA COMMUNITY CENTRE VACATION CARE	58A DALHOUSIE ST, HABERFIELD, 2045, NSW
ELLA COMMUNITY CHILD CARE CENTRE	1 WINCHCOMBE AVE, HABERFIELD, 2045, NSW
ELM ST EARLY LEARNING CENTRE	7-9 ELM ST, BURWOOD HEIGHTS, 2136, NSW
ELSTEAD NURSERY KINDERGARTEN	25 ROGERS AVE, HABERFIELD, 2045, NSW
ENFIELD MONTESSORI	357 GEORGES RIVER RD, ENFIELD, 2136, NSW
GARFIELD STREET CHILDREN'S CENTRE	5 GARFIELD ST, FIVE DOCK, 2046, NSW
HABERFIELD COMBINED OSHC	HABERFIELD PS, CNR DENMAN AVE & BLAND ST, HABERFIELD, 2045, NSW
HABERFIELD OSHC VACATION	HABERFIELD PS, CNR DENMAN AVE & BLAND ST, HABERFIELD, 2045, NSW
HI-5 COTTAGE LONG DAY CARE CENTRE	195 CROYDON RD, CROYDON, 2132, NSW
HICOOSH COMBINED OSHC	PARISH HOUSE HOLY INNOCENTS PRIMARY SCHOOL, 84 QUEEN ST, CROYDON, 2132, NSW
Homebush Out of School Hours	25 BROUGHTON RD, HOMEBUSH, 2140,

Service name	Address
ASC	NSW
Homebush Out of School Hours Vacation Care	25 Broughton Rd, Homebush, 2140, NSW
Infants Home - Long Day Care Community Based Infants Home FDC	17 Henry St, Ashfield, 2131, NSW Infants' Home, 17 Henry St, Ashfield, 2131, NSW
Kiddies Kapers Learning Centre	55 Webb St, Croydon, 2132, NSW
Kiddies Kapers Learning Centre Pre-School	130 First Ave, Five Dock, 2046, NSW
Kids Academy North Strathfield	13 George St, North Strathfield, 2137, NSW
Kurralee Childrens Centre	52 Hampstead Rd, Homebush West, 2140, NSW
Mary Bailey House Early Education Centre	59 The Boulevarde, Strathfield, 2135, NSW
Montessori CCC	124 Kings Rd, Five Dock, 2046, NSW
Montessori Child Care Centre	16 Waratah St, Haberfield, 2045, NSW
Mortlake Child Care Centre	32 Gale St, Mortlake, 2137, NSW
Mothers Love Childcare Centre	12 Clarence St, Burwood, 2134, NSW
Rainbow Educational Child Care Centre	181 Elizabeth St, Ashfield, 2131, NSW
Russell Lea Combined OSHC	Seventh Day Adventist Church, Cnr Lithgow St & Lyons Rd, Russell Lea, 2046, NSW
Russell Lea Vacation Care	Seventh Day Adventist Church, Cnr Lithgow St & Lyons Rd, Russell Lea, 2046, NSW
Santa Sabina College Vacation Care	Santa Sabina College/Junior School, 59 The Boulevarde, Strathfield, 2135, NSW
Smooch Concord Before and After School Care Combined OSHC	St Mary's Parish Hall, 60 Burton St, Concord, 2137, NSW
Smooch Concord Vacation Care	St Mary's Parish Hall, 60 Burton St, Concord, 2137, NSW
St Anthony's Long Day Care Centre	St Anthony's Home, 9 Alexandra Ave, Croydon, 2132, NSW
St Joan of Arc After School Care	88 Dalhousie St, Haberfield, 2045, NSW
St Joan of Arc Before School Care	88 Dalhousie St, Haberfield, 2045, NSW
St Merkorious Vacation Care	2 Cavell Ave, Rhodes, 2138, NSW
Strathfield Family Day Care	132 Davidson Ave, North Strathfield, 2137, NSW
Strathfield One Stop Child Care Service	A2 Fraser St, Homebush West, 2140, NSW

Service name	Address
THE ELLA COMMUNITY COMBINED OSHC	ELLA COMMUNITY CENTRE, 58A DALHOUSIE ST, HABERFIELD, 2045, NSW
THE FAMILY CENTRE	17 HENRY ST, ASHFIELD, 2131, NSW
THE LITTLE GANTRY CHILDREN'S CENTRE	31B GEORGE ST, CONCORD WEST, 2138, NSW
WELDON (WOOSH) VACATION CARE	WELDON CENTRE, 23 WELDON ST, BURWOOD, 2134, NSW
WELDON COMBINED OSHC	WELDON CENTRE, 23 WELDON ST, BURWOOD, 2134, NSW
WELDON OCCASIONAL CARE CENTRE	23 WELDON ST, BURWOOD, 2134, NSW
YARALLA CHILD CARE CENTRE	CONCORD HOSPITAL, HOSPITAL RD, CONCORD WEST, 2138, NSW

Source: Centrelink administrative data.

- (2) (a) (b) (c) (d) Australian Government funding for child care services in the electorate of Lowe is as follows:

Service name	2000-01	2001-02	2002-03	2003-04
ABBOTSFORD AFTER SCHOOL HOURS CARE	4,720	312	1,170	1,166
ABBOTSFORD BEFORE SCHOOL HOURS CARE		403	702	
ABBOTSFORD COMMUNITY CENTRE INC VACATION CARE	3,953			
ABBOTSFORD LONG DAY CARE CENTRE	12,513			12,134
ACTIVE KIDS PRESCHOOL CENTRE OF EXCELLENCE - HOMEBUSH	3,472	1,100		
ADAMS LANE PRE-SCHOOL	3,571	1,976		
ALL HALLOWS OOSH CARE	11,170	6,150		
ARDILL HOUSE CHILDRENS CENTRE	22,225	10,865	10,595	868
ARDILL HOUSE COMBINED OSHC	2,701	8,008	5,434	4,368
ARDILL HOUSE VACATION CARE	4,481	8,638	728	
AUMPA LAUMPA LAND	1,639	1,000		
BRUNSWICK COTTAGE CHILD CARE CENTRE	500	1,000		
BRUNSWICK HOUSE	2,080	1,500		
BURWOOD CHILDCARE CENTRE	500			
BURWOOD FAMILY DAY CARE	82,627	80,280	48,533	65,931
CITY KIDZ PRE-SCHOOL	1,500			
CITY OF CANADA BAY COUNCIL FAMILY DAY CARE	86,135	90,817	114,972	144,984
COLLEGE STREET KINDERGARTEN	1,262	1,172	12,435	16,250
CONCORD AFTER SCHOOL HOURS CARE				163
CONCORD CHILDREN'S CENTRE	60,000	1,500		13,064
CONCORD FAMILY DAY CARE				2,947
CROWDED HOUSE AFTER SCHOOL CARE	500		29	
CROWDED HOUSE VACATION CARE	2,084			

Service name	2000-01	2001-02	2002-03	2003-04
CROYDON AFTER SCHOOL HOURS CARE	1,872	1,000		
CROYDON PARK COMBINED OSHC	4,650	2,326		
DAISY DAY CARE	326	5,096	3,224	4,576
DOBROYD POINT VACATION CARE	3,570			
ELLA COMMUNITY CENTRE VACATION CARE	8,423	12,175	6,994	13,501
ELLA COMMUNITY CHILD CARE CENTRE	14,598	54,780	18,260	1,718
ELM ST EARLY LEARNING CENTRE	10,272	7,325	4,940	9,000
GARFIELD STREET CHILDREN'S CENTRE	3,253			
HABERFIELD COMBINED OSHC	3,140	1,500		6,253
HABERFIELD OSHC VACATION	2,442			728
HI-5 COTTAGE LONG DAY CARE CENTRE		500		
HICOOSH COMBINED OSHC	5,035			
HomeBUSH OUT OF SCHOOL HOURS ASC	10,117	7,683	5,772	5,772
HomeBUSH OUT OF SCHOOL HOURS VAC				
INFANTS HOME - LONG DAY CARE COMMUNITY BASED	14,758	1,996	116	27,413
INFANTS HOME FDC	249,803	248,484	219,735	237,219
KIDDIES KAPERS LEARNING CENTRE	2,555			
KIDDIES KAPERS LEARNING CENTRE PRE-SCHOOL	1,679			
KURRALEE CHILDRENS CENTRE	19,291	799		
MARY BAILEY HOUSE EARLY EDUCATION CENTRE	3,658	5,126		
MONTESSORI CCC	16,503	7,057		
MONTESSORI CHILD CARE CENTRE	6,360			
MORTLAKE CHILD CARE CENTRE				2,078
RAINBOW EDUCATIONAL CHILD CARE CENTRE	1,179	441		
RUSSELL LEA COMBINED OSHC	8,694	1,000		
RUSSELL LEA VACATION CARE	11,007	500		
SANTA SABINA COLLEGE VACATION CARE	2,802			
ST ANTHONYS LONG DAY CARE CENTRE	12,206	333	979	4,692
ST JOAN OF ARC AFTER SCHOOL CARE	824			
ST JOAN OF ARC BEFORE SCHOOL CARE	410			
ST MERKORIOUS VACATION CARE			5,495	5,049
STRATHFIELD FAMILY DAY CARE	145,441	151,529	118,733	176,524
STRATHFIELD ONE STOP CHILD CARE	31,763			

QUESTIONS IN WRITING

Service name	2000-01	2001-02	2002-03	2003-04
SERVICE				
THE ELLA COMMUNITY COMBINED OSHC	9,100	17,776	9,750	5,850
THE FAMILY CENTRE	6,361	13,238	19,149	14,950
THE LITTLE GANTRY CHILDREN'S CENTRE	1,500			
WELDON (WOOSH) VACATION CARE	1,430	1,794	3,328	6,435
WELDON COMBINED OSHC	3,720	507	2,340	3,159
WELDON OCCASIONAL CARE CENTRE	15,547	17,454	13,745	16,900
YARALLA CHILD CARE CENTRE	2,486	3,415	845	

Source: FaCS NSW State Office and Centrelink administrative data.

Notes: 1. This table only includes currently operating services receiving Australian Government funding during the specified financial years. 2. Excludes Child Care Benefit held by services as Child Care Benefit is an entitlement of eligible families to assist with the cost of child care.

The programs funded for child care services in the electorate of Lowe include Capital upgrade, Operational subsidy, Jobs, education & training child care (including special fees assistance), Special needs subsidy scheme, Outside school hours care set-up programs and sustainability mediums, Block grant assistance.

- (3) (a) (b) The number of children using services approved for Child Care Benefit in the electorate of Lowe during the 2003-04 financial year is as follows:

Sector	Children (all ages)
COMMUNITY	4,344
PRIVATE	1,807
TOTAL (a)	5,947

(a) The sum of components may not add to total as children may have used services in more than one sector.

Notes: 1. Includes Long Day Care, Family Day Care, In-Home Care, Outside School Hours Care, Occasional Care, Vacation Care and Multifunctional Children's services approved for Child Care Benefit.

2. State and service type weighted data

3. Children using child care services located in the electorate of Lowe may not reside in the electorate of Lowe.

Source: Centrelink Administrative Data as at 01-10-04.

- (4) (a) It is estimated that at 30 June 2003, 3,084 children aged under 2 years resided in the electorate of Lowe.

Source: Unofficial figures supplied by Australian Bureau of Statistics using official published Estimated Resident Population at Statistical Local Area level together with unofficial population estimates at the Census Collection District level.

- (b) (i) (ii) The number of children aged less than two years using services approved for Child Care Benefit in the electorate of Lowe during the 2003-04 financial year is as follows:

Sector	Children (less than 2 years of age)
COMMUNITY	771
PRIVATE	253
TOTAL (a)	1,001

- (a) The sum of components may not add to total as children may have used services in more than one sector.

Source: Centrelink Administrative Data as at 01-10-04.

Notes: 1. Includes Long Day Care, Family Day Care, In-Home Care, Outside School Hours Care, Occasional Care, Vacation Care and Multifunctional Children's services approved for Child Care Benefit.

2. State and service type weighted data

3. Children using child care services located in the electorate of Lowe may not reside in the electorate of Lowe.

- (5) (a) (b) (c) Since 2001, Centrelink has been combining co-located and co-managed After School and Before School Hours Care services as a single administered Outside School Hours Care service. Data are generally not separately available for After School Hours Care and Before School Hours Care.

The number of approved places for Outside School Hours Care in the electorate of Lowe as at September 2004 was 1,668, the number of approved places for Vacation Care was 600.

- (6) In September 2004, organisations which operated Outside School Hours Care child care services within the electorate of Lowe are as follows:

Sponsors

ABBOTSFORD COMMUNITY CENTRE INC

ALL HALLOWS OUT OF SCHOOL HOURS CHILD CARE SERVICE INCORPORATED

CONCORD OUT OF SCHOOL HOURS CARE

COOSH INCORPORATED

CROYDON OUT OF SCHOOL CARE INC

HOMEBUSH OUT OF SCHOOL HOURS INC (HOOSH)

ST JOAN OF ARC OSHC INC

CHURCH OF ENGLAND CHILDREN'S HOMES BURWOOD

CROWDED HOUSE CHILDREN'S CENTRE LTD.

DOBROYD POINT P & C ASSOCIATION

HOOSH INC.

SANTA SABINA COLLEGE LTD.

ST MARY AND ST MERKORIOUS COPTIC ORTHODOX CHURCH

ST MARY'S CONCORD OUT OF SCHOOL HOURS CHILD CARE CENTRE INCORPORATED

THE UNITING CHURCH IN AUSTRALIA PROPERTY TRUST

Lowe Electorate: Child-Care Centres

(Question No. 398)

Mr Murphy asked the Minister representing the Minister for Family and Community Services, in writing, on 9 December 2004:

- (1) How many community-based child care centres were located in the electoral division of Lowe in (a) 2002-2003, (b) 2003-2004, and (c) 2004-2005.

- (2) What was the (a) name and address of each centre, and (b) the sum of Commonwealth funding it received.
- (3) In respect of each centre, what sum was paid as (a) an operational subsidy, (b) a special needs subsidy, (c) an establishment grant, and (d) block grant assistance (transitional assistance).
- (4) For the year (a) 2002-2003, (b) 2003-2004, and (c) 2004-2005, which Commonwealth funded childcare centres located in the electoral division of Lowe have been overpaid and what debt did each centre accrue.

Mr Hockey—The Minister for Family and Community Services has provided the following answer to the honourable member's question:

- (1) The number of community-based child care services located in the electoral division of Lowe in:
- | | |
|-------------|----|
| (a) 2002-03 | 68 |
| (b) 2003-04 | 57 |
| (c) 2004-05 | 54 |
- (2) (a) The name and address of community child care services located in the electoral division of Lowe, during any of the financial years above, is as follows:

Service name	Address
ABBOTSFORD AFTER SCHOOL HOURS CARE	ABBOTSFORD COMMUNITY CENTRE, 350 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ABBOTSFORD BEFORE SCHOOL HOURS CARE	ABBOTSFORD COMMUNITY CENTRE, 350 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ABBOTSFORD COMMUNITY CENTRE INC VACATION CARE	350 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ABBOTSFORD LONG DAY CARE CENTRE	348 GREAT NORTH RD, ABBOTSFORD, 2046, NSW
ALL HALLOWS OOSH CARE	1 HALLEY ST, FIVE DOCK, 2046, NSW
ARDILL HOUSE CHILDRENS CENTRE	132 DAVIDSON AVE, NSW, 2137, NSW
ARDILL HOUSE COMBINED OSHC	132 DAVIDSON AVE, CONCORD, 2137, NSW
ARDILL HOUSE VACATION CARE	132 DAVIDSON AVE, CONCORD, 2137, NSW
BURWOOD FAMILY DAY CARE	132 DAVIDSON AVE, NORTH STRATHFIELD, 2137, NSW
CITY OF CANADA BAY COUNCIL FAMILY DAY CARE	DRUMMOYNE MUN COUNCIL, 1A MARLBOROUGH ST, DRUMMOYNE, 2047, NSW
COMBINED SANTA SABINA COLLEGE OSHC CARE	SANTA SABINA COLLEGE/JUNIOR SCHOOL, 59 THE BOULEVARDE, STRATHFIELD, 2135, NSW
CONCORD AFTER SCHOOL HOURS CARE	2 CRANE ST, CONCORD, 2137, NSW
CONCORD BEFORE SCHOOL HOURS CARE	2 CRANE ST, CONCORD, 2137, NSW
CONCORD CHILDREN'S CENTRE	2 CRANE ST, CONCORD, 2137, NSW
CONCORD FAMILY DAY CARE	132 DAVIDSON AV, NORTH STRATHFIELD, 2137, NSW

Service name	Address
CONCORD WEST COMBINED OOSH	CONCORD WEST PUBLIC SCHOOL, 378 CONCORD RD, CONCORD WEST, 2138, NSW
CONCORD WEST VACATION CARE	CONCORD WEST PUBLIC SCHOOL, 378 CONCORD RD, CONCORD WEST, 2138, NSW
CROWDED HOUSE AFTER SCHOOL CARE	DRUMMOYNE PUBLIC SCHOOL, RAWSON AVE, DRUMMOYNE, 2047, NSW
CROWDED HOUSE BEFORE SCHOOL CARE	DRUMMOYNE PUBLIC SCHOOL, RAWSON AVE, DRUMMOYNE, 2047, NSW
CROWDED HOUSE VACATION CARE	DRUMMOYNE PUBLIC SCHOOL, RAWSON AVE, DRUMMOYNE, 2047, NSW
CROYDON AFTER SCHOOL HOURS CARE	CROYDON PUBLIC SCHOOL, YOUNG ST, CROYDON, 2132, NSW
CROYDON BEFORE SCHOOL HOURS CARE	CROYDON PUBLIC SCHOOL, YOUNG ST, CROYDON, 2132, NSW
CROYDON PARK COMBINED OSHC	CROYDON PARK SCHOOL, 113 GEORGES RIVER RD, CROYDON PARK, 2133, NSW
CROYDON PARK VACATION CARE SERVICE	CROYDON PARK SCHOOL, 113 GEORGES RIVER RD, CROYDON PARK, 2133, NSW
DAISY DAY CARE	6 CONDER ST, BURWOOD, 2134, NSW
DOBROYD POINT AFTER SCHOOL CARE	DOBROYD POINT PUBLIC SCHOOL, WARATAH ST, HABERFIELD, 2045, NSW
DOBROYD POINT BEFORE SCHOOL CARE	DOBROYD POINT PUBLIC SCHOOL, WARATAH ST, HABERFIELD, 2045, NSW
DOBROYD POINT VACATION CARE	DOBROYD POINT PUBLIC SCHOOL, WARATAH ST, HABERFIELD, 2045, NSW
ELLA COMMUNITY BEFORE SCHOOL CARE	ELLA COMMUNITY CENTRE, 58A DALHOUSIE ST, HABERFIELD, 2045, NSW
ELLA COMMUNITY CENTRE VACATION CARE	58A DALHOUSIE ST, HABERFIELD, 2045, NSW
ELLA COMMUNITY CHILD CARE CENTRE	1 WINCHCOMBE AVE, HABERFIELD, 2045, NSW
ELM ST EARLY LEARNING CENTRE	7-9 ELM ST, BURWOOD HEIGHTS, 2136, NSW
HABERFIELD COMBINED OSHC	HABERFIELD PS, CNR DENMAN AVE & BLAND ST, HABERFIELD, 2045, NSW
HABERFIELD OSHC VACATION	HABERFIELD PS, CNR DENMAN AVE & BLAND ST, HABERFIELD, 2045, NSW
HICOOSH COMBINED OSHC	PARISH HOUSE HOLY INNOCENTS PRIMARY SCHOOL, 84 QUEEN ST, CROYDON, 2132, NSW
HomeBUSH OUT OF SCHOOL HOURS ASC	25 BROUGHTON RD, HomeBUSH, 2140, NSW
HomeBUSH OUT OF SCHOOL HOURS BSC	25 BROUGHTON RD, HomeBUSH, 2140, NSW
HomeBUSH OUT OF SCHOOL HOURS VAC	25 BROUGHTON RD, HomeBUSH, 2140, NSW

QUESTIONS IN WRITING

Service name	Address
INFANTS HOME - LONG DAY CARE COMMUNITY BASED INFANTS HOME FDC	17 HENRY ST, ASHFIELD, 2131, NSW INFANTS' HOME, 17 HENRY ST, ASHFIELD, 2131, NSW
KURRALEE CHILDRENS CENTRE	52 HAMPSTEAD RD, HOMEBUSH WEST, 2140, NSW
MARY BAILEY HOUSE EARLY EDUCATION CENTRE RUSSELL LEA COMBINED OSHC	59 THE BOULEVARDE, STRATHFIELD, 2135, NSW SEVENTH DAY ADVENTIST CHURCH, CNR LITHGOW ST & LYONS RD, RUSSELL LEA, 2046, NSW
RUSSELL LEA VACATION CARE	SEVENTH DAY ADVENTIST CHURCH, CNR LITHGOW ST & LYONS RD, RUSSELL LEA, 2046, NSW
SANTA SABINA BEFORE SCHOOL CARE	SANTA SABINA COLLEGE/JUNIOR SCHOOL, 59 THE BOULEVARDE, STRATHFIELD, 2135, NSW
SANTA SABINA COLLEGE VACATION CARE	SANTA SABINA COLLEGE/JUNIOR SCHOOL, 59 THE BOULEVARDE, STRATHFIELD, 2135, NSW
ST ANTHONYS LONG DAY CARE CENTRE ST JOAN OF ARC AFTER SCHOOL CARE ST JOAN OF ARC BEFORE SCHOOL CARE ST JOAN OF ARC VACATION CARE	ST ANTHONY'S HOME, 9 ALEXANDRA AVE, CROYDON, 2132, NSW 88 DALHOUSIE ST, HABERFIELD, 2045, NSW 88 DALHOUSIE ST, HABERFIELD, 2045, NSW 88 DALHOUSIE ST, HABERFIELD, 2045, NSW
ST MERKORIOUS VACATION CARE STRATHFIELD FAMILY DAY CARE	2 CAVELL AVE, RHODES, 2138, NSW 132 DAVIDSON AVE, NORTH STRATHFIELD, 2137, NSW
STRATHFIELD ONE STOP CHILD CARE SERVICE THE ELLA COMMUNITY COMBINED OSHC THE FAMILY CENTRE WELDON (WOOSH) VACATION CARE	A2 FRASER ST, HOMEBUSH WEST, 2140, NSW ELLA COMMUNITY CENTRE, 58A DALHOUSIE ST, HABERFIELD, 2045, NSW 17 HENRY ST, ASHFIELD, 2131, NSW WELDON CENTRE, 23 WELDON ST, BURWOOD, 2134, NSW
WELDON COMBINED OSHC	WELDON CENTRE, 23 WELDON ST, BURWOOD, 2134, NSW
WELDON OCCASIONAL CARE CENTRE YARALLA CHILD CARE CENTRE	23 WELDON ST, BURWOOD, 2134, NSW CONCORD HOSPITAL, HOSPITAL RD, CONCORD WEST, 2138, NSW

Source: Centrelink administrative data.

- (b) The sum of Australian Government funding for community child care services located in the electorate of Lowe is as follows:

Service name	2002-03	2003-04	2004-05
ABBOTSFORD AFTER SCHOOL HOURS CARE	1,170	1,166	1,166
ABBOTSFORD BEFORE SCHOOL HOURS CARE	702		
ABBOTSFORD LONG DAY CARE CENTRE		12,134	8,868
ARDILL HOUSE AFTER SCHOOL CARE	3,640	3,718	4,147
ARDILL HOUSE BEFORE SCHOOL CARE	1,794	650	725
ARDILL HOUSE CHILDRENS CENTRE	10,595	868	868
ARDILL HOUSE VACATION CARE	728		
BURWOOD FAMILY DAY CARE	48,533	65,931	87,610
CITY OF CANADA BAY COUNCIL FAMILY DAY CARE	114,972	144,984	155,750
CONCORD AFTER SCHOOL HOURS CARE		163	163
CONCORD CHILDREN'S CENTRE		13,064	6,210
CONCORD FAMILY DAY CARE		2,947	73,008
CONCORD FAMILY DAY CARE*	26,073	7,480	
CROWDED HOUSE AFTER SCHOOL CARE	29		
DAISY DAY CARE	3,224	4,576	5,104
ELLA COMMUNITY AFTER SCHOOL CARE	5,850	3,510	3,915
ELLA COMMUNITY BEFORE SCHOOL CARE	3,900	2,340	2,610
ELLA COMMUNITY CENTRE VACATION CARE	6,994	13,501	15,058
ELLA COMMUNITY CHILD CARE CENTRE	18,260	1,718	1,718
ELM ST EARLY LEARNING CENTRE	4,940	9,000	1,000
HABERFIELD OSH ASC COMBINED		3,107	3,466
HABERFIELD OSH BSC COMBINED		3,146	3,509
HABERFIELD OSHC VACATION		728	812
HOME BUSH OUT OF SCHOOL HOURS	5,772	5,772	6,438
INFANTS HOME - LONG DAY CARE COMMUNITY BASED	116	27,413	7,437
INFANTS' HOME FAMILY DAY CARE	219,735	237,219	292,032
ST ANTHONYS LONG DAY CARE CENTRE	979	4,692	4,692
ST MERKORIOUS VACATION CARE	5,495	5,049	2,574
STRATHFIELD FAMILY DAY CARE	118,733	176,524	165,485
THE FAMILY CENTRE INFANTS HOME	19,149	14,950	16,644
WELDON (WOOSH) VACATION CARE	3,328	6,435	7,178
WELDON AFTER SCHOOL HOURS CARE	2,340	3,159	3,524
WELDON OCCASIONAL CARE CENTRE	13,745	16,900	17,170
YARALLA CHILD CARE CENTRE	845		

*service listed twice due to transfer of sponsor during 2003-04 financial year.

Source: FaCS NSW State Office.

Notes: 1. This table only includes services receiving Australian Government funding during the specified financial years. 2. Excludes Child Care Benefit held by services as Child Care Benefit is an entitlement of eligible families to assist with the cost of child care.

The programs funded for child care services in the electorate of Lowe include Capital upgrade, Operational subsidy, Jobs, education & training child care (including special fees assistance), Special

needs subsidy scheme, Outside school hours care set-up programs and sustainability mediums, Block grant assistance.

- (3) The sum of Australian Government funding paid as (a) an operational subsidy, (b) a special needs subsidy, (c) an establishment grant for community child care services located in the electorate of Lowe is as follows:

Service name	Operational Subsidy (includes establishment grant)			Special Needs Subsidy		
	2002-03	2003-04	2004-05	2002-03	2003-04	2004-05
ABBOTSFORD AFTER SCHOOL HOURS CARE				1,170		
ABBOTSFORD BEFORE SCHOOL HOURS CARE				702		
ABBOTSFORD LONG DAY CARE CENTRE					7,488	8,352
ARDILL HOUSE AFTER SCHOOL CARE				3,640	3,718	4,147
ARDILL HOUSE BEFORE SCHOOL CARE				1,794	650	725
ARDILL HOUSE CHILDRENS CENTRE				10,595		
ARDILL HOUSE VACATION CARE				728		
ELM ST EARLY LEARNING CENTRE				4,940		
BURWOOD FAMILY DAY CARE	48,533	65,931	87,610			
CITY OF CANADA BAY COUNCIL FAMILY DAY CARE	114,972	144,984	155,750			
CONCORD CHILDREN'S CENTRE					4,739	5,285
CONCORD FAMILY DAY CARE		2,947	73,008			
CONCORD FAMILY DAY CARE*	26,073	7,480				
DAISY DAY CARE				3,224	4,576	5,104
ELLA COMMUNITY AFTER SCHOOL CARE				5,850	3,510	3,915
ELLA COMMUNITY BEFORE SCHOOL CARE				3,900	2,340	2,610
ELLA COMMUNITY CENTRE VACATION CARE				6,994	13,501	15,058
HABERFIELD OSH ASC COMBINED					3,107	3,466
HABERFIELD OSH BSC COMBINED					3,146	3,509
HABERFIELD OSHC VACATION					728	812
HOMEBUSH OUT OF SCHOOL HOURS				5,772	5,772	6,438
INFANTS' HOME FAMILY DAY CARE	219,735	237,219	292,032			
ST MERKORIOUS VACATION CARE	3,232	5,049	2,574			
STRATHFIELD FAMILY DAY CARE	118,733	176,524	165,485			
THE FAMILY CENTRE INFANTS HOME				19,149	14,677	16,371
WELDON (WOOSH) VACATION CARE				3,328	6,435	7,178
WELDON AFTER SCHOOL HOURS CARE				2,340	3,159	3,524
WELDON OCCASIONAL CARE CENTRE	13,745	16,900	17,170			
YARALLA CHILD CARE CENTRE				845		

*service listed twice due to transfer of sponsor during 2003-04 financial year.

Source: FaCS NSW State Office. Note: This table only includes services receiving Australian Government funding during the specified financial years.

- (d) No services located in the electorate of Lowe received Australian Government funding paid as block grant assistance during the financial years 2002-03, 2003-04 and 2004-05.

- (4) (a) (b) (c) Child Care Benefit is paid in advance to services on behalf of eligible families to enable services to reduce the child care fees to those families. Child Care Benefit is paid on an ongoing advance/acquit basis. No debts or overpayments are raised as part of this ongoing process.

Lowe Electorate: Child-Care Centres

(Question No. 399)

Mr Murphy asked the Minister representing the Minister for Family and Community Services, in writing, on 9 December 2004:

- (1) Is the Minister aware that Concord Occasional Childcare Inc, a non-profit childcare organisation in the electoral division of Lowe, currently has 85 families on its waiting list for 2005 and has an urgent need for adequate premises to meet the unmet demand; if not, why not.
- (2) What is the unmet demand for childcare places in the (a) Ashfield, (b) Burwood, (c) Canada Bay, and (d) Strathfield Local Government Area (LGA).
- (3) What is the unmet demand for childcare places in (a) the electoral division of Lowe, and (b) the postcode area (i) 2045, (ii) 2046, (iii) 2047, (iv) 2131, (v) 2132, (vi) 2133, (vii) 2134, (viii) 2135, (ix) 2136, (x) 2137, (xi) 2138, and (xii) 2140.
- (4) What is the Minister doing to address the unmet demand for childcare places in (a) the electoral division of Lowe, and (b) the postcode area (i) 2045, (ii) 2046, (iii) 2047, (iv) 2131, (v) 2132, (vi) 2133, (vii) 2134, (viii) 2135, (ix) 2136, (x) 2137, (xi) 2138, and (xii) 2140.
- (5) What arrangements exist between the Commonwealth, State and Local governments to address the increasing waiting lists for (a) centre-based long day care, and (b) Family Day Care for infants 0-2 years of age in the electoral division of Lowe.
- (6) What capital funding has the Government provided to each childcare centre in (a) the electoral division of Lowe, and (b) the postcode area (i) 2045, (ii) 2046, (iii) 2047, (iv) 2131, (v) 2132, (vi) 2133, (vii) 2134, (viii) 2135, (ix) 2136, (x) 2137, (xi) 2138, and (xii) 2140.
- (7) What operational funding does the Government provide to childcare centres in (a) the electoral division of Lowe, and (b) the postcode area (i) 2045, (ii) 2046, (iii) 2047, (iv) 2131, (v) 2132, (vi) 2133, (vii) 2134, (viii) 2135, (ix) 2136, (x) 2137, (xi) 2138, and (xii) 2140.

Mr Hockey—The Minister for Family and Community Services has provided the following answer to the honourable member's question:

- (1) Concord Occasional Childcare Inc is not an Australian Government approved child care service. It receives some funding from the NSW Department of Community Services, which can be contacted for further information.
- (2) The Australian Government does not have statistics on demand for child care. It is relevant to note that there is no limit on the number of long day care places that are able to be approved by the Australian Government.

The 2004 Budget allocation of 40,000 outside school hours care places and 4,000 family day care places fully met confirmed demand from services for these types of care as at 27 September 2004 for all areas, including the (a) Ashfield, (b) Burwood, (c) Canada Bay and (d) Strathfield Local Government areas.

- (3) The 2004 Budget allocation of 40,000 outside school hours care places and 4,000 family day care places fully met confirmed demand from services for these types of care as at 27 September 2004 for (a) the electoral division of Lowe and (b) the postcode areas (i) 2045, (ii) 2046, (iii) 2047, (iv) 2131, (v) 2132, (vi) 2133, (vii) 2134, (viii) 2135, (ix) 2136, (x) 2137, (xi) 2138, and (xii) 2140.

The comments against (2) above are also relevant for this question.

- (4) The Government will continue to allow access to Child Care Benefit for an unlimited number of approved long day care centre places.
- (5) Waiting lists are not likely to provide accurate representations of demand. People may place their names on a number of different waiting lists, they may not remove their name when they no longer require care, they may not want full-time care and waiting lists can include children who are not yet born, or who are using care elsewhere but may prefer another service.

The comment against (3) above is also relevant for this question. The Government will continue to monitor demand for these kinds of child care. Since December 2003, the electoral division of Lowe has been allocated an additional 125 outside school hours care places and 35 family day care places.

(6)

Service Name	Amount	Financial year	Electorate	Post Code
ABBOTSFORD LONG DAY CARE CENTRE	516.20	2004-5	Lowe	2046
INFANTS HOME - LONG DAY CARE				
COMMUNITY BASED	2,497.00	2004-6	Lowe	2131
ELM ST EARLY LEARNING CENTRE	1,000.00	2004-7	Lowe	2136
CONCORD CHILDREN'S CENTRE	925.00	2004-8	Lowe	2137
SMOOSH CONCORD BEFORE SCHOOL CARE	1,000.00	2004-14	Lowe	2137
SMOOSH CONCORD VACATION CARE	2,000.00	2004-16	Lowe	2137
TAVERNERS HILL VACATION CARE	2,000.00	2004-15	Grayndler	2134

(7)

Service Name	Amount	Financial year	Electorate	Post Code
INFANTS' HOME FAMILY DAY CARE	292,032.00	2004-9	Lowe	2131
CONCORD FAMILY DAY CARE	73,008.00	2004-10	Lowe	2134
WELDON OCCASIONAL CARE CENTRE	17,170.40	2004-12	Lowe	2134
SMOOSH CONCORD AFTER SCHOOL CARE	2,083.00	2004-17	Lowe	2137
SMOOSH CONCORD BEFORE SCHOOL CARE	2,750.00	2004-18	Lowe	2137
SMOOSH CONCORD VACATION CARE	4,250.00	2004-19	Lowe	2137
BURWOOD FAMILY DAY CARE	87,609.60	2004-11	Lowe	2138
ST MERKORIOUS VACATION CARE	2,574.00	2004-13	Lowe	2138
TAVERNERS HILL VACATION CARE	8,500.00	2004-20	Grayndler	2134