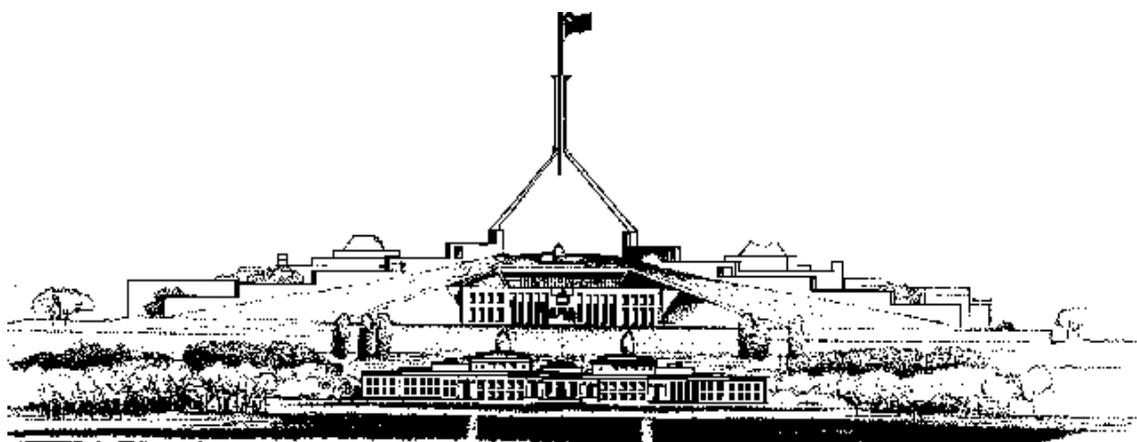




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**HOUSE OF  
REPRESENTATIVES**

**Official Hansard**

**No. 11, 2002**

**THURSDAY, 29 AUGUST 2002**

FORTIETH PARLIAMENT  
FIRST SESSION—THIRD PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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### SITTING DAYS—2002

Month	Date
February	12, 13, 14, 18, 19, 20, 21
March	11, 12, 13, 14, 19, 20, 21
May	14, 15, 16, 27, 28, 29, 30
June	3, 4, 5, 6, 17, 18, 19, 20, 24, 25, 26, 27
August	19, 20, 21, 22, 26, 27, 28, 29
September	16, 17, 18, 19, 23, 24, 25, 26
October	14, 15, 16, 17, 21, 22, 23, 24
November	11, 12, 13, 14
December	2, 3, 4, 5, 9, 10, 11, 12

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<i>BRISBANE</i>	936 AM
<i>MELBOURNE</i>	1026 AM
<i>ADELAIDE</i>	972 AM
<i>PERTH</i>	585 AM
<i>HOBART</i>	729 AM
<i>DARWIN</i>	102.5 FM

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*Thursday, 29 August 2002*

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

**HEALTH CARE (APPROPRIATION)  
AMENDMENT BILL 2002**

**First Reading**

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

**Second Reading**

**Mr ANDREWS (Menzies—Minister for Ageing)** (9.31 a.m.)—I move:

That this bill be now read a second time.

This bill proposes to amend the Health Care (Appropriation) Act 1998. That act was made to permit the Minister for Health and Ageing to determine grants of financial assistance to a state, or to a hospital or other person, for the purpose of providing or paying for health and emergency services of a kind or kinds that are currently, or were historically, provided by hospitals. As such, the act provides the legislative basis for the Commonwealth to pay financial assistance under the 1998-2003 Australian Health Care Agreements, including Health Care Grant and National Health Development Fund payments to the states and territories and Commonwealth own purpose outlays for mental health, palliative care and case mix development.

The act currently provides that total grants of financial assistance must not exceed \$29,655,056,000. This estimate was current when the act commenced on 30 June 1998.

Since that time, the Commonwealth's financial responsibilities have increased because of Commonwealth government decisions which have increased the level of funding available under the agreements and forgone the government's right to claw back any funding from the states in recognition of increased private health insurance coverage. As a result, the ceiling currently specified in the act will be reached in early 2003.

The bill proposes amendments which will allow the Commonwealth to discharge its financial responsibilities by increasing the ceiling to \$31,800,000,000. As the precise financial responsibilities of the Common-

wealth will not be known until May 2003, this amount includes an allowance above the current approved estimates for the five years to 30 June 2003 for unexpected population growth and rounding.

The proposed amendments will also require the tabling of a statement of the total amount of financial assistance paid under the act as soon as practicable after 30 June 2003 to ensure that public accountability requirements are met. I present the explanatory memorandum to the bill.

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

**PARLIAMENT: PHOTOGRAPHS OF  
PROCEEDINGS**

**The SPEAKER** (9.34 a.m.)—I advise members that I have given approval to photographers to photograph the debate and divisions on the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**. I have given approval in view of the considerable public interest in this bill. For the information of the House, I would point out that it is not a precedent for permission to photograph divisions in the House generally.

**Mrs CROSIO (Prospect)** (9.35 a.m.)—On indulgence, Mr Speaker: I understand what you have just read out to the House. What consultation was had with regard to bringing photographers in on this particular vote?

**The SPEAKER**—In fact, as the chair, I did not consult any of the other members of the House. I have in the past been in consultation with both the Prime Minister and the Leader of the Opposition who had indicated their general approval for a more liberal approach to be taken to the photographic guidelines, and, consistent with what had happened with other major issues confronting the House on previous occasions, I gave permission for photographers in this instance.

**Mrs CROSIO**—I do not wish to be argumentative, but the only previous case in my 12 years of experience here in the House when we had a conscience vote was a private member's bill on euthanasia. I do not recollect at that time the Speaker granting the right to photographers to be in here when either the debate was conducted or the vote

was taken. I am wondering how that circumstance could lead to the decision you have made today, and, further, how a decision such as has now been taken could have been done without consultation with both sides of the House. I just find it extraordinary, Mr Speaker. I am sorry about it, but I do.

**The SPEAKER**—I unapologetically but not in a confrontational way say to the member for Prospect that this is not a matter on which I made a decision because it was a conscience vote. There have been other votes, other matters of moment, that were not conscience votes in the House to which photographers have had access. I think, for example, of the Mabo decision and occasions like that, and it was for that reason that I did what had been the practice of previous Speakers. But I would indicate to the member for Prospect that both the present Leader of the Opposition and the Prime Minister had indicated to me earlier this year that they were comfortable with a more liberal approach being taken to photography.

**Mrs CROSIO**—I do not want to keep jumping in, and I know I am probably out of order in doing so but, as a parliamentarian in this House, I feel that this is a very emotional issue. As we know, everyone will exercise their conscience when they vote. I do not believe that, through the media, their own constituency should persecute that member because of a decision he or she has made. Each member has independently declared quite openly how they feel during the debate, so we all understand and know, but there are other people out there in the community who have possibly not listened to the debate. They will now be provided with photographic evidence of where their particular member of parliament sits or does not sit. I do not believe that it is in the interests of the community at large to have photographers in here exercising their right—and with your permission—to take that photo, particularly if it leads to a continual persecution of members of parliament on both sides of the House.

I feel very strongly about this. I have not been consulted as the Chief Opposition Whip. I would have readily sat down with you, the government members and my side

of the House and spoken about it. I must put my conscience forward. I am not frightened of being photographed—believe me, I am not—but I do have a number of members on my side who may feel disturbed about it. I am sure that, if I were to sit down with the Chief Government Whip, there would be a number of members on the government side who would not like to have photographic evidence going out in the papers around Australia—and we know how the media deal with these subjects—in which they, as an individual exercising their conscience, may be persecuted because there is photographic evidence being displayed on the front page of their local newspaper as to how they have acted or voted in this particular instance. I find it rather disturbing.

I have not consulted with anyone on my side of the House. Mr Speaker, I did not know you were going to do this now but, to have it brought up at this late juncture, with permission now being granted by you to do this, I personally feel is out of order. I would request that either you reconsider it or perhaps we have further consultation with the Leader of the House and the Manager of Opposition Business in the House on how members collectively feel about the decision taken in this regard.

**Mr ABBOTT (Warringah—Leader of the House)** (9.40 a.m.)—At the risk of prolonging the discussion the Chief Opposition Whip has started, and it is probably out of order—

**The SPEAKER**—The discussion will not be prolonged. The Leader of the House has been extended indulgence.

**Mr ABBOTT**—Mr Speaker, let me say that I do support your decision. I was not consulted about it, but I would not necessarily expect to be consulted about a matter of this kind. As the Presiding Officer, you have the authority to make these kinds of decisions. I think you have made it perfectly appropriately in this case, particularly given the clear wish of both the Prime Minister and the Leader of the Opposition to be more liberal about the application of the photographic rules. I have been listening carefully to the points made by the Chief Opposition Whip. I respect the sincerity of her position, and I

understand why she might feel as she does but, if anyone does not wish to be photographed, there is a very simple solution to that problem. This is not a whip to vote—no one has to vote one way or another—but it is an open House, an open chamber and a democratic forum. The Australian people are entitled to know what we are doing, and they are entitled to see what we are doing. If we are in here to vote, it is perfectly reasonable that we should be photographed while doing so.

**Mrs Crosio**—Mr Speaker, I rise on a point of order. The Leader of the House, in reply to my statement, indicated that the way a parliamentarian in this House need not be photographed is to leave the House. Quite clearly in his statement, if you read the *Hansard*, he implied that, if you do not want to be photographed, get out of the House. That is what he said. That is a very cowardly approach.

**The SPEAKER** (9.42 a.m.)—As the Chief Opposition Whip is well aware, I have extended to her a great deal of indulgence. There is no opportunity to debate, when all I did was to extend similar indulgence to the Leader of the House. However, I must point out to the House that this is not a matter of the chair acting in any unilateral way. There are guidelines for photography. They have been in place for as long as we have been in this chamber. They are probably the most generous guidelines extended to media around the globe, from what I have seen.

In common with all forms of presiding officers, I am constantly approached by the press gallery for a more liberal approach to the guidelines. For the information of all members, the right to photograph the division existed well before I made this decision. With or without my decision, the division would have been photographed on the television cameras, beamed around Australia and made available out of the television pool as still photography for the front page of any newspaper. That provision has always been in place. All I have done is to indicate to the still photographers that they too may take the same shots as will be taken by the television photographers.

**Mr MURPHY (Lowe)** (9.43 a.m.)—Mr Speaker—

**The SPEAKER**—If the member for Lowe must, I will hear him out on a matter of indulgence, but I hope it is a substantial matter.

**Mr MURPHY**—Yes, it is. I am sorry; I came into the chamber only five minutes ago. I just wanted to be clear on what we are discussing here this morning. Is it purely that the photographer will only be taking photographs of the division or photographers will be taking photos—

**The SPEAKER**—The member for Lowe will resume his seat. The member for Lowe should have been in the House to hear the statement but, out of courtesy, I will indicate to him that all I have done is given permission for a division to be photographed.

*Mr Murphy interjecting—*

**The SPEAKER**—The member for Lowe will resume his seat. The member for Lowe's photogenic appeal has nothing to do with the debate currently before the chair.

#### **RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING LEGISLATION**

**Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service)** (9.44 a.m.)—I move:

That so much of the standing orders be suspended as would prevent the notice for Private Members' business standing in the name of the Honourable Member for Dunkley concerning the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 being called on forthwith:

I am moving a suspension of standing orders to enable the member for Dunkley, a private member, to move a further suspension of standing orders that will enable the splitting of the stem cell bill, the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**, to be debated and possibly voted upon in this chamber. As the House knows, there are two issues in the stem cell bill: first, a ban on cloning; second, permission for embryo research. Obviously some members in this House would like those two issues to be separated. The motion that I am moving is

a procedural motion to enable that matter to be debated and voted upon, should that be the wish of the House. The procedural motion that I am now moving is analogous to the procedural motion that government ministers might sometimes move to enable private members—in this case, opposition frontbenchers—to move disallowance debates and to have disallowance debates in this chamber. I will now do my best to explain to the House exactly what the procedure of this morning might be.

As I said, I am now moving a suspension of standing orders to enable the member for Dunkley to move a further suspension of standing orders, and for that matter to be debated. If my motion is passed, then the member for Dunkley can move his suspension to enable splitting the bill to be debated. At the conclusion of that debate, there will be a vote on the member for Dunkley's suspension of standing orders. If that is passed, then, at the conclusion of the Prime Minister's summing up, we will have a vote on whether or not to split the bill. So if members want to have a debate on splitting the bill, they vote in favour of my motion; if members then want to have a vote on splitting the bill, they vote in favour of the member for Dunkley's suspension motion. That is essentially how it works. I am sorry that it is slightly convoluted and complicated, but I am advised by the guardians of all knowledge and all procedure—the clerks—that if we wish to have the debate, this is the best way to enable it to take place.

To recap: we will now have a vote on whether to debate splitting the bill. If the motion that I am now moving passes, the member for Dunkley will move his suspension. In the course of debating that suspension, we will debate the merits of splitting the bill. We will then vote on his suspension. If his suspension passes, we will then have the opportunity to actually vote on the splitting, at the conclusion of the Prime Minister's summing up. So we have got this motion that I am moving. If it passes, the member for Dunkley will move his suspension. We will have a debate on splitting the bill, for as long as that takes. We will have a vote. We will then have the Deputy Speaker report

the bill back from the Main Committee. The Prime Minister will sum up. If the member for Dunkley's suspension has passed, we will then have a vote on the actual splitting of the bill. Depending upon that vote, we will then proceed with a bill which is separated or unseparated, split or unsplit. That is what is going to happen. I hope I have accurately and faithfully reflected the advice that I have been given, over quite some time, by the clerks. Because I think it is important that we have this debate, I commend my procedural motion to the House.

**Mr STEPHEN SMITH (Perth)** (9.49 a.m.)—Just as the Leader of the House has outlined the proposed procedure, I will take the opportunity of commenting on the motion concerning the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) he has moved but also outlining the opposition's approach to the procedures, because that might be of benefit to members interested in this matter. As the Leader of the House knows, on this matter there is a conscience vote generally applying on the side of government members and there is a conscience vote on this side that applies to the question of whether stem cell research ought to be allowed on spare and excess embryos. The position of the Labor Party is that that is a conscience vote which applies to the substance of the matter, but it also applies to any procedures related to that matter. So, so far as the Labor Party is concerned, in the course of these procedural matters I will be articulating—for the benefit of the Leader of the House and the House itself—the Labor Party's position, but also making the point that, as each of the procedures arises and as each of the amendments arises, there will be a conscience vote applying to those matters.

In the case of the procedure moved by the Leader of the House, I support that; the Labor Party supports that. But it is a procedural mechanism which goes to the conscience vote issue and, as a consequence, there may well be Labor members who oppose the procedures outlined by the Leader of the House. Like the Leader of the House, my view is that the procedures outlined are appropriate. They will enable the House to deal with a complicated bill and some complicated pro-

cedural matters in, I believe, an orderly and sensible way, giving members of the House who have a keen interest in this matter the opportunity to put their views both on the procedure and on the substance. So, so far as the opposition are concerned, we support the motion moved by the Leader of the House, but it is subject to a conscience vote on this side, and any member of the Labor Party is entitled to oppose the motion moved by the Leader of the House, as he or she sees fit.

**Mr CADMAN (Mitchell)** (9.51 a.m.)—I want to indicate my appreciation to the Leader of the House and to the Leader of Opposition Business for the sensible way in which this matter in relation to the *Research Involving Embryos and Prohibition of Human Cloning Bill 2002* is being approached. For backbench members and those with a view—whether it be held one way or the other—this is an advance in cooperation that will begin the debate in a very sensible and balanced way. I want to thank both the Leader of the House and the Leader of Opposition Business.

**Mr PYNE (Sturt)** (9.52 a.m.)—Can I just add to the comments of the member for Mitchell and also ask members to support the motion in relation to the *Research Involving Embryos and Prohibition of Human Cloning Bill 2002* by the Leader of the House, because this is the beginning of the process of allowing the member for Dunkley to move his suspension of standing orders and then move his motion to split the *Research Involving Embryos and Prohibition of Human Cloning Bill 2002*. If this were not to succeed, that process of suspending standing orders and moving a motion to split the bill would not be able to occur. This first vote is crucial in terms of the process, and I also welcome the support of the member for Perth in agreeing to the motion by the Leader of the House.

Question agreed to.

**The SPEAKER** (9.53 a.m.)—Having passed that motion, can I indicate my appreciation for the role played by the clerks, echo the sentiments of the Leader of the House and the member for Perth and extend our particular appreciation to the Table Office, who last night prepared a blue which made it

as possible as can be expected for members to follow what is happening in this very complicated debate.

#### LEGISLATIVE PROCESS

**The SPEAKER** (9.53 a.m.)—Before calling the member to move the motion appearing on the *Notice Paper* in his name, I wish to indicate to the House that, on two occasions, both in the recent past—1995 and 1999—the House has been requested to consider a proposal to divide one of its bills. In both instances, the proposals were made by the Senate. In one instance, the specific proposal did not proceed. Rather, two separate bills were introduced in the House. No action had been taken in respect of the 1999 request at the time of dissolution of the House. The position of the House is that the division of a bill in the House in which the bill did not originate is not desirable. Reference for this may be found in *House of Representatives Practice*, Fourth Edition, page 439. However, there is no constraint upon the House in which the bill originated in considering a proposal to divide the bill. I call the member for Dunkley.

#### PRIVATE MEMBERS' BUSINESS

##### Research Involving Embryos and Prohibition of Human Cloning Legislation

**Mr BILLSON (Dunkley)** (9.54 a.m.)—I move:

That so much of the standing orders be suspended as would prevent the following arrangements applying for the further consideration of the *Research Involving Embryos and Prohibition of Human Cloning Bill 2002*:

- (1) That, immediately before the putting of the question on the motion that the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 be now read a second time, instead of the question on the second reading being put, the following question be put and determined forthwith:

“That the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 be divided into—

- (a) a Bill for an Act to prohibit human cloning and other unacceptable practices associated with reproductive technology, and for related purposes, to be known as the Prohibition of Human Cloning Bill 2002, (incorporating, with associated

amendments, the title, enacting formula and Parts 1 and 2 and clauses 56, 61 and 62 and the schedule of the bill as introduced, and an activating clause), and

- (b) a Bill for an Act to regulate certain activities involving human embryos, and for related purposes, to be known as the Research Involving Embryos Bill 2002 (incorporating, with associated amendments, Parts 3, 4, 5 and 6 of the bill, and also including with amendments the provisions of clauses 56, 61 and 62 of the bill as introduced and a new clause 55A)."
- (2) That if the question that the bill be divided as proposed in paragraph (1) is agreed to, the following separate questions be then put:
- (a) "That the Prohibition of Human Cloning Bill 2002, as contained in a form to be made available to Members, be read a second time (that question to be decided without further debate)".

If the motion that the Prohibition of Human Cloning Bill 2002 be read a second time is agreed to, for the consideration in detail stage the House then proceed to consider in detail the bill as contained in the form to be made available to Members; and

- (b) "That the Research Involving Embryos Bill 2002, as contained in a form to be made available to Members, be read a second time (that question to be decided without further debate)".

If the motion that the Research Involving Embryos Bill 2002 be read a second time is agreed to, for the consideration in detail stage the House then proceed to consider in detail the bill as contained in the form to be made available to Members.

- (3) That, when the consideration in detail of the Prohibition of Human Cloning Bill 2002 and the Research Involving Embryos Bill 2002 has been completed, the remaining stages of the measures be dealt with separately and in accordance with the provisions of the standing orders and ordinary practices of the House.

May I say at the outset that I am a strong supporter of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) in its entirety. But I also have great respect and empathy for those in this place who have concerns with sections of the consolidated bill. We have benefited from 105 speakers sharing their thoughts on this bill,

liberated by the duty and opportunity afforded by the rare and precious conscience vote available to all members regardless of their party or position in this place. This has been a historic and extraordinary debate.

This conscience debate has displayed to our nation the very best qualities of policy analysis; clear and critical thinking; deep reflection; how principles, values and motives flavour the law-making process; and how our aspirations for our nation are articulated and pursued through this parliament. The product of this healthy process and our agency as elected representatives has been 105 excellent contributions on the public record—some remarkable, many memorable, but all considered.

What these speeches make clear and what the conscience debate has highlighted is that the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) incorporates two very distinct ideas, two complementary but separate concepts that have warranted two separate streams of deliberation and introspection. We should be able to accommodate these separate ideas and facilitate their independent determination. What is a conscience vote if it is not a process of independent thought? Conscience votes are, by definition, not supposed to be about compromise. Others may have differing descriptions of what a conscience vote is about, but I know what a conscience vote is not about. A conscience vote should not see a person corralled into a position that is not in their heart or consistent with their guiding principles or core beliefs. A conscience vote is diminished when a single vote is expected to reflect a considered position on a cluster of issues. In fact, the undivided bill will produce a compromised vote. Some colleagues will be forced to weigh the issues of conscience and vote in favour of the idea that is most in keeping with their conscience or vote against the idea that is most unconscionable.

The dividing of the bill, as I propose, will overcome this dilemma of conscience. It will remove the need for compromise and competition between conflicting matters of conscience. In effect, my motion underpins the integrity of the conscience vote afforded to all members on this bill. The motion divides

the consolidated [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) into the Prohibition of Human Cloning Bill 2002 and the Research Involving Embryos Bill 2002. The two separate bills faithfully carry forward the policy embodied in the consolidated bill. It is consistent with the 5 April 2002 COAG agreement and is true to the bill, as negotiated by the COAG Implementation Group.

The clause numbering of the original consolidated bill has been carried into the divided bills to facilitate ease of reference and to minimise confusion if other amendments are put before the House. If passed, the clause numbering will be tidied up as part of transmitting this business to the Senate. The monitoring powers assigned to the National Health and Medical Research Council Licensing Committee and its inspectors in relation to licensed premises under part 4 of the Research Involving Embryos Bill 2002 have been carried over into the Prohibition of Human Cloning Bill 2002 by the inclusion of a new clause 55A.

A new clause 61 in both bills ensures that the review of the operation of the law envisaged in the consolidated bill is carried forward and linked in the divided bills. This is consistent with clauses 4 and 10 of the COAG communique and the statement contained in the explanatory memorandum for the consolidated bill. Despite the protestations of New South Wales Premier Carr, who contends that the splitting of the bill is inconsistent with the spirit of the COAG agreement, the divided bills, if passed, do nothing to prevent the states from enacting complementary legislation and amount to a change in form rather than substance.

The Parliamentary Library, the Clerk's office, the National Health and Medical Research Council and the Minister for Ageing have been consulted in the preparation of the divided bills. The Minister for Ageing last night wrote to me concurring with the advice of the NHMRC that this motion and the consequential bills:

... are not divergent from the spirit or the letter of the COAG Agreement and the Bill as negotiated by the COAG Implementation Group.

Some may argue that dividing the bill as I propose presents some kind of tactical advantage to those opposing the regulated and supervised scientific inquiry into new remedies to cure illness and relieve pain and suffering utilising surplus IVF embryos. That argument assumes that people who find this idea unconscionable will overlook their concerns simply to support the proposed prohibition on abhorrent endeavours involving human cloning and certain other practices relating to reproductive technologies. As has been articulated in many speeches, it is more likely that members who feel strongly against the provision controlling research involving embryos will otherwise vote against the entire bill, effectively voting against the ban on human cloning—something which I hope all members find appalling. The argument that splitting the bill provides a particular tactical advantage is unpersuasive and unconvincing, but the arguments in favour of supporting this historic and extraordinary motion to divide the bill are, in my view, compelling. This is an extraordinary debate.

It is clear from the speeches that a single vote in favour of or against the bill in its entirety will not truly reflect the conscience of all members. Undivided, the bill will reflect a compromised vote, with many members disenfranchised from voting according to their conscience. A separate vote on separate bills will guarantee the integrity of the conscience vote. It will send a clear, unambiguous message about this chamber's view on these hugely significant questions, as evidenced by the number of members who have spoken. Such clarity will remove any temptation to second-guess the motives of the House of Representatives and the intentions behind each member's vote. A divided bill will provide for clarity of conscience to be reflected in the transparency of the vote. For those who share my optimism and confidence that both bills will pass this chamber with a strong majority, let us not disenfranchise our colleagues, just as we would hope not to be disenfranchised ourselves on a matter of conscience.

If this motion is successful, it will be the first time the House will have divided a bill.

Research indicates that this is a rare event in the Westminster tradition—if it has happened at all. In the past, the House has rightly resisted previous attempts by our Senate to initiate the division of a bill. There is a case for arguing that such action by the Senate is a breach of the privileges of this House. However, it is no such breach for the House to divide one of its own bills. In previous instances of Senate action to divide a bill the division was motivated by politics. Obviously, no political motive is involved in this attempt. There has never been a better candidate for the division of a bill, as the decisions in this case will be based on conscience, not politics. Speeches in this place and statements by party leaders testify to the conscience nature of the matters before the House.

The debate so far has been a great example of the minds of the nation at work. My motion seeks to provide maximum choice so that members are not called upon to vote on the principle of the combined bill before getting the opportunity to divide it. The policy concepts before this House are complex, challenging and of the most significant order. During the debate, members have described these issues as matters of life—life giving and life sustaining—and of death. These are questions that should not be determined by a conscience divided. I encourage you to support this motion to divide the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) into the separate Prohibition of Human Cloning Bill 2002 and Research Involving Embryos Bill 2002.

**Mr SCIACCA (Bowman)** (10.03 a.m.)—I rise to second the motion of the honourable member for Dunkley to split the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). I do so on the basis that this a conscience vote. This is a very historic debate—certainly the first one I have ever been involved in where a conscience vote has been allowed. The quality of the speeches made in this debate, over a period of some days now, shows how much each member has thought about this issue, and how much people think in an ethical way and consult their own conscience as to what this

is all about. I think there have been some very good contributions.

To not allow this bill to be split would mean that many of us who oppose the second part of the bill would be placed in a position where we would have to oppose the first part of the bill, to which we all agree. We who oppose the second part of the bill—that is, the use of surplus IVF embryos for embryonic stem cell research—know the numbers. I can count; just from what those who have spoken have said I can tell where people are going to go on this, and it is obvious that the bill is going to be supported by the majority of the House. That is fine; that is democracy. But I say to those who support the bill: take the same tack that the member for Dunkley is taking—where he himself says that he will be supporting the bill—and give the rest of us, who in conscience cannot agree with this bill, the opportunity to exercise our vote to say, ‘No; we will have no part of anything to do with the possibility of human cloning.’

I say that on the basis that this has been a difficult debate. I have had no difficulty with it, I might tell you; I knew from the word go what I was going to do. But I know that a lot of other people in this House have found it very difficult. Many of them, apart from the member for Dunkley, have said that they would like to see the bill split even though they will be supporting it. I particularly urge those colleagues on this side of the House who have stated that in their speeches to do just that: allow the bill to be split. If you vote the other way, that is fine. I have no problem with that; that is what it is all about. But at least give those of us who are against the second part of this bill the opportunity to say, ‘We do not agree with human cloning in any shape or form.’

**Mr GEORGIU (Kooyong)** (10.07 a.m.)—I just want to make a few comments on the motion moved by the member for Dunkley. My position on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) is pretty straightforward: I am in support of the bill as a whole. I support the ban on human cloning and I support the limited research which the bill allows on excess IVF embryos. I believe that the bill is a measured and balanced response to the

enormous scientific developments in the area which pays the necessary regard to the important ethical issues raised by research in this area. So voting for the bill as a whole presents no dilemmas for me. Nonetheless, there are a number of members who support the ban on cloning but oppose the bill's provisions on stem cell research.

I believe that it is important to be able to vote in different ways on these two distinct issues. Forcing members to vote on the bill as a whole seems inappropriate in the present case where there is a free vote. I am also concerned that we not give the Australian public a distorted view of what I understand to be the parliament's overwhelming rejection of human reproductive cloning by forcing those who oppose stem cell research to also vote against the prohibition on human cloning. Accordingly, I will be supporting the motion.

**Mr STEPHEN SMITH (Perth)** (10.08 a.m.)—The opposition supports the suspension motion moved by the member for Dunkley, and it does so because that will subsequently, when the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) is returned from the Main Committee, enable a substantive vote to be taken on whether or not the bill should be split. So the opposition support the suspension, but our support for the suspension is of course subject to conscience votes, which members on our side have, and therefore individual members may or may not choose to support the suspension motion.

I think it is important that all members understand that, if they do oppose the splitting of the bill, this is their opportunity to speak on it because, when we come to a substantive vote when the bill itself is considered, my reading of 'suspension' in the standing orders is that that vote will be taken without debate. So this is the only opportunity that members have, if they are opposed to the substantive splitting of the bill, to speak. So if you are opposed to the splitting of the bill, speak now or forever hold your peace!

This may well be a difficult speech, because I support the suspension moved by the member for Dunkley to enable a vehicle to

be provided for the substantive decision, but I strongly oppose the substantive splitting of the bill, and I would like to make some remarks in that respect. The Labor Party oppose the splitting of the bill; the opposition oppose the substantive splitting of the bill. We believe that all the issues, including those issues which go to strongly held conscientious beliefs, can adequately and appropriately be dealt with by the consideration of the bill without the need for it to be split. Again, so far as that substantive issue is concerned, on this side a conscience vote will apply, so there may well be members—and I am sure the member for Bowman will be one of them—who will support the substantive splitting of the bill.

Why does the opposition believe that the bill in substance should not be split? Firstly, the issue of conscience goes to whether or not stem cell research ought to be allowed on spare and excess embryos for IVF purposes. On my reading of the debate in the House and the Main Committee, almost without exception every other measure in the bill is either supported in substance or supported with a reservation as to technical efficiency. And so the bill as drafted and as presented by the Prime Minister does not impinge upon the capacity of the House to deal with that issue. It does not, in my view, impinge upon or restrict or in any way inhibit the conscience of any individual member of this place. That substantive question can be dealt with, supported or opposed, so far as the bill is concerned, by the one bill—the bill as presented.

That is the first substantive reason. The second substantive reason, in my view, goes to a respect for the Council of Australian Government processes. This is an attempt to ensure we have uniform national law in respect of stem cell research. The danger of splitting the bill is that it does not respect or reflect the COAG agreement. The third point of substance or reason why the opposition in substantive terms opposes the splitting of the bill is that when you examine the detail of the proposal moved by the member for Dunkley you will find differing provisions applying to the two bills. The bill as presented, for example, sets up a process or

proposal for review. The opposition's view is that that review process should apply equally to the two aspects of the bill. And it is better, to reflect the substantive decision of the COAG agreement and to enable an orderly processing of the review, that the bill be considered in an intact form by the House.

When you go back to basics, given that we are dealing with a matter of conscience, the most important reason, in my view, why the bill should not be split is that the bill as presented to the House does not in any way impinge upon the capacity of members of this place to make a substantive judgment, a conscientious judgment, to express a conscientious view or belief about whether or not stem cell research ought to be allowed for therapeutic purposes on spare or excess embryos procured for the purposes of IVF.

Whilst the opposition supports the suspension motion moved by the member for Dunkley to subsequently enable the House to determine whether the bill should or should not be split, when it comes to that vote the opposition will oppose the splitting of the bill. As I earlier urged my colleagues, if they are, in substantive terms, opposed to the splitting of the bill, which would be effected by the logical conclusion of supporting the member for Dunkley's motion, now is their opportunity to speak and they should do so now. The opposition will support the suspension motion. When it comes to the substantive consideration of the division of the bill, when the bill returns from the Main Committee, that will be opposed by the opposition.

**Mr CADMAN (Mitchell)** (10.14 a.m.)—I appeal to my colleagues to allow the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), if it is within their conscience to do so. I understand what the member for Perth has said about the position of the Australian Labor Party and I can understand the reasons behind that. However, like some of your members who have difficulties with parts of this legislation, I would be in a position of opposing the whole lot, yet I do not think there is a member in the House who seriously supports the concept of the cloning of humans. To force some of us into a position of rejecting that

part of this significant legislation would do a disservice to the House and to the members of parliament who hold strong views on these matters.

I refer members of the House to the remarks just made by the member for Perth. I point out to them that, as I understand it, the legislation does not propose that there should be a review of the cloning section but of the latter part, the research aspect. Maybe the minister or somebody else can clarify that, but my opinion is that the review process outlined in the legislation applies only to the research aspects, not to the cloning aspects. I do not think that any member of this House would want those ethical matters to be passed over to any organisation outside this group—to COAG or anybody else—but would want the parliament to make decisions on cloning and to deeply consider some of the material that it is proposed be banned by the first part of the legislation.

Let me outline the unacceptable practices that would be banned under the prohibitions. The prohibitions in the cloning section of the legislation apply to the creation of a human embryo clone, the placing of a clone in a human or animal body for the purpose of reproductive cloning and the import or export of a human embryo clone. Also, it is no defence to create a nonviable clone. Those are the sections of the cloning provisions that are being addressed by the motion moved by the member for Dunkley. They should be dealt with by this parliament and, if reviewed, should still be dealt with by this parliament. They should not go off to the National Health and Medical Research Council or to COAG for consideration. They need to be clearly separated from the research aspects of the bill on which I know there is great division of opinion.

I appeal to members of the Australian Labor Party—an overarching, semi-official position is held by the party—to assist the House so that we, as a parliament, can move ahead and do the reviews ourselves. If, as I believe, the review is not covered by this legislation and the cloning section stands on its own, then that should also be considered on its own. I believe that there is a good argument why the House should not consider

this bill as a whole—that is, simply, so that we can preserve our rights to control the ethics of these important issues. Whatever the outcome, whatever the result of a vote in this place, the parliament—the people’s representatives—have expressed their views on this, and that is what the Australian people want. They do not want us to pass off these great ethical issues to a group of premiers meeting or to another body. No matter how august or good the reputation of the National Health and Medical Research Council may be, the Australian people want us to make decisions on matters of cloning and on other areas as well. We should not walk away from our responsibility. A review of the issues of cloning—the ones I have described—cannot or should not be abrogated.

I remind the House of the unacceptable practices in the cloning provisions of the bill. If this motion is defeated, I will not have the opportunity of underlining and emphasising them. One of the unacceptable practices in the cloning provisions is to create a human embryo by a process other than fertilisation; that is, to take the nucleus out of the human embryo and put something else in there. It was done with Dolly the sheep. Surely the House would not want that provision passed off to an expert body to let some expert body make a decision on that. We should be responsible for those decisions.

Other unacceptable practices are: to create an embryo for any other purpose than reproduction; to create an embryo by cytoplasmic transfer—that is, from more than two parents; to create or develop an embryo beyond 14 days; to use precursor cells—that is, immature gametes—to create an embryo; and to alter the genome of a human cell in such a way that the alteration is heritable. All these issues are dealt with in the first part of the legislation. I strongly believe that this House needs to stay in control of those issues. Further, to collect a viable embryo from the body of a woman—that is, embryo flushing; to create a chimeric or hybrid mixture of species using a human as part of that; to place a human embryo anywhere other than into a woman’s reproductive tract—including an animal—or to place an animal embryo into a human.

These are the things we seek to ban, to stop. The review of this process needs to come back to the parliament. Therefore, this bill needs to be split. If we split the bill, clearly, any thought of a review being conducted by an outside body would be removed. The review must come back here because, if we ban cloning, in order to change that ban, there has to be an amendment or a change to the legislation. It must be very clear cut in the legislation that the banning of cloning stands on its own. Any review must come back to the parliament. It is as simple as that.

Let us deal with the research aspects of the legislation separately and have our votes and our amendments on that separately. If it is the intention of our colleagues on the opposition benches that we should stand as a parliament, we should do so. We should not let a party decision cloud the need for the parliament to make a decision on these cloning aspects, because I think they are too important for us to hand over to anybody else.

I conclude by drawing the attention of the House to the final matter that is an unacceptable practice in the cloning legislation—that is, to commercially trade human eggs, sperm or embryos. That is something that every member of this House would not want to see happen. I appeal to the House to let us exercise our full responsibility on behalf of the people of Australia to keep within our own control the review of the cloning measures. We can only do that, I contend, if we allow the bill to be split: allow that portion to be dealt with separately—to make sure there is a strong message to the people of Australia—and allow the research aspects to be dealt with in a separate piece of legislation.

**Mr SWAN (Lilley)** (10.23 a.m.)—I am supporting the motion for the suspension of standing orders so that we can have this debate. This will be the only opportunity to have a substantive debate as to whether the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) should be split. Everybody should be very clear about this. If you want to oppose the splitting of the bill or support the splitting of the bill, you should be speaking now, but what we are actually

voting on is a technical matter to have that discussion. The substantive vote on the proposition comes later; everybody has to be very clear about that. Now is the time to speak. On the question of whether the bill should be split or not, I am opposed to the splitting of the bill and I want to take a few minutes to explain why.

I appreciate the spirit in which these matters have been debated and in which I hope they will be debated today. The way in which they have been debated in the Main Committee reflects great credit on the parliament. I, of course, would have preferred them to be debated on the floor of House. Nevertheless, even though these matters were debated in the Main Committee, this has been a debate which has brought great credit to the parliament, as it has been debated in a way in which I think the public would like many more matters to be debated in this House.

On the substantive question of whether the bill should be split, I oppose the splitting of the bill, because it will remove the procedural safeguards and standards and, in fact, may be counterproductive to the objectives of those that are proposing the splitting of the bill. Effectively, the splitting of the bill would destroy the national framework that COAG has put forward and would produce state by state chaos. Effectively, we would be destroying the regulatory framework that everyone on both sides of the debate thinks should be in place. In that sense, the splitting of the bill is counterproductive to the objectives of those on both sides of the debate, in my opinion, but I do respect the opinions of those who do not have that view.

I think this device of splitting the bill is counterproductive for everyone in this debate. The objectives of those that want to split the bill, in my view, would be better achieved when we get to the consideration in detail stage. Simply cutting the bill in half is completely counterproductive to the objective of a regulatory framework, which is absolutely essential in this area. For those reasons, I oppose the splitting of the bill. I say to those who oppose the bill: you should really be moving your propositions at the consideration in detail stage, not here, be-

cause splitting this bill is counterproductive to any national framework in this area.

**Mr BARRESI (Deakin)** (10.27 a.m.)—I rise to support the motion moved by my friend the member for Dunkley and supported by the member for Bowman on the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). Throughout this debate, one of the things that has struck me—and other members, as I have noted from their speeches—is the heartfelt way that members have come to this debate and the sincerity and the consideration they have shown in their speeches. A lot of members have come to this with great difficulty, wrestling with their conscience, with their Christian ethics in some cases and with issues of morality. I know that in a number of cases, including my own, it was a fine line as to which way we would go on the bill. I am sure that those who, like me, have fallen on the side of supporting the bill would have liked to have known that, if they had fallen on the other side, an opportunity would have been afforded to them to vote against the human cloning aspect of this bill.

In my own conscience I cannot not support the splitting of the bill, because of the goodwill that has been shown already. That goodwill needs to be extended. We have all demonstrated that throughout our speeches; let us make sure that the atmosphere, the cooperation and the sense of approaching this with great consideration continues in this substantive motion. It is a historic moment, and I take note of your comments at the beginning, Mr Speaker, about the previous attempts to split bills. The member for Dunkley has rightly pointed out that, in the past, some of those attempts may have been based on political motivation. This is very much one that is based on a conscience decision and, therefore, needs to be supported.

The member for Lilley and the member for Perth have both referred to their concern that the review mechanisms may be lacking or in jeopardy if we split the bill. I understand that the advice we have received from the Office of Parliamentary Counsel is that the effect of new clause 55A would be that existing part 4 would apply in exactly the same way to the Prohibition of Human

Cloning Bill 2002 as it would to the Research Involving Embryos Bill 2002. According to the advice that we have received from the Office of Parliamentary Counsel, this means that inspectors could exercise powers under both bills in relation to licensed premises. That review would take place. The fear and concern about the review mechanism expressed by the member for Lilley and the member for Perth is not there. I also note in correspondence from my good friend the member for Menzies, the Minister for Ageing, to the member for Dunkley, that he said:

The COAG agreement expressly states that the prohibitive practices will be comprehensively reviewed within three years of nationally consistent legislation taking effect as well as reviewing the licensing mechanisms. This will mean that the bills' provisions ensure that their review mechanisms operate in both bills and concurrently.

I do not see where the fear lies for those members on the other side who oppose the splitting of the bill. I say to all members that, once again, there has been a great deal of cooperation, a great sense of national contribution to this debate. There are a number of us who have fallen in the middle and had to move one way or the other to make a final decision. Let us continue that goodwill. Let us not disenfranchise those members who strongly oppose the human cloning aspect of the bill. Let us allow them to exercise that vote. This will send a strong message to all medical researchers. I am not enamoured with some of the medical researchers out there, particularly not within the last 48 hours. Let us send a strong message to those medical researchers that this parliament totally disapproves of human cloning. Let it be an unambiguous statement from the national parliament to all our medical researchers.

**Ms ROXON (Gellibrand)** (10.32 a.m.)—I too speak in support of this motion to suspend standing orders, but I will be voting against the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). I must say that the other speakers on this side of the House have already made it clear that we appreciate the reasons for people wanting to do this. We respect those reasons, but it is very important that this bill actually stays as a whole not just

for the reasons already put by the member for Perth and the member for Lilley about the importance of us having a national scheme with some integrity but also because the sections in the two parts of the bill fundamentally affect each other. It is a nonsense, I believe, to say that you can separate out the prohibitive and regulatory parts of the bill from the permissive parts that relate to the research. I want to make sure, if we are going to allow research on embryonic stem cells and the use of excess IVF embryos, that the very tight provisions in the other parts of the bill are going to inform the boundaries of that research. One of the most important parts of this bill is that we are going to be able to restrict the inappropriate activities that we have seen occur in other parts of the world and we want to make sure do not happen here.

I do not believe that the splitting of the bill would make clear that those two parts of the current bill relate to each other. A view that we allow research on excess IVF embryos for creating or obtaining embryonic stem cells must go hand in hand with the restrictions that we want to, appropriately, put on that research. I fear that, although it is with the best intentions, the splitting of this bill will put at risk the relationship between the permissive parts of the bill and the appropriate regulation that we want to go with it.

I very strongly urge members to think seriously before they support the splitting of the bill. As I say, I understand the motivations for doing it. I understand that some people would like to vote for the prohibition of human cloning and against the use of excess IVF embryos. I appreciate that that is a strongly held view. However, in this House, day in and day out, we are asked to vote on pieces of legislation when we do not necessarily like all parts of that legislation. We do not have a system where we can split each provision and each bill down a line that we like every time. People have to make a judgment and weigh up the views that they may have. I think that is a reason many people want to support this bill even though they may have some reservations about the use of excess IVF embryos. It is important that we

keep the two parts of the bill together to ensure that any allowance or any use of excess embryos be properly and tightly regulated as this bill proposes. So I support the suspension of standing orders. I understand the motivations for moving to split the bill, but I urge that people vote against the splitting. I look forward to the rest of the debate.

**Mr MURPHY (Lowe)** (10.35 a.m.)—I too support the suspension of standing orders. I will support the motion because I believe there has to be separate consideration of and concentration on the two elements of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). What we are dealing with here this morning is research involving embryos—which, curiously, is the lead in to this legislation—and the prohibition of human cloning. As someone who sat through the two years of the cloning inquiry chaired by the now Minister for Ageing, Kevin Andrews, and heard all the evidence, I can say that there would not be one rational person in this country, indeed in the world, who would support the cloning of a human being. Unfortunately, there is a mad scientist in Italy who is promoting the cloning of a human being. Because this is such a serious ethical issue, I think there has to be a clear debate.

Whilst I have heard the comments by my colleagues the member for Lilley and the member for Gellibrand—who was also on that two-year inquiry—that they believe the bill should not be split, I cannot agree with them, because I do not believe that the legislation would be in any way weakened. In looking at human cloning and embryonic stem cell research, we know that from experience in recent years—with the cloning inquiry and other research around the world—the ground is constantly shifting under our feet.

Sadly, in the last couple of days, one of our most prominent promoters of this legislation, Professor Trounson, has had his reputation discredited. I would be the first person to stand in the House and give him great credit for what he has done in terms of IVF and providing children to otherwise childless couples. He deserves great credit for his pioneering work in IVF. But I have

real trouble and real problems with my conscience, having sat through that cloning inquiry and having heard the evidence of Professor Trounson, and I am questioning his motivation in promoting this legislation as it stands before this House. He seems to be driven by the economic imperatives of and the commercial gain from the work that he is doing. We have to deal with this very seriously because it seems to me that the next step in the research will be the scientists pushing for therapeutic cloning. That is a euphemism for destroying an embryo—a human being; we were all once embryos—in the name of science. My conscience tells me that that is wrong.

I am very pleased that the people of Australia, who have taken a great interest in this debate, are able to hear what we have to say and know that we are all unrestrained because we are all guided by our consciences. I am not going to put my conscience against anyone else's conscience, but I think this is a great day for the parliament in that we can speak from our hearts and our minds. We see these very complex issues very differently. I was a great critic of the government for allowing this legislation to go to the Main Committee and for those speeches to not be made available to the people of Australia, so that they can truly understand what this issue is all about.

Clearly, this legislation has been driven by the scientists. Kevin Andrews and I know that. We listened to them for two years. But some of them have been dishonest with us, haven't they, Minister? They have been dishonest with us. I think the people of Australia have to know that, because there has also been selective reporting in the media. I give great credit to Dennis Shanahan for the other day exposing the crippled rat video. I listened to Professor Trounson on ABC radio this morning, and I do not believe he did not know what he was saying when he used that video and that experience to try to influence the way we think and to influence my conscience—

**Mrs Crosio**—It's a matter for debate.

**The SPEAKER**—Member for Lowe, I think this is understood by all members: I have been very tolerant to all members, but

you have an obligation to address the splitting of the bill and the suspension of standing orders. The current motion is about the suspension of standing orders, which is the vehicle for splitting the bill. Clearly, matters for debate such as those you have engaged in for the last five or seven minutes need to be more closely focused on the splitting of the bill. You have the call; I am merely indicating to you that the latitude the chair has extended to all members has been a little overtaken by your remarks.

**Mr MURPHY**—I am grateful for the chair's advice, and I will conclude. I feel very strongly about this legislation, as the House knows.

**Mr CAUSLEY (Page)** (10.42 a.m.)—I will not take up too much of the time of the House. I have listened carefully to some of the speeches of those opposed to the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), and I have indicated in my speech that I support the splitting of the bill. As the member for Deakin said, this issue is a very difficult one, and many of us have thought long and hard about it. I made it clear where I stand: I support the bill as it stands with the safeguards as they are, particularly with the safeguard about the age of the embryo that is going to be used in research.

However, I do not believe that the arguments being put forward have foundation. First of all, the members opposite are arguing that, if you split the bill, somehow you will remove safeguards of one or the other part of the bill. My understanding is that, if you are going to split the bill, you will end up with two separate bills. It is not beyond the wit or the intelligence of people, if they believe there are safeguards removed by doing that, to move amendments to put in the safeguards that are required. I would support any of that if there were safeguards needed; it is not a reason to not split the bill.

The other argument that is being progressed is that somehow we are not complying with COAG. COAG is a great advancement in Australia, as far as the state and federal governments are concerned, in trying to get some sensible legislation that is somewhere close to being the same across Aus-

tralia. But, at the end of the day, the states are sovereign states. Each parliament will decide—and, possibly, on a conscience vote in an instance like this one—what legislation that state will adopt. Some of the arguments do not have foundation. I believe the bill should be split, and I believe those who have a very strong view opposing what I might believe should have the right to express that in a vote in the House.

**Mrs CROSIO (Prospect)** (10.44 a.m.)—I would like to put my feelings on the record over the procedure we are adopting in this House to deal with this particular debate. I understand and appreciate everyone who has spoken very emotionally today, but what we are seeking to do through a private member's motion is split the Prime Minister's bill, the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), and that is quite unique, I believe. We had an occasion where a very important piece of legislation was introduced by the Prime Minister into this parliament. Debate then proceeded. People on both sides of this House have been granted a conscience vote, which is as it should be. But more importantly, a certain group of people within the House thought that they would like to support one part of the bill and not the other. If that were the case, I personally believe the Prime Minister and the government should have sat down and redrafted their own piece of legislation. If that were to have occurred and been carried by their party room, that redrafted piece of legislation would have then been resubmitted to this parliament by the Prime Minister or his representative, stating that they had had concerns raised from debate, members of parliament and the community as to how this piece of legislation was constructed. The Prime Minister or his representative should have then moved an amendment to the bill in this House.

What we are seeing today, with this suspension of standing orders, is the right of a private member—which is fine—to come into the House and divide the House on a procedure which should really have been tackled by the leadership. I believe that to have a procedure such as this take place on the floor of the parliament when it is a gov-

ernment bill being discussed and divided on, as a result of a government private member's motion, is quite extraordinary. I am really saying that how people vote is up to them. I respect everyone for how they are going to vote. I respect their consciences and I respect the fact that it is a very emotional issue.

What I do not respect is the right and the procedure on which this debate is occurring at the moment. It should not have happened. There should have been some integrity and leadership. We should have had the government stand up to be counted, whether it was in the party room or this parliament. That is the way the procedure should have been done. I believe that and I believe a lot of my colleagues on both sides of the House would agree. I do not believe, as a leader or a Prime Minister, that you should pander to a certain group in your party room to try to win them over and then give them the facility by which they can stand up to be counted. If we are going to have a bill labelled 'the Prime Minister's bill' introduced by the Prime Minister in this parliament, then any amendments or the splitting of that bill should have been moved in this parliament by the Prime Minister. I feel that I have to have that on the record because that is what I believe.

**Mrs GALLUS (Hindmarsh—Parliamentary Secretary to the Minister for Foreign Affairs)** (10.47 a.m.)—Let me first address the comments made by the Opposition Whip as totally and utterly inappropriate. She is certainly taking a two-party stand on what is a conscience bill and has nothing to do with the two parties in the parliament. The Prime Minister, in allowing this debate, has gone forward in exactly the way he said he would, which is to allow a conscience vote. If he were to take it back and say that he will rewrite or not rewrite the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002** and insist that everybody on the coalition side follow it, then it would not be a conscience vote. The Prime Minister has done exactly what he promised to do, and I think the whole House should applaud the way he has handled this bill. I dissociate myself from any of the Opposition Whip's comments.

I will be supporting the suspension of standing orders to allow a vote on the splitting of the bill. But I will be voting against the splitting of the bill, as a result of a number of issues that have been raised. First of all, the basis of the COAG agreement was that both bills were to be discussed together—this was the COAG communique on the bill. They were never intended to be considered as separate bills; they were to be considered together. If the bills are separated then we have the chance of inconsistent legislation between the states, territories and the Commonwealth. I do not think that would be acceptable to anybody in this House. What we need in this nation is consistent legislation, and splitting the bill will not bring forth consistent legislation. It has been raised that to review the bill, as is specified, we need both bills to remain as they are and not be split. However, the member for Dunkley has suggested that the bills can be reviewed if they are split. Obviously, they can be, but the review was set up to look at these two aspects in conjunction: the way that embryonic stem cell research impacts on cloning and the way that cloning impacts on embryonic stem cell research. So it makes absolutely no sense to split the bill, and by doing so we are going to cause more trouble for this parliament and, indeed, a lot of inconsistency around the nation on this issue.

**Mr GAVAN O'CONNOR (Corio)** (10.50 a.m.)—I rise in the House to support the suspension of standing orders motion. I have listened to the debate on the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002** in the Main Committee and the House with great interest. One thing, of course, that is apparent to all members is the divergence of views that have been expressed by members on aspects of this piece of legislation. I think if you were to read those debates, you would find that members fall into basically two broad categories: those who oppose cloning, support adult stem cell research and support research on embryos and those who oppose cloning, support adult stem cell research but oppose research on embryos. There is a degree of unanimity in the House, but there is a degree of difference on the essential element of this legislation

that has been determined to be the focus of the conscience vote.

I ask members who are opposing the splitting of the bill to think very carefully about the great principle that has been articulated in this debate: the conscience vote. We need to pause and reflect on the role of this House of parliament in these great issues of moment before the Australian people and members in this chamber. These particular debates serve to reinforce the role of the parliament as the pre-eminent forum for debate and discussion in the Australian political context. We have been at the mercy of the executive for decades, and it is only on very special occasions that the parliament—in various guises, shapes and forms—reasserts its primacy in the political life of this nation. I think this is one such occasion. In splitting the vote on this particular bill, the true wish of the Australian parliament and the people elected to it will be reflected in the votes.

All of us have read the contributions of members both in the Main Committee and in this House. Those who can count pretty well know where the numbers may fall in this House. The essential element now is to give expression to the very thing this parliament counts as important in this debate: the conscience vote for members on that contentious aspect of the legislation where there is a real divergence of view. There is a general agreement among members opposing cloning. If the bill is not split at the next stage then some members will be forced into a position, under the terms and conditions of this debate, where they may well be asked to vote against a particular aspect that they agree with—that is, the prohibition on cloning. I would ask members who do support the prohibition on cloning and who do support adult stem cell research and research on embryos to give real consideration to what the conscience vote means in the context of this debate.

The honourable member for Page from the National Party, who made a contribution here—and who is now the Deputy Speaker in the chair—pointed out that it is not beyond the wit of state legislatures or this federal legislature to come up with a legislative framework that gives expression to the views

state premiers expressed in their parliaments and in the public arena. It is not beyond the wit of the federal parliament to engage in a procedure which—and this is a very important bill to all members, as is the principle enshrined in it and in the votes that are going to be taken—would result in a true expression of where we know members sit on the contentious aspects of the bill and on those aspects of the bill where there is almost unanimous agreement. I ask members to reflect on this: doomsday is not going to occur if you split this bill. There is going to be a legislative framework that gives expression to your views which will emerge from the federal legislation and the state legislation that will follow. There will be a review process that is real, meaningful and tight and that seeks to corral the practices that we all agree should be prohibited at this stage.

I do detect in the discussion that has taken place on this bill that, while there are members who do support the research on embryos, they have pointed out the need for this research to be tightly and legislatively controlled. They believe—as I believe and as I think as all members believe—that even if we permit the scientists to engage in research in this particular area then we need to corral them in a legislative sense. That is implicit in all of the debate that I have heard here. It is not a question of allowing research on embryos and a free-for-all for the scientists. Implicit in the legislation that is before the House is a deep concern that scientists cannot be trusted with the research on embryos.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—The member for Corio would have heard what the Speaker informed the member for Lowe: this is not a debate on the bill itself but on whether the suspension should be agreed to.

**Mr GAVAN O'CONNOR**—I will conclude on the central point that I made. We have all listened to the debate; I think we know where each member stands on this legislation. To split the bill would give a true and accurate reflection of the will of the House on this very important issue.

**Ms PLIBERSEK (Sydney)** (10.59 a.m.)—I rise today to support the suspension but to register my opposition to the amendment to

split the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**. We are called upon in this place to make difficult decisions all the time. When those difficult decisions are placed before us, we think about them, talk to people, take expert advice, read material and then think about them some more. At the end of that process, normally what we come up with is a compromise; it is not a solution that suits every person involved in the decision. It is always a compromise.

There are always people who do not agree with every provision in every piece of legislation, and the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002** that is before us is no different. It has been discussed with the states at the COAG meeting; we have come up with a workable, measured, balanced response. It is a national response that all of the states can live with. I think everyone agrees that we do not want two, three, four or five different regimes covering this important area. With the understanding that this is something that is not perfect—as no piece of legislation is perfect—but is something that we can live with, I think it is vital to keep this legislation intact.

People who are saying that the bill should be split are trying to say that they do not want to be misunderstood. They fear that if they vote against the legislation people will imagine that they support human cloning. That is absolutely not the case. No-one imagines that the people who are voting against the bill are voting against it because they support human cloning. In every piece of legislation, during the debate each member of the House of Representatives has 20 minutes to get up and put their view on the record. And when they put their view on the record, as I have often done—I say, ‘I will be voting for this piece of legislation but I have some grave concerns, and my grave concerns are these’—there is nothing preventing anyone in this House standing up and saying, ‘I will be voting against this legislation because I do not support embryonic stem cell research. However, I must inform the House and I want to inform the Australian public

that I also oppose human cloning.’ It is not a difficult thing to do.

We have example after example of legislation where part of it suits us and part of it does not, but we have to vote for the whole of the legislation because not to vote for it would have worse consequences than voting for it. One example of that is school funding. We are often called upon to support big increases to wealthy private schools that do not need extra funding in order to get small increases for public schools through this place and through the Senate. I have a moral view that it is wrong to support those big increases to wealthy public schools. However—

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—This has got nothing to do with the bill, member for Sydney.

**Ms PLIBERSEK**—Mr Deputy Speaker, it does. I am explaining to you the principle that we would often prefer—

**The DEPUTY SPEAKER**—The suspension is about the division of the bill, so that is what the debate is about.

**Ms PLIBERSEK**—I am saying to you that I am grateful for this suspension because this suspension allows me to put on the record that I would often prefer to split bills to support particular parts of them and not support other parts of them, but I do not have that luxury, and I do not believe that anyone imagines that anyone who votes against this embryonic stem cell legislation supports human cloning. I think this is an attempt by those people to be able to go back out into their constituencies and say: ‘See how hard-line I am. I am mucking around with the bill to delay this, to derail the process.’ I do not think this House should allow that, and consequently I will be voting against the splitting of the bill.

**Mr HUNT (Flinders)** (11.03 a.m.)—I support the motion to suspend standing orders and, if that is agreed to, I will be supporting the amendment to split the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**, as moved by my friend and colleague the member for Dunkley. I am proud to have been in this House during the course of this debate because of the goodwill shown, and I believe the motion put by my

friend the member for Dunkley builds on that sense of goodwill. Whilst I support embryonic stem cell research, I will support the splitting of the bill for three reasons. The first reason is that it allows the unique opportunity for the members of this House to express unity in opposition to human cloning. The second reason is that, by establishing a bill which of and in itself expressly prohibits human cloning, it does not weaken the message; it strengthens the message. The third and I think most important reason is that, for those members of this House who wish to oppose human cloning but are unable to do so directly, the act of splitting the bill allows them to express their conscience. In so doing, we take all the good features of this debate and we highlight them, strengthen them and give greater weight to the notion of conscience which has underpinned and underlined the carriage of this debate.

Very simply, I support the splitting of the bill on the brief question of whether or not it affects the integrity of the very good work carried out by COAG. I think there is very clear evidence that it does not undermine that. That has been assessed on three occasions. The parliamentary council, the NHMRC and the Minister for Ageing, Kevin Andrews, have all looked at the question of whether or not the substantive elements of the original COAG agreement are undermined by the splitting of the bill, and the answer on each occasion has been no. I support the suspension of standing orders, and I will support the motion to split the bill as presented by my friend and colleague the member for Dunkley.

**Mrs IRWIN (Fowler)** (11.05 a.m.)—I support the suspension motion but I will not be supporting the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). When the House considers the question of splitting the bill, the first thing we should remember is that this is not a matter of Commonwealth law only. The bill that was brought to this House enacts the agreement of the Council of Australian Governments. This is the national position as distinct from the position of the national parliament. We have an agreement by the states, the territories and the Com-

monwealth on this package of legislation. It is not a smorgasbord that we can pick and choose from; it is a total package. If this bill is split and all or part of the bill is defeated, it will not be binding on the states. We have to remember that it will not be binding on the states. What we could be left with is the situation where one or more states could allow the very things that some members in this place would oppose. Any subsequent legislation may set out the Commonwealth's position but that would be limited by the powers of the Commonwealth which may—as it is in the United States—merely lead to the Commonwealth cutting funding for research in these areas. Privately funded research could still be carried out in states that allowed that research.

We have seen strong support for this legislation from all states, and we would be foolish to think that this parliament alone could prohibit this research in Australia. Like it or not, this parliament cannot prevent a sovereign state within the federation from allowing stem cell research—or human cloning for that matter. What we have in these bills as a whole is a package agreed to by all states and territories. But let us look at what could happen if this bill is defeated. Laws in some states could continue to allow this research. Only by passing legislation banning this research in all states will there be any effective prohibition. As we saw with the Andrews bill on euthanasia, which we all remember, its effect was on only the territories. That bill affected only the territories of this country. The states are free—remember this—to make their own laws in these matters.

I think some members have been carried away with the opportunity to cast a conscience vote on this issue, but we need to remember that we are making laws for the whole nation, and that requires us to look at these measures from the point of view of not just what we as individuals would like to see but what can be achieved through a consensus of this parliament and the parliaments of the six states. That is what we have in the agreement by the Council of Australian Governments. That is the real issue before this parliament. We can express our personal

positions on this bill, and we can indicate in the debate and in the way we vote how we as individuals feel, but we would be kidding ourselves to think that we will be having the final say on this matter. I urge all members to vote against the splitting of this bill.

**Mr PYNE (Sturt)** (11.09 a.m.)—In this debate, there have been 105 speakers, and it has been a high-quality debate.

*Mrs Irwin interjecting—*

**Mr PYNE**—I have not already spoken, member for Fowler.

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—Order! I would not have given him the call if he had.

**Mr PYNE**—If you were following the process, I spoke earlier on the suspension of standing orders by the Leader of the House.

*Mrs Irwin interjecting—*

**Mr PYNE**—I accept the apology of the member for Fowler. There have been 105 speakers on this debate in the Main Committee and in the chamber, and it has been a high-quality debate. But the current arrangements for this [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) are a perversion. For those people who, like me, support a ban on cloning and oppose embryonic stem cell research, the current bill would require them to vote in favour of allowing cloning by voting against a ban on cloning at the end of this debate.

I am sure that, when COAG considered this matter of human cloning and embryonic stem cell research, they assumed that, with the Commonwealth and the states being in agreement, the bill would pass the House—that it would present some controversy but would not place people in a difficult position. In hindsight, the COAG agreement was always going to place people like me and many others in the absurd position of voting against embryonic stem cell research by voting against the bill but then supporting cloning by voting against the ban on cloning. I am sure that, if COAG had thought more carefully about the proposition they were putting to the parliament, they would have suggested two separate bills which achieve the aims of the agreement but do not put people in that perverse position. There is no

tactical advantage for those people who oppose embryonic stem cell research in splitting the bill into two separate bills. Whether there are two separate bills that do exactly what they set out to achieve or one bill that encompasses both issues is entirely irrelevant to the process of whether the bills pass or fail in the House. Either way, there is no tactical advantage.

My colleague the member for Dunkley, with advice from many quarters—and he has consulted very widely—has ensured that the two separate bills do exactly what the whole bill sets out to achieve, which is a ban on human cloning and the restricted use of embryos for the purposes of destructive embryonic stem cell research under licensed conditions with the reviews that were intended by COAG. Therefore the two separate bills stand alone without any suggestion that, by splitting them, something has been lost between lip and cup, for want of a better expression.

Having two separate bills would achieve exactly what COAG set out to achieve, whether or not one supports the COAG agreement. And I do not. I oppose cloning quite passionately; I am in favour of a ban on cloning. Let me place that on the record right now. I utterly oppose human cloning. I support a ban on cloning. I place that on the record so determinedly because, if the bill is not split—

**The DEPUTY SPEAKER**—That is not to the point of the motion before the House.

**Mr PYNE**—Mr Deputy Speaker, I am talking about the splitting of the bill. If the bill is not split, the difficulty is that I would have to vote to stop a ban on cloning. I want to make sure it is on the record from the beginning that I do not support cloning. I oppose embryonic stem cell research, and I want the opportunity to vote against embryonic stem cell research by voting against the separate bill.

There is nothing lost by those members of parliament who are in favour of embryonic stem cell research extending to their colleagues the courtesy of allowing them to vote on two separate bills, because they find themselves in the luxurious position of being

able to vote yes to a ban on cloning and yes to embryonic stem cell research. If that is what their conscience determines they should do, then that is their choice and good luck to them. However, people who, like me, find themselves in the position where they want to vote yes to a ban on cloning and no to embryonic stem cell research cannot do so under the current arrangements as they have been set up by the original bill. It is really a matter of courtesy for the House and my colleagues to allow those people who feel so strongly about embryonic stem cell research to express their consciences unfettered by concerns about having to vote against a ban on cloning.

There have been a number of speakers on this bill so far, and a number of claims have been made which I would like to deal with. One is that the member for Lilley said in his speech that this was a device. If it is a device, it is not a nefarious device. If it is a device, it is a device to allow a real conscience vote. I think you made that point in your contribution, Mr Deputy Speaker. The idea that this is a device to help opponents of embryonic stem cell research to defeat the bill is a red herring and a furphy created by the Premier of New South Wales and, unfortunately, followed in this House by some members of the New South Wales ALP and, disappointingly, by the Manager of Opposition Business in the House. This is not a device to try to defeat the bill; this is a device to allow a real conscience vote on one of the most important matters that have come before the House. He also made the proposition that splitting of the bill could have been done by amendment in the in detail stage of this debate, which is completely wrong. If the Manager of Opposition Business in the House had taken advice from the clerks, as others have, and understood the standing orders, he would know that there is no possibility of moving an amendment to split a bill.

The clerks have made it quite clear that we are in uncharted waters in terms of the standing orders over splitting the bill. The member for Dunkley himself made the point that this is a historical debate because it is the first time the parliament would split a bill. The standing orders do not allow a

splitting of a bill in the in detail stage by amendment, for the very simple, logical reason that, if you are opposed to embryonic stem cell research—and that is the issue at hand—you therefore vote no to the bill. You cannot amend the bill to make it entirely opposite to what its intention was when it was introduced by the Prime Minister.

It is not possible to amend the bill. The member for Prospect said that you could amend the bill in the in detail stage to establish a ban on embryonic stem cell research. Nothing could be further from the truth, because it would no longer be an amendment to the bill, it would essentially be a new bill. So the advice from the clerks was that the only mechanism to split the bill was to do it at this part of the debate—before the second reading stage was completed and before the in detail stage began. So those people who want to split the bill in good faith—which has been operating throughout this debate until the member for Prospect spoke—those people who oppose embryonic stem cell research, got the best advice they could from the clerks about how that mechanism could be achieved. We have not, at any stage, attempted to behave in any fashion other than entirely impeccably.

The member for Gellibrand also made the point that the bills are related to each other and are therefore inextricably linked and cannot be split because one helps the other one. But, as I have said, the bills are not affected by splitting. The way the bills have been drafted by the member for Dunkley means that they are now two quite separate bills that both achieve the aims that they set out to. The Minister for Ageing, Kevin Andrews, wrote to the member for Dunkley along those lines and said:

I do not believe definitions will become divergent by splitting the bill ... I have seen the motions prepared by the House of Representatives clerks' office on your behalf. I am confident that they are not divergent from the spirit or the letter of the COAG agreement and the bill as negotiated by the COAG Implementation Group.

In writing that letter to the member for Dunkley, the Minister for Ageing sought advice from the National Health and Medical Research Council. The NHMRC has care-

fully picked through the split bills and has given advice to the member for Dunkley—relied on by the Minister for Ageing—that the bills do not change the letter or the spirit of the COAG agreement. So there is nothing to be lost; the member for Gellibrand should not fear that anything will be lost by splitting the bill. In fact, the ban on cloning and the allowing of embryonic stem cell research do not interrelate inextricably; they are two quite separate issues. The proof of the pudding for that is that one can reach two quite separate positions, as many members of this House have—most of whom, I would assume, support a ban on cloning; some of whom—and I wish it were many of whom—do not support embryonic stem cell research. The member for Prospect, in her usual style, made a bellicose speech about the government and the intentions—

*Opposition members interjecting—*

**Mr PYNE**—She made a very bellicose speech, as you would know if you had been here.

**An opposition member**—That's politicisation of the debate!

**Mr PYNE**—In fact, I will be dealing with the politicisation of the debate by the member for Prospect. She made a very partisan attack on the Prime Minister and on the Liberal and National parties because she determined that we should have dealt with this bill in our party room and in the parliament in a different way. She made a very bellicose attack on the government. Until the member for Prospect spoke, this debate had been conducted in an extremely fair and reasonable fashion, with good faith on both sides. But, in her speech, she departed from the good faith that has been exhibited in this House and determined instead to attack the government and the Prime Minister. And here she is again—

**Mrs Crosio**—Mr Deputy Speaker, I rise on a point of order. It has been insinuated by the honourable member just now—

**The DEPUTY SPEAKER**—What is the point of order?

**Mrs Crosio**—On relevance to what we have before the House. The relevance is that everyone has the right to express—

**The DEPUTY SPEAKER**—There is no point of order. The member for Sturt.

**Mr PYNE**—I agree with the member for Prospect that everybody has the right to express their view in the House in any way they choose to. In doing so, subsequent speakers in the debate have the same right to comment on the speeches given by other members. All I am doing is saying that the member for Prospect gave a bellicose speech about the bill and attacked the Prime Minister. She can read her own transcript when it comes out in *Hansard*. It was very clear. I am not in any way attacking her views—she can have whatever views she likes on the bill. But if she wishes to express them in the way she did, then I have the right to comment on the comments that she made, and that is exactly what I have done. The member for Fowler said in her speech that this was a piece of Commonwealth legislation and that, as a piece of Commonwealth legislation—

**Mrs Crosio**—Mr Deputy Speaker, I rise on a point of order on relevance to the motion before the House. I would ask you to bring the speaker to what it is he is referring to in the debate.

**The DEPUTY SPEAKER**—I have heard the point of order.

**Mrs Crosio**—You have reprimanded people on our side of the House that they were not debating the issue before the House. I do not believe that what the member is doing now—

**The DEPUTY SPEAKER**—The member for Prospect will resume her seat. The member for Sturt has indicated that he is replying to comments from other members, and I think that is entirely appropriate within the debate.

**Mr PYNE**—As the member for Prospect knows, I am not the minister who introduced this legislation—it was the Prime Minister—so I can hardly sum up the debate. But, as in any debate, I am entitled to comment on the comments made by other members of parliament. To do so is entirely relevant, otherwise you should have taken a point of order on your own members when they gave the speeches, because they were probably irrele-

vant if I am now irrelevant in commenting on them. If the member for Prospect can follow that, she will be doing well!

In this debate the member for Fowler talked about this being a piece of Commonwealth legislation but entirely reliant on the states for its support. I agree with her. This piece of legislation is being introduced concurrently with state legislation. The point she makes that is important is that the head of power in this area is with the states. It is the states that have the head of power in the area of embryonic stem cell research and bans on cloning, not the Commonwealth. That is why the COAG agreement required the Commonwealth and the states to introduce the same legislation. I do not support that. One of the reasons why I will be moving an amendment later in the debate is to give the states the power to introduce their own legislation as long as that is more restricted.

**Mr Wilkie**—Mr Deputy Speaker, I rise on a point of order clearly in relation to relevance.

**The DEPUTY SPEAKER**—There is no point of order.

**Mr PYNE**—I was commenting on the member for Fowler's speech, where she talked about Commonwealth legislation. We are not ciphers for state legislatures, we are not ciphers for the New South Wales ALP government or the Premier of New South Wales. If we, as the Commonwealth legislators, do not wish to support aspects of this bill or wish to split this bill, as we are debating now, then we have the right to do so. Some of us who are opposing this bill are doing so because we believe it is the right of the states to introduce more restrictive regimes if they so decide. In the final stages of my contribution I would like to appeal to the good faith that has been demonstrated by most members of the House and ask them to do the courtesy of allowing their colleagues the opportunity to vote for or against two separate bills rather than being in the perverse position of having to vote in favour of a—(*Time expired*)

**Mr BEVIS (Brisbane)** (11.24 a.m.)—I support the motion to suspend standing orders. If the **Research Involving Embryos and**

**Prohibition of Human Cloning Bill 2002** is split into two bills, I will be voting for both bills; if it is not, I will be voting for the original bill as presented. I have spoken to the member for Dunkley, who has advised me that the two bills that he proposes to move, if the suspension is allowed, directly mirror the provisions of the bill as it now is before the parliament but separate out the two issues. If it is possible, I would encourage the member for Dunkley to table the letter from the minister that was referred to in the speech just given that provides an advice, as I understand it, from the minister, or from counsel advising the minister, that that is so. If there is other advice—for example, from the NHMRC—then I think it would be appropriate for the parliament to have that in front of it. I say that because these two bills have only just been made available to members of parliament this morning, and it is simply not possible to ascertain whether or not they fairly and accurately reflect the original bill. I would want some assurance on the record that that is so to be confident about my intention then to support the subsequent motion, after the suspension, to allow the bill to be dealt with in two parts—effectively, for there to be two bills.

I want to make clear a couple of things in relation to that. I do not believe that the House of Representatives should, as a matter of practice or even on rare occasions, split bills. I think it is an extraordinary circumstance, but one that I am willing to support on this occasion. I wanted the opportunity to speak to say why I intend to support it on this occasion, subject to those assurances being made available. Whilst I do not think it is a practice that the House should indulge in, there are, I think, a number of distinguishing features about the circumstance we now confront.

This is one of those rare events where every member has a free vote based on the way they search their own conscience and beliefs. I think that extends to all members, and it has been clear from the debate that that has been so. The bill that is before us on which we have that conscience vote actually deals with two related but separate issues. Each of those issues is, of itself, highly

charged with ethical and moral considerations, and we know that there are people amongst us here who strongly hold deeply conscientious views in support of one of those provisions and against the other. That is a judgment that those members of parliament have made in good conscience, as we all have. I do not share that view, by the way; I support both provisions. But I know a number of my colleagues genuinely and sincerely strongly hold a view in support of those provisions of the bill that ban human cloning but are opposed, with equal conviction and for equally good moral and ethical justification in their mind, to provisions of the bill that deal with embryonic stem cell research.

We do not often confront a situation where there is a free vote of this kind for us to exercise our conscience as individuals. Even less often in the history of this nation have we confronted the circumstance where the bill upon which we exercise that conscience vote itself contains two separate ethical issues. Even less often—and I would put it to you that this is the only case since Federation—do we confront a situation where those two ethical views evoke deeply opposite attitudes in the minds of individuals in this place. Given that set of circumstances, I do think this is a unique situation where the parliament should provide to its members the opportunity to exercise their conscience, as they see fit, on those two distinct areas.

We can all speculate on what COAG may or may not have decided had this proposition been thoroughly debated in COAG. I am mindful of the fact that COAG proposed a package, and that does weigh on my thinking to some extent. But I am also inclined to the view that, were COAG to sit down next week and consider these issues as we are now confronted with them, it may well be that COAG would come to a similar view that two bills would effect what COAG was seeking to do.

I also think the member for Corio's comments—oblique though they may have been—about the likely outcome of the debate, irrespective of whether we deal with one or two bills, may possibly be relevant. However, I place that further down the list of

priorities because I think the principal considerations in exercising a vote at this time on these matters should not be the tactical issues. I do not think they should be the principal criteria. But I think it is worth mentioning that, if you look at the debate—and just about every member of parliament has made clear where they stand on these matters—it would seem clear that if the bill is dealt with in two parts both those parts will be carried and if it is dealt with as a whole the bill as a whole will be carried. I see no reason to force some of my colleagues in this place to vote against the bill, and I suspect that is what they would be required to do to meet their conscience. I see no reason why I should exercise a vote to force them to vote against their conscience in the matter of human cloning in order to satisfy what may, in their view, be the more dominant issue of conscience: stem cell research.

I want to place those matters on the record to make clear my support for both provisions of the bill and, importantly, to distinguish the circumstances of the case before us. I do not believe the House of Representatives should be splitting bills. It is not a practice that has been adopted in the past, for good reason, nor do I think it is likely to be adopted in the future. But where we confront a set of circumstances such as this, where there are matters of deep conscience, a conscience vote and a bill on which that conscience vote leads to diametrically opposed yet deeply held and properly arrived at conclusions, I think it is appropriate for us to do so. Subject to the minister or the member for Dunkley providing to the parliament the details of the NHMRC and ministerial comments, I will be supporting both the suspension and the subsequent motion to split the bill.

**Ms KING (Ballarat)** (11.32 a.m.)—I support the member for Dunkley's motion to suspend standing orders but oppose the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). I understand that some members are having difficulty making decisions about voting against a bill, components of which they agree with. That is not a difficulty I face, because I support the bill in its entirety. But, on my reading, splitting the bill undermines

the resolution of COAG and the recommendations of the standing committee that reported extensively on human cloning and excess IVF embryo research.

I also think it undermines the safeguards that a national scheme would hold. I am concerned that only this morning have we received the two bills to which we refer, and I understand there has been some debate and discussion about the review clauses. I have not had the time to discuss with the member for Dunkley why the two review positions in the bills are now changed and I am concerned that we have not had the time to debate that. We have the member for Dunkley's assurances that nothing else in the bill has changed, but I am concerned that I have not had the chance to confirm that that is the case. I think that needs to be well and truly put on record.

The issues of human cloning and research on excess IVF embryos are linked, and I agree with the member for Gellibrand's position that the permissive and proscriptive components of the bill must therefore remain together in the one bill. We in the opposition continually face pieces of government legislation, components of which we do not agree with. I particularly struggled with some of the components of the government's baby bonus legislation. I did not think it was a particularly fair piece of legislation, but I voted for it. We are continually faced with those dilemmas, but we are not offered the opportunity to split bills. I think the opportunity exists in speeches for members to outline their opposition and the components of their opposition to certain bills, and many members have taken the opportunity to do so. I think that splitting the bill undermines the safeguards currently in it and I will not be supporting the splitting of the bill.

**Mr WILLIAMS (Tangney—Attorney-General)** (11.34 a.m.)—The procedures to be followed today have been stated by a number of speakers—the Leader of the House, the Manager of Opposition Business and the member for Perth—but it may assist some members for them to be restated. In doing so I acknowledge that the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002** has had very close attention from

both sides of the House and in all corners of the building.

Following the conclusion of this debate on the motion for suspension of standing orders a vote will be taken. Irrespective of the result of the motion for suspension of standing orders there will then be a report from the Deputy Speaker on the proceedings in the Main Committee. Any unresolved questions not now redundant will be dealt with at that point. The Prime Minister will then sum up on the second reading debate, it being the Prime Minister's bill.

As the member for Perth and the Manager of Opposition Business carefully pointed out, there will be only one opportunity to speak on the splitting of the bill and that is on the motion for suspension. There will be no debate on the actual motion if the suspension is agreed to. Following the Prime Minister's summing up, if the member for Dunkley's motion is agreed to there will then be a vote on whether the bill will be divided. If the division of the bill is agreed to there will then be separate votes on each of the bills, with detailed stages consecutively on each bill. If the motion for suspension fails there will obviously be no vote on the foreshadowed division motion and the present bill will proceed through the usual stages, with detailed amendments to be considered.

I record my opposition to the proposal to split the bill. I think it sets a bad legislative precedent. Forms of the House are available for doing what those who seek to split the bill seek to do. Hard cases do not necessarily make good law. I think that, in hard cases, you follow the orthodox and traditional pattern, and that is what I urge. That is the procedural reason I oppose the splitting of this bill. The second reason that brings me to that view is that to split the bill would be to deal in separate parts with a scheme that has been developed on a national basis and is consistent with the views of states and territories. It is an integrated, comprehensive and nationally consistent approach to a very difficult set of issues. I think the bill should be dealt with as a whole and I urge the House to deal with it accordingly.

**Mr FITZGIBBON (Hunter)** (11.38 a.m.)—Like all members who spoke in the

second reading debate on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) in this place, I put on record, unfortunately in the Main Committee—and I did not hear the member for Sturt raise any concerns about the shifting of the debate to that committee—my total opposition to any form of human cloning. I also put on the public record my support for the regulation of embryos in the form presented by the Prime Minister.

When the Attorney-General walked into the chamber I felt a little bit frustrated, because I realised that meant that I would have to wait at least another five minutes before gaining an opportunity to speak. But I also felt relief, because I thought, as the Attorney, he might put some more light on the issues raised by the member for Brisbane. Like the member for Brisbane, I am taking on good faith the advice of the member for Dunkley and others that the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) does not in any way alter the components of the bill. On that basis, I rise to again put on the public record both my support for the suspension and, if the opportunity arises, my support for the motion by the member for Dunkley to split the bill.

I have no idea why the Prime Minister insisted, and continues to insist, on linking the issue of regulation of the use of embryos and the issues surrounding human cloning. But I am of the view that it places an unnecessary and very unfortunate imposition on those members of this place who are opposed to human cloning but who cannot, for any reason—whether it be a matter of conscience or whether it be another reason—bring themselves to support the proposition that embryos be allowed to be used for stem cell research. We are elected to this place to represent and reflect the views of the Australian community. I say: let us test the value of each part of this bill, on its merits, individually.

I have heard many good arguments as to why the bill should be split but, despite some of views articulately put by many members of this place—including by the member for Fowler, who I thought made a very good

contribution—I have heard no compelling arguments for not splitting the bill. I am conscious of all the COAG issues. I am conscious of concern about precedent being set in this place with respect to the splitting of a bill. I, too, am reluctant to participate in that activity. But, as I think the member for Brisbane said, these are extraordinary circumstances. I am disappointed that the Attorney did not expand on those points and, in so doing, reassure members of this place on those issues. I agree with earlier speakers: let us give the parliament an opportunity to express their support or otherwise for each part of this bill, based on its merits.

The propositions before the House—those of the Prime Minister—are a bit like one put to the National Rugby League to expel the Bulldogs but at the same time to award life membership of the NRL to Al Constantiniadis. That is the nature of the propositions put to this place. In many ways they are very much opposites; certainly they are opposites in terms of the consciences of many members of this House. I will be taking the opportunity to support the splitting of the bill to enable members of this place to exercise their consciences.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (11.42 a.m.)—I want to place on record my admiration of those members of the House who intend to vote for the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) in its entirety but who are prepared to vote for suspension of standing orders and who are prepared to vote in favour of splitting the bill.

There has been a very good debate in this House. Many members have contributed; in fact, more than 100. I have to say that the way that so many people have examined their consciences, have researched, have consulted and have come to individual positions based on integrity does this parliament proud. I think that it goes a long way towards restoring faith on the part of the Australian community in the mechanisms of government.

I am one of those people who spoke in this chamber against the bill. I strongly am opposed to human cloning and I am also op-

posed to destructive research into embryos. I would hate to be in the position of having to vote against the bill in toto in the House if the bill is not split. I would hate not to be able to support the human cloning aspects of the bill, and that would be the bizarre situation in which I would find myself if this bill is not split.

I am a little disappointed in the Australian Labor Party, insofar as they apparently have an opposition position against splitting the bill while still allowing members opposite to vote the way they wish. It seems a little inconsistent. My concern is that it puts some moral pressure on some members of the Australian Labor Party to support what is an official opposition position. Having said that, I welcome the fact that the opposition is, despite the fact that it has a position against splitting the bill, prepared to allow its members to exercise a conscience in this House. It is only fair that all members should be able to exercise a conscience vote in relation to all aspects of this bill. Indeed, I applaud that, and I—

*Opposition members interjecting—*

**Mrs Irwin**—Mr Speaker, I raise a point of order. It is quite obvious that the parliamentary secretary is not speaking on the matter before the House. I think he should realise that all members of this House have been given a conscience vote.

**The SPEAKER**—The member for Fowler will resume her seat. I am listening closely to what the member for Fisher is saying. Some latitude has been extended to all people. Those who have taken the latitude too far have had that drawn to their attention by the Speaker. The member for Fisher is addressing the suspension of standing orders and I call him.

**Mr SLIPPER**—I am not wanting to politicise this debate. Prior to making this contribution, I spoke with the Chief Opposition Whip to ascertain exactly the position taken by the Australian Labor Party on this matter. She mentioned to me that with respect to this matter there was an opposition position, but that members were able to exercise their conscience.

**The SPEAKER**—I invite the member for Fisher to bring his remarks back to the splitting of the bill.

**Mr SLIPPER**—As I said at the outset, I think it is really important and very heartening that each of us will be able to exercise our conscience vote on the motion to suspend standing orders. If that motion is carried, all of us—despite the opposition official position—will be able to exercise our conscience vote on the actual matter of splitting. I appeal to some of those people who so strongly support the bill in its original entirety to look at the position of those of us who feel strongly against human cloning and strongly against destructive research involving embryos and to support the motion of suspension and, again, to support the motion splitting the bill. That way, all members will be able to exercise their conscience and we will not have this peculiar situation where some of us might well be forced, in the final vote, to be voting against a bill when we are strongly opposed to human cloning.

**Mr LEO McLEAY (Watson)** (11.45 a.m.)—I will be voting for the suspension of standing orders to split the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). If the bill is split, I will be voting for both bills; if the bill is not split, I will be voting for the original bill. Having said that convoluted sentence, I think it should be made clear to the member for Fisher and the member for Sturt—who decided to turn this into a little bit of a partisan debate—that, as will become very apparent in a few minutes when we have this vote, members of the opposition will be voting both ways and members of the government will be voting both ways. Do not suggest that we have less of a conscience than you do. We will exercise our right to do what we think is right.

**The SPEAKER**—I am sure the member for Watson was not reflecting on the chair.

**Mr LEO McLEAY**—I am not suggesting you said that, Mr Speaker. You are the only one who is lucky enough not to have a vote on this. We will never know what your thoughts are.

**The SPEAKER**—The member for Watson may care to be a little more cautious about the remarks he makes.

**Mr LEO McLEAY**—You do not have a vote on this.

**The SPEAKER**—The member for Watson reflects on the fact that—

**Mr LEO McLEAY**—That is a procedural fact.

**The SPEAKER**—Order! The member for Watson suggests that he knows better than anyone else. It may not be a matter for celebration for the chair that he does not have a vote. The member for Watson will come back to the splitting of the bills.

**Mr LEO McLEAY**—If we are talking about a procedural matter, unless this vote is tied, you will not have a vote. That is a matter of fact. Members of the government should not suggest that members of the opposition have less conscience than they have. Everyone has thought about this. One of the reasons people on this side are standing up here today and saying we should split the bill is that we have thought about it. I said in my speech in the second reading debate, as did some of my colleagues here, that we saw an element of procedural trickiness in this. It was asking some people—not me and not a number of others—if they were going to vote against the bill, to vote against something that they did not like but against something that they did like. I think that is unfair.

Ministers have said that this is part of the problem of the COAG agreement. I accept that, but I do not accept that it is beyond the wit of the drafters, if we do decide to split this bill, to ensure that the same principles that COAG had in mind are encompassed in the two bills. It might have been easier to have one bill, but, if the House decides that it wants two bills, I think it is quite within the wit of the drafters to mirror that. A number of people have said in this debate that one of their concerns about splitting the bill is that some of the regulations that are in one part of the bill might not get mirrored in the two bills. I hope that the Prime Minister or the Leader of the House—whoever finishes up this debate—might be able to give the House some assurances that that will not be so. I

hope they will give an assurance that, if the House does agree to split the bill, the person in charge of the legislation—who I hope will be the Prime Minister, and I will come to that in a moment—will ensure that the two bills mirror what is in the current bill. That way, those of us who want to see people have the right to exercise their conscience fully on this can be reassured.

I think it is important that, if we are going to have a conscience debate—and I think this will be the third conscience vote I have participated in in the 23 years I have been in this House—we let people fully exercise their right. Let us not have a bill that has, in the minds of some people, some contradictory elements. In these sorts of debates, we should bend over backwards to try to accommodate everybody. So far, we seem to be doing that and I hope we will continue to do it.

Another point is that I would like some reassurance, from either the Leader of the House or whoever is going to sum up the debate, that these split bills will be carried by the Prime Minister. I think there is an importance in that, because this is an important proposal. It has been advocated by the Prime Minister in the original bill, and to have a backbencher take over the legislation at this stage of the proceedings would be letting down the dignity of the discussion we have before us. I would like to hear that assurance from the Leader of the House.

The third point I would like to make is that the Attorney and some people seem to be worried that, somehow or other, to split a bill is a terrible precedent in this House. It is a precedent in this House—the Senate splits bills all the time, but we have not done it here—but I do not think we have a procedural precedent that some people might worry about. Even though this bill has been introduced by the Prime Minister, it is not considered to be government business. No-one in this House at present thinks we are debating government business. We are debating a bill presented by the Prime Minister, so we are not debating government business.

**Mr Howard**—No, we're not. That's absolutely right. I agree with you.

**Mr LEO McLEAY**—The Prime Minister nods his head. If the House decides to have a procedural precedent that we will split conscience votes, it is probably a good thing. There are not too many of them that come up. I do not think any of us are advocating it, though we might privately advocate that you should or should not have the right to split government business. If we do this here, I do not think we are setting a precedent to split government business bills. I know that, when we were in government, we had a very strong view that you should not split government business. The opposition had a different view then. I think governments will always want to keep government bills together, and that is a fair enough thing.

I do not think we have the problems with this splitting proposal that some people think there are. The Prime Minister accepts that it is not government business, so we do not have the procedural precedent that the Attorney thinks it will have. I hope and I am pretty sure that we will get the assurance that the Prime Minister will have carriage of the bills, so we will not have the difficulty of people who may not know the whole issue having the carriage of them—and I mean no disrespect to the member for Dunkley. If we do this, we will at least let everybody exercise the whole of their conscience. In these rare debates, I think that is very important. I would like to get the assurances that I have asked for and, if I get those assurances, I will be very happy to vote for the suspension to split the bills and for both the bills when they are debated.

**Mr ANDREWS (Menzies—Minister for Ageing)** (11.54 a.m.)—In the spirit of the comments made by the member for Watson in relation to the *Research Involving Embryos and Prohibition of Human Cloning Bill 2002*, I make a plea to members and colleagues on both sides of the House to treat this in the way in which the great majority of this debate has been conducted—that is, with a degree of generosity, acknowledging the differences that do exist on what is obviously a contentious matter and accepting that those differences do occur on both sides of this chamber. This is not a matter of party politicking by people on either side. If we can

move forward in that spirit, I believe it will do a great service to the House of Representatives and the Commonwealth parliament.

There were some questions asked of me, so I will attempt to provide the House with information. I will put it in the context that this bill arises out of the agreement that COAG reached in April, and there was a communiqué and an attachment flowing forth from that meeting. In that communiqué and attachment, there was reference to nationally consistent legislation. There was no specific reference to a bill, a number of bills or any particular form in which this might be done. There were five broad headings. I am happy to table the attachment for the advantage of members, if they bear with me. The five areas are: firstly, a nationally consistent ban on the cloning of a human being; secondly, nationally consistent regulation on certain unacceptable practices; thirdly, a nationally consistent approach to research involving human embryos; fourthly, a nationally consistent approach to the development and/or use of embryos for the derivation of stem cells; and, fifthly, a nationally consistent approach to ART—artificial reproductive technology. As I said, there is no indication as to whether there should be one bill or a series of bills. It simply talks about nationally consistent legislation and, in effect, it was left to the committee of officials from states and territories in drafting this to bring forward the legislation.

**The SPEAKER**—Before the Minister for Ageing continues, did I understand that he was seeking to table a document?

**Mr ANDREWS**—Yes, I am happy to table that.

**The SPEAKER**—I understand that, while as a minister you have that facility, there is a question before the chair, so it would be appropriate in this instance to seek leave to have the document tabled.

**Mr ANDREWS**—I seek leave to have it tabled.

**The SPEAKER**—Leave is granted.

**Mr ANDREWS**—When the question of splitting the bill arose, advice was sought from the National Health and Medical Research Council, which is the Commonwealth

government agency which has been responsible for this matter. In that advice, two matters were raised. One was the question of the review of prohibited practices, and the second was the question of the monitoring of the legislation. The question of review of prohibited practices is encompassed in the member for Dunkley's proposed split bills. If honourable members wish to see this and go to the foreshadowed Prohibition of Human Cloning Bill 2002, they will see that part 6, division 2, clause 61 in the former bill encompasses the review of processes and, equally, they are still contained in the part dealing with stem cell research. In relation to the question of the review, both of the proposed bills have the provisions in relation to the review.

**Mr Stephen Smith**—They are identical.

**Mr ANDREWS**—I understand they are in identical terms. I will look at that. I now go to the second issue, and that is the issue of monitoring. Advice was sought in relation to this from the Office of Parliamentary Counsel. That advice states:

The effect of clause 55A would be that existing part 4 would apply in exactly the same way to the Prohibition of Human Cloning Act 2002 as it does to the Research Involving Embryos Bill 2002. This means that inspectors could exercise powers under both bills in relation to licensed premises.

The clear intention there and the understanding from that advice from the Office of Parliamentary Counsel is that the monitoring provisions would relate to both bills. The only conceivable circumstance, as I understand it, in which that could not be the case would be if the parliament passed the foreshadowed first bill, the Prohibition of Human Cloning Bill 2002, but failed to pass the Research Involving Embryos Bill 2002, because it is in the Research Involving Embryos Bill 2002 that the monitoring provisions are contained. As a number of members have pointed out this morning during debates, that is an unlikely occurrence given the ability of members of this place to count the numbers. But I foreshadow that, if that remains a concern, I am quite happy to move an amendment to make sure that the monitoring provisions are in the first bill so that

that situation does not arise. I hope that clarifies the situation in terms of the advice that has been received.

**Ms JACKSON (Hasluck)** (12.01 p.m.)—I rise to support the motion for the suspension of standing orders and also to indicate my opposition to the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). Unlike many other members, I have not chosen to take part in the fairly detailed discussion which has taken place over many days during this sitting week. This morning provides me with some small opportunity to put my point of view on the record. It is clear to me that the only substantive issue of any controversy in this legislation is the use of surplus and/or excess IVF embryos for therapeutic purposes for stem cell research. As I have said, this matter has taken up much of the business of the House and Main Committee this week. I have made it clear to my constituents that, provided the legislation before the House reflected the terms of the COAG agreement between the Commonwealth and all state and territory governments allowing the use of excess or surplus IVF embryos for therapeutic purposes, with the appropriate regulation and the prohibition of human cloning, I would support the legislation.

The bill in its current form reflects the COAG decision in its entirety and on that basis I think it should be supported and not dealt with piecemeal. I do not believe that the refusal of the opposition to split the bill prevents members from exercising their conscience vote. I have to say that I have grave concerns about splitting the bill, as well as the motivation behind the proposal to split this bill, and I strongly oppose it. In closing, I support the issues raised in this debate by the member for Ballarat in particular. I endorse her comments in their entirety.

**Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service)** (12.03 p.m.)—I should add for the benefit of members that my intervention certainly does not close off this debate on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). It is my intention, and I believe the govern-

ment's intention, to allow this debate to continue. What I want to say is that, as many members have expressed this morning and at other times, I believe this debate has reflected great credit on this House. Almost every member who has been involved in this debate has thought deeply about the subject matter at hand. Obviously there are strong passions as well as great principles involved. The ability of this House to handle these matters in such a mature and thoughtful way says more about us than we often give ourselves credit for. So I think this really has been an outstanding debate.

I would particularly like to congratulate the member for Dunkley for the work and the thought he has put into his suspension motion and the motion that will subsequently be put should his suspension motion be carried. It is not an easy business to go about the drafting of legislation and it is not an easy business to go about splitting legislation, but the member for Dunkley has done that work. He has done it extremely conscientiously and he has the assurance of the Minister for Ageing, supported by legal advice, that the bills as split, if both are carried, would do exactly the same thing as the joint bill would otherwise do. So the member for Dunkley is certainly to be congratulated on his role in this.

I would also particularly like to congratulate the member for Bowman for seconding the member for Dunkley's suspension motion. I note that some members opposite, particularly frontbenchers, have talked about the Labor Party's official position, which is to oppose the splitting of the bill, albeit with a conscience vote allowed to Labor members. I think under those circumstances that the member for Bowman, given his seniority in the party and given his position as a former frontbencher, does deserve our congratulations for facilitating this.

I would like to briefly deal with a couple of the matters which have been raised by members in this debate. Yes, it is true that this bill as it stands, unsplit, does contain various proposals and various safeguards against inappropriate activities. Some members in this debate have worried that if the bill is split, there would be a loss of safe-

guards. I think that, on the basis of assurances we have had from the Minister for Ageing, we can be confident that all those safeguards will be reproduced in the split bills. Let me say further that even if there is a problem—and I do not believe that there is any reason to think so—the fact is that further legislation could be brought into this House, and it would be brought into this House urgently, as the Minister for Ageing has pointed out.

A number of members, particularly members opposite, have suggested that there has been perhaps an air of procedural trickiness about what has been done. I know that, in the spirit of partisanship which mostly pervades this chamber, it is easy to assume that members of the other political persuasion are of bad faith. One of the lessons I hope we learn from this debate is that there is a great deal of good faith on both sides of this chamber. While that good faith is not always in evidence, given the highly politically charged measures that we frequently debate, it does not go away. Hopefully we will look at each other in a slightly different spirit as a result of the debate that has gone on over the last week or so. As someone who is going to support the member for Dunkley's motion for suspension, who is going to support the splitting of the bill and who is most definitely going to vote against one aspect of the currently joined bill—should it be split—let me assure members opposite that there has been no desire on the part of anyone in authority on the government side to do anything other than play straight, fair and true in the dealings on this bill.

I know many members opposite were particularly disappointed when part of the second reading debate was referred to the Main Committee. I very much understand their disappointment, and I do not think I am giving away any state secrets when I say that I shared some of that disappointment. The fact is that it was necessary to allow other business to take place in this chamber. We demonstrated that, in the course of the last few days, as a parliament we are capable of doing two important things simultaneously: we are capable of having a very important debate of principle in the Main Committee and, at the

same time, getting on with the ordinary routine of government in this chamber.

Having made those statements, I will briefly turn to the specifics of splitting the bill. The reason we have one bill is that that was the COAG decision; there is no reason other than that. That was the resolution of COAG which the Prime Minister, in his position, tried to faithfully reflect to the parliament. There was nothing sinister, nothing tricky and nothing suspicious. There was a simple desire on the part of the Prime Minister to faithfully and truthfully reflect the COAG agreement in the bill that came before this parliament. That is why we have one bill. Having said that, it is now in the hands of the parliament. The bill the Prime Minister brought in to faithfully reflect the COAG agreement is now in the hands of the parliament, and it is up to us to do to this bill what we think is best according to our consciences and our judgments. We should not now be ruled by the COAG agreement—although, in the spirit of the COAG agreement, the Prime Minister quite rightly and properly brought in the bill that he did.

If you want to endorse the COAG agreement, you should have no problems with the splitting of the bill. If you want to endorse the COAG agreement, allow the splitting of the bill and then vote yes to both of the bill's constituent parts. People who want to endorse the COAG agreement should have no problem whatsoever with the splitting of the bill. If people who support the COAG position want to maximise support for the constituent parts of the COAG position, they should allow the splitting of the bill. I think I can safely assure members who are concerned about the splitting of the bill that, if the bill were split, the anticloning measure would be carried almost without dissent. I would be confident it would be carried almost without opposition. If the bill were not split, many people who are quite happy to support and who want to support the anticloning measure will be forced to vote against the bill in its entirety because it contradicts certain deeply held, conscientious positions.

As I said at the start, I think we have had an outstanding debate. I think it has been in

the highest traditions of Westminster parliaments. I think it has reflected enormous credit on just about all the participants. I think it would be a real pity if we were to spoil the quality of this debate and to damage the spirit in which it has been conducted by refusing to split the bill and by putting the bill to this House on a take-it-or-leave-it basis. On the subject of embryo research, if we say no today, we may be able to say yes tomorrow. But, if we say yes today, I fear it would be a decision for all time. I believe this House is on the threshold of a fateful step; we are on the edge of a moral watershed. We are being asked by this package of legislation to support things such as designer children and genetically modified human beings. It is a fateful step into an uncertain future, and it would be better for all of us to consider these matters if the bill were split. For that reason, I support the motion for suspension.

**Mr Leo McLeay**—Mr Acting Deputy Speaker, I raise a point of order. Could the Leader of the House in that capacity advise the House of who will have carriage of the bill, if he is able to?

**Mr ABBOTT**—I should apologise to the member for Watson. I had meant to deal with that, but I am afraid I could not read my own handwriting and was not therefore able to follow my own notes to that extent.

**Mr Leo McLeay**—We can't follow you most of the time!

**Mr ABBOTT**—I can understand the problems that the member for Watson has from time to time. My understanding is that the bill, if split, would remain the Prime Minister's bill. The Prime Minister will remain the minister with responsibility for the bill, even if the bill were split. I also understand that it is the intention of the Prime Minister to put the committee stage of the debate in the hands of the Attorney-General. It may well be that, even if split, the Attorney-General will handle the committee stage. The member for Watson can rest assured that all stages of this bill—split or unsplit—will be formally in the hands of the Prime Minister and, perhaps at some point of the debate, practically in the hands of the Attorney-General.

**Mr SNOWDON (Lingiari)** (12.14 p.m.)— I want to make a couple of observations about this morning. Firstly, I came into the chamber today firmly fixed in the view that I would oppose the splitting of the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**. But three particular speakers this morning have convinced me that I should support the splitting of the bill. One of the people I refer to is the member for Corio, who I think gave a very eloquent speech about our responsibilities as parliamentarians, the role of the executive and how we, in this chamber, very rarely get the opportunity to express a view which is not imposed.

I accept the view which has been expressed by some that we come into this place and we always, deliberately and by our own conscience, make a decision to vote for one side or the other. We do that by the party room: we sit in the party room, we express a view about the party room debate, we express our view about how the legislation should be passed in the parliament and how we should vote. Once we have expressed that view, we, in the Labor Party, accept the discipline of the Labor Party vote because we have expressed our view in the caucus room. This is not what is happening here. We do not have to take the discipline of the party room into the chamber. Here we have an opportunity to express our own view, regardless of what the party room view is.

**Mrs Crosio**—Which the member for Fisher tried to deny.

**Mr SNOWDON**—I do not think the member for Fisher or the member for Sturt helped the debate one iota by their partisan political comments nor did they affect their cause. I know that there would be people on my side of the chamber who, like me, would have been convinced by the member for Corio, later by the member for Brisbane and then by the member for Watson as to why they should change their views. What we got from the member for Fisher and the member for Sturt were partisan attacks upon the ability of people on this side of the House to make informed, conscious decisions.

Let me make it very clear for all of those on the other side of the chamber who believe

that somehow or another a view is being imposed upon us by our executive that that is not the case. The Labor Party has expressed a view, expressed eloquently by the Manager of Opposition Business in the House, of the Labor Party's position. He made it very clear that every member of the Labor Party caucus has the right to express their own view in this chamber. I have been in and out of this place for nearly 17 years—

**Mr Howard**—And you've had a good time.

**Mr SNOWDON**—I know you enjoyed the time I was out. I am back like the member for Bowman who, like me, was sidelined for a short time. On very few occasions in your parliamentary career will you get the opportunity in this chamber, because of the nature of the chamber itself, to express your own view on the floor of the chamber and not be confined by party discipline. We ought to be able to express our view that way. I know there are colleagues on my side of the chamber and members on the other side who do not want to support the idea of embryonic stem cell research. I appreciate that position, but it is not a position I personally support.

I do not believe that we can accept the view expressed by the Attorney that somehow or another we should be afraid of the precedent that might be set by splitting this bill. I ask the Attorney: on how many occasions since Federation has a bill been split in the House of Representatives? I suspect that this is the first time. If it is not the first time, it would have happened on fewer than five occasions—it will not be a lot. The precedent is being set, if you like, in this instance to allow us to express our own conscience in this place. To me, that brings with it an obligation for me, as an individual member of this parliament, to accept that my fellow members of parliament may have different views. I should provide them with every opportunity, given the nature of this particular debate, to express those views, even if they are views I do not agree with.

So, when I came into the chamber this morning, I came with the full intention of taking the position of supporting the suspension of standing orders but opposing the

splitting. I have now been convinced by the eloquence of the debate which has taken place—particularly by my friends the member for Corio, the member for Brisbane and the member for Watson—as to why I should respect absolutely the rights of other members of this parliament to have different views. We have been assured, as a result of the interventions by the member for Brisbane and by the minister responsible that the splitting of the bill will in no way impact upon the totality of the legislation as it is currently drafted and that the intention of COAG is mirrored in the split legislation. I have raised with him a matter raised by one of our members, Cathy King, about the fact that the review sections of the two new bills did not mirror the review section of the original legislation. As it has been explained to me by the minister, and as he has tabled documents here today, it is drafted in such a way, on advice, to make sure it reflects absolutely the determination of COAG. I am convinced now and I accept that argument. I accept the integrity of the minister in this context and accept the view that he has put.

I say to my fellow members of parliament, especially the newer members of this place: think very carefully about what you are about to do because, as those of us who have been here any length of time know, these opportunities come all too infrequently. Because they come all too infrequently and because we are here to represent the will of the Australian nation, we should exercise our conscience vote in a very considered and deliberate way. We should not use our conscience vote with the effect of preventing another person expressing their conscience about a particular part of this legislation—and that is the nub of it.

We know that we will end up, I suspect, with a unanimous position on one of the parts of the legislation—the one opposed to cloning—and a split view on the other part of the legislation. I say to all of those members of parliament who are yet to make up their minds about whether or not they will support the splitting of this legislation: have proper and due regard to your positions as members of this parliament and to your responsibilities in it. Accept that this will not

be a precedent which will create havoc with legislation before the parliament, because this is a precedent which has hitherto not presented itself. I would say also the most important thing is that, as members of this place, we have a responsibility to have respect for one another. In this context, we can show that respect by supporting the splitting of the legislation.

**Mr NEVILLE (Hinkler)** (12.23 p.m.)—I think there are three aspects involved in the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#): a moral aspect, a respect aspect and a practical aspect. The moral aspect is this: we have trumpeted to the nation and to ourselves—on the airwaves and in interviews—that this is one of the great occasions of the parliament, where we are voting on conscience. Indeed, the contributions have been quite outstanding. If you put someone in a situation where he is in conflict with his conscience then you negate the whole purpose of us being here and this whole debate. There are some of us—I suspect nearly all of us—who wish to vote against the cloning provisions. We wish to have an anticlone regime. There are others who are opposed to embryonic stem cell research. If you make a person vote on both of those issues in the same bill—especially someone who wishes to oppose the embryonic stem cell aspect of the legislation—you are actually affronting conscience and, to my way of thinking, negating what we have been doing here over the last week.

I, for one, am vehemently opposed to embryonic stem cell research, and I would like to vote against it. I am equally appalled at, and would support the prohibition of, cloning. If you force me to vote one way or the other, I will oppose both—not because I in any way give ground to cloning but because I think it is the less likely one to occur. Therefore, I would oppose the bill. From that point of view, there is a conscience matter involved.

I was enormously impressed by the contributions from the members for Brisbane, Hunter and Lingiari. I thought they showed a great deal of humanity and bipartisanship. If this is the great exercise of conscience on

what will be a threshold issue for Australia that will mark us indelibly for generations to come, then to place some administrative restriction on us in the name of trying to keep the COAG arrangements tidy is quite offensive. As the Minister for Ageing has pointed out, what we are doing does not offend the principles of COAG. In fact, I think it strengthens them. I will speak further on that in a minute. It is a matter of respect. We have heard some brilliant contributions in this parliament and we have had heard people swayed on the floor of this parliament this morning—like the member for Lingiari—because they respect their fellow members of this House. We should not forget, in splitting this bill, that there is a matter of personal respect involved.

The final thing I will talk about is the practical application of this. I suspect that we will vote unanimously or nearly unanimously against cloning, and so it should be. The more we can do to strengthen that aspect of the split bill, the better. I would like to make one small point that illustrates this. I do not want to go back to the debate on the issues other than to illustrate this point. When Louise Brown, the first IVF child, was born in England, there was great concern in the United Kingdom. They set up the Warnock committee and they set in place a regime that looked after 'great respect' of the human embryo. They had a report of the Committee of Inquiry into Human Fertilisation and Embryology, and that led to the establishment of the Human Fertilisation and Embryology Authority—if you like, the regulator.

As we move from country to country, the rigours of the regulators vary. You would have thought that the UK would have been the most rigorous of all. But the Southern Cross Bioethics Institute—and I am indebted to Dr John Fleming for this—points out that the Human Fertilisation and Embryology Authority has recently expanded the rules—and I ask you to listen to this, colleagues—to include the creation of cloned human embryos for research. The point I am making is that one of the great authorities of the UK, with all the goodwill in the world, has slipped down the slippery slope on that issue of cloning.

If we split this bill and we get a unanimous vote against cloning, we send a message to whom? We send a message to the states, we send a message to science, we send a message to regulators and, more importantly, we send a message to the Australian people from this parliament, from the leadership of the nation, that cloning is taboo and untouchable, that there is no slippery slope and that cloning is out forever and a day. But if we go the other way and force people into a position where for conscience reasons they have to oppose both aspects of the bill, we diminish the import of the second part of the bill. So I appeal to you, for the consciences of your colleagues, for the respect we owe each other and for the practical strengthening of an important anticloning aspect of the bill, that we consider these as two measures.

**Ms BURKE (Chisholm)** (12.30 p.m.)—I rise today to support both the suspension of standing orders and the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). As others in this place will know, I personally have found this whole debate very troubling and, even though I have come to a personal decision to support the stem cell research bill overall, I have not done it with an easy or a light heart. On that basis I believe I cannot impose my conscience upon those people who are finding this debate so difficult in respect of the cloning aspect. I believe we need to open up to them the ability to register with their vote their opposition to the cloning aspect.

I reached my decision to support the bill not because I believe that human life does not begin at the embryo stage—I actually believe that it does—but because I believe that we need to legislate. I believe that the legislation before us is fairly conservative and that it is one of the most conservative regimes that we could have compared with other countries. For that reason I think we do need to legislate, otherwise the states will go it alone. I am not prepared to say that I will let that fly, that I will exercise my conscience in this place and then let the states decide for me how we should proceed.

I have been very uneasy about some premiers and some scientific experts running the

gauntlet in this debate, so I have come very uneasily to the decision to support the stem cell legislation. It will put in place a regime that I believe protects those very precious embryos, that actually says that we respect them and that those that, by law, were going to be discarded can, with the consent of the original parents of those embryos, be used for research. It was not an easy decision for me. Many people in this place know how I personally have been distressed by it. The sheer fact that my elder sister is now no longer speaking to me probably speaks volumes about the fact that it has been a very, very trying debate for me. I again ask the electorate and my family to forgive me for my view but to respect my view because it is my view, and for that reason I think I have to support the splitting of this legislation.

**Ms PANOPOULOS (Indi)** (12.33 p.m.)—What a shame the schoolchildren in the gallery have gone, but how fortunate they have been to listen to so many members here this morning. This level of debate I am sure will not visit us in this place very often. I am mindful of the comments made this morning by some long-serving members of this House that it is a rare occurrence. I have tried not to excite myself too much by expecting that a conscience vote will be available on a regular basis.

The comment was made that we should be afraid to split the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) because it will set this terrible precedent, that it has not been done before, but it is in such hard cases where there is no precedent—and there is no precedent for discussing the issues covered by this bill; we really have not addressed the very core issues that go to what sort of society we are and the sorts of things we believe in, which is an extraordinary situation—that commonsense should dictate that we need to take the course of action that is not only admirable but that also suits the majority of members, particularly where a conscience vote has been declared on both sides of the House.

I found it a bit disturbing that some members commented, ‘Well, we vote on bills all the time which we disagree with,’ or, ‘We vote for bills that we only partially agree

with’—almost implying that this bill is no different. I beg to differ: this is extremely different. This is not about whether you think the baby bonus has some elements that are inconsistent with what you believe in or whether there should be some amendments to a tax bill; this is absolutely fundamental, and the passion with which members have spoken over the last few days and again this morning illustrates that. The difficult personal decisions they have had to make and the reconciliations in their own minds of what they believed to be right at the end of the day I know have been extremely difficult.

It has also been a difficult decision for me, only because I did not think that so soon in my capacity as a federal member of this parliament would I be forced to confront the very basic questions or issues that go to the core of what I believe in and what so many of my constituents are concerned about. So this is not really about the luxury of splitting the bill; it is fundamental. We have talked about a conscience vote, and I do believe it should extend to the bill in total. I support the suspension of standing orders, and obviously I support the splitting of the bill. If the bill is not split I will have absolutely no hesitation in voting against the bill.

I am sure some journalists, either in my electorate or elsewhere, will say: ‘Isn’t that a terrible thing! How did you balance opposing embryonic stem cell research with supporting the anticloning provisions in the bill?’ It is not easy to reconcile the two very different aspects of this bill but, if I am forced to, I will vote against the bill in its entirety. Comments were made earlier that the conscience vote has been extended across the whole parliament. I was particularly moved by the speech by the member for Lingiari this morning, and I did not think I would be. That is why I said at the beginning that those schoolchildren in the gallery have been very fortunate. If the many schools that have visited this parliament—and particularly those from my electorate—during some of the less than glorious debates and at question time could have observed some of the discussions here this morning and earlier on in the week, we may not have the same sort of cynicism and the same lack of interest in

politics and the political process that we currently have.

I do not accept any of the arguments relating to COAG and the states. Should this parliament decide to split the bill, I think a great deal of commonsense will result. There is a lot of goodwill, not just within this parliament but across the nation, which should ensure that, if certain elements of the bill pass, some sort of regulatory regime that is the least worst in the eyes of many people will come into being.

With respect to the suspension of standing orders and the splitting of the bill, I urge all members of the House to extend the graciousness that has been extended by so many in this House already to those who support the splitting of the bill, but who will support both aspects of the bill should it be split. That is a graciousness that is not granted very often by those engaged in political debate and who are pitted against each other. I am very privileged to be part of this particular debate.

I also commend the member for Dunkley. It is sometimes not easy for a backbencher to do some of the hard grunt work, particularly when it relates to difficult administrative matters. The member for Dunkley sought advice, and he has done a sterling job. He is a very valuable member of this government and of the backbench. I hope that many who have not yet made up their minds on the issues of suspending standing orders and splitting the bill consider the issues very carefully. You cannot have a half conscience vote; you cannot have a partial conscience vote. This is about giving people an absolute conscience vote on all aspects of the bill. We are not trying to be difficult by opposing technical aspects. There are two fundamental ethical issues covered by this bill. If we are to be totally and utterly honest with the Australian people when we say, 'We are having a conscience vote on this issue,' I believe we need to be consistent. To do that, we do need to split the bill.

**Mr McMULLAN (Fraser)** (12.41 p.m.)—I intend to support the motion to split the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). As one who did not speak in the second reading debate

on the legislation itself, I felt obliged to speak briefly to make sure that my decision to vote to split the bill is not misunderstood. I strongly support the legislation introduced by the Prime Minister. I support the view expressed by the Minister for Family and Community Services on radio this morning that, if the Prime Minister had introduced a stronger bill, I would have voted for that too. However, I do not intend to support amendments to strengthen it, because a body of opinion has grown that this is a balanced compromise which will allow us to proceed. The states have agreed to it with the Prime Minister, and I intend to support the legislation as it stands.

I accept that it is a plausible argument that splitting the bill will marginally reduce its chances of success. In the Senate, that is probably true. Of course, that influenced my thinking because that is not the outcome I want—I want the bill to pass. On balance, though, I think we need to get the process right and accept the outcome of the vote. If it goes against us, we lose.

I opposed the member for Menzies' bill on euthanasia, but I accepted that that was the will of the parliament freely expressed. We need to do the same here. I have given it a lot of thought because, although the procedures are not minor matters, they pale into insignificance compared with the substance. But I agree with the contribution made by my colleague the member for Lingiari. I do not intend to repeat those arguments, because this debate has gone on for a long time. We need to ensure that individuals have the maximum opportunity to express, through their vote, their views—not a qualified version or a compromise version of their views but their views on the matters before us. I accept that it is true that splitting the bill will enhance the opportunity for people to express views, and I regret that enhancing that opportunity might slightly enhance the prospect that the vote might go against me—not here, but in the Senate—but if that is the way the cards will fall, so be it. The process, as outlined by the member for Dunkley, is the appropriate process.

I want to say something briefly about this issue of splitting bills. I know that govern-

ments of all political persuasions have, over the years, been very anxious—I have to say overly anxious—about propositions that bills should be split. It is also true of the government of which I was a member. There were a couple of occasions on which there were propositions to split much more minor pieces of legislation—it is true of this government, and it was true of the government of which I was a member—and there was a lot of unnecessary, inappropriate anxiety about that. I do not think this is a precedent that we should worry about too much at all. If this is the majority will of the parliament and this is the best way to express it, let us do it. I do not regard that as a problem at all.

I think it is true that there are alternative procedures through which people could have expressed their views—through amendments or whatever—and had they chosen to do that it might have simplified proceedings, but I do not object to the proposition that they split the bill. It is not an unreasonable proposition. Let us give people the chance to reflect their views in their vote and then let the cards fall where they may. I strongly support the legislation, but I intend to vote to split the bill.

**Mrs DE-ANNE KELLY (Dawson)** (12.45 p.m.)—Firstly, can I say that the debate on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), the way in which it has been structured overall, has shown extraordinary goodwill and generosity on the part of many members here. The Prime Minister has kept faith with the original commitment in COAG but, at the same time, has allowed all members of the House of Representatives to exercise their conscience. There have been other members who have also shown extraordinary generosity in this debate, and I would particularly like to commend the member for Dunkley. I understand that he supports the original bill, so there is no benefit to him in proposing an amendment that would split it—there is no self-interest, there is no measure that would assist his conscience; he has already exercised his conscience in regard to the original bill. He has done this in a measure of extraordinary generosity to allow colleagues on both sides of the House the opportunity to

fully exercise a conscience vote. I consider that to be an extraordinarily generous action. Having done it myself, I know it is not an easy thing to draft amendments or to put a private member's bill. It takes a great deal of work. The member for Dunkley should be commended by all for his generosity to other members of the House. It is an extraordinarily generous gesture.

I would like to thank other members of the House who support the original bill but who have offered and opted to support not only a suspension of the standing orders but also a splitting of the bill. I would like to mention in particular the members for Watson, Hunter, Brisbane, Lingiari and Fraser, who have said quite clearly that they believe that splitting the bill may thwart their wish to see it through this House by perhaps disadvantaging it in the Senate. That is not an argument that I accept, but they have been generous enough to colleagues to support the splitting of the bill so that all members of the House can fully exercise a conscience vote. I must not forget the member for Bowman, who seconded the motion that we are speaking to now. I can see the arguments of those who wish to keep faith with the original COAG agreement—that is right and proper. But there is the other element, and that is the desire of every member of the House and the Prime Minister's original intention—for which I commend him—to allow every member to have a conscience vote on what is a very significant bill.

I would like to look first at the proposal of the member for Dunkley. I understand, and take his assurance, that the integrity of the original bill will be preserved in the splitting of the bill, so that is not a component we should be concerned about in looking at his amendment to split the bill. But what will happen if the bill is not split? From my original speech on this, members would know that it is my intention to vote against the use of embryos for medical research. However, it is my intention to support a ban on human cloning. That view is shared by quite a number of colleagues on this side and on the opposition side of the House. But if the bill is not split, then that places those members in a very difficult bind. I know that,

like my colleague the member for Hinkler, I will opt for the lesser of those two harsh decisions. Knowing that human cloning is probably unlikely to go ahead, I will be voting against a bill that is not split because of my concern about the use of embryos for medical research. But those who decide otherwise, and vote to support the bill because of their concern over human cloning, will be in a very awkward situation: they will have had to vote in favour of using embryos for medical research—something that is going to cause them a good deal of heartache. However, for those who, like me, will vote against a bill that is not split, by default they will be forced to appear to support human cloning. In fact, they will be in the very awkward situation of having to vote against a ban on human cloning. Perhaps most of us will be able to go back to our electorates and explain that. From the nature of the debate today, I trust the opposition will not exploit the fact that we appear to have—

**Mr Bevis**—We are hoping you guys don't!

**Mrs DE-ANNE KELLY**—No, I have been extraordinarily impressed by the goodwill, and I have no doubt that the opposition will not exploit that in our electorates. Nonetheless, we will be placed in a position of explaining our vote to others. I think that most of us are erudite enough to do that, but my concern goes to the wider perception. Human cloning has been rightly rejected by national governments around the world—not all of them, but many. The majority of scientific opinion is against human cloning. Most good citizens quite rightly reject human cloning. But in the Australian parliament, in the House of Representatives, a bill to ban human cloning will be voted against by a group of parliamentarians—we are not sure how many. There will be then a perception that some members of the House of Representatives, by default, are in favour of human cloning.

That is not a perception that we would want to promote in the Australian community; it really is not. It would be far better to be able to say that the great parliament of Australia has given this great thought and every member of the House of Representa-

tives has rightly supported a ban on human cloning. I think that is the message we would want to send, a reassuring message to those good Australian citizens who are rightly concerned about this. But there is going to be a perception that there was not a universal rejection of this by the House of Representatives, and that concerns me—as well as the obvious bind that some members will be in.

I also have the deep concerns about this bill that the Leader of the House has expressed. I think that, at best, the science is questionable, but perhaps in time we will have a clearer idea of whether or not there are sound therapeutic outcomes. I am also concerned that some have used this debate to raise the expectations of those who are desperately seeking cures or perhaps some alleviation to their illness. For those in wheelchairs or those with multiple sclerosis or suffering from Parkinson's, there is a raised expectation that somehow this research will offer some immediate benefit. If it does, at the very best it is going to be a long time in coming, and I do not think it is fair to use those who are most vulnerable, who are most seeking alleviation to their condition—

**Mr Wilkie**—Mr Deputy Speaker, I rise on a point of order relating to relevance. Clearly, the honourable member is advancing an argument, not speaking to the motion at hand.

**The DEPUTY SPEAKER (Mr Lindsay)**—The member for Dawson will return to the substance of the motion.

**Mrs DE-ANNE KELLY**—In concluding my speech on this very important motion moved by the member for Dunkley, I would say to members of the House that this is, in fact, a revolutionary bill and, quite rightly, the opportunity has been given to all members to exercise a conscience vote. I would appeal to other members of the House of Representatives to enable the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) bill to be split to give every member the opportunity to fully exercise their conscience. As I said before, I want to congratulate all those associated with the bill. I think the debate has been conducted with dignity, with respect to others' views

and with great goodwill on the part of all those who have taken part.

**Mr RIPOLL (Oxley)** (12.55 p.m.)—I support this motion to suspend standing orders, because I believe this is a healthy debate. Not wanting to unduly extend the time that has already been taken in this place to discuss this motion and the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), I will keep my comments reasonably brief and to a few main points. At the outset, I want to make one thing extremely clear, and that is about the assertion by some members on the government side who have tried to make out in this debate that, even though Labor Party members have a conscience vote, because we also have a party view that somehow takes away from us our own conscience vote. I appreciate very much the comments from the member for Dawson for her understanding of the issues on both sides, regardless of party status, as to where we stand on this issue. I want to make it very clear that there has been absolutely no pressure by any member or by anybody in the party for any individual to cast a vote in any particular way. In fact, I have found the process most enlightening and extremely healthy in trying to formulate my own views not only on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) itself but also on the splitting of the bill and the process itself. It is absolutely clear that we have a conscience vote on all those aspects. Once again, I believe it has been made clear, but unfortunately some earlier speakers—who are not in the chamber at the moment—just could not help but to try to impugn some members on the opposition side.

I, like most members here, do respect the views of others. I think it is more important to think about what that respect entails and means rather than just to mouth the words. The respect of others' views is not just saying, 'Okay, you can vote your way.' It also means that you actually understand why that person might have a different view from your own. The respect is about not only accepting the way they are going to vote but actually acknowledging it and not in any way trying to put them under some form of pressure because their view might be different

from yours. This is not a party political debate; this is not about a political view.

I believe there is also an important role to be played by the media in this debate. As I heard from the member for Dawson, she does not believe that any member should exploit the way that another member votes—in their electorates or anywhere else. I think the media should take heed of that as well and that no member's vote or view in this place on this debate should be exploited in any way. I think the collective consciousness of the whole Australian community is really reflected in this House. If it were to be that we all had the same view, I do not believe that would be a representative view of the community. I do not know which way this motion will go. I have a feeling as to the way I think the bill would go if it were not split, but I am not sure which way this motion will go in terms of splitting the bill or the way it will go in terms of how people vote. But I think it is important that we actually do that. It will not, I believe, detract from the bill itself.

My view is that, in good faith, if you are to be given a free vote then it should be a free vote completely, not a free vote in part. That is why I support the splitting of the bill. In that case, I will get a conscience vote on the bill itself, on the process and, if it be the case, on splitting the bill as well. I have listened to arguments on both sides, and I have found that, by and large, these arguments are of good quality and by people who are exercising their view in full strength, having discussed the matter with their own electorate, with their own community, and having done their own research.

I do not want to go into some of the issues that have come to light in the last 48 hours about the scientific basis. I will leave that to one side as I do not think it is relevant at this point. Regardless, I think that the argument being put forward is clear. I do not support the view that it is somehow dangerous, even though it has not happened before, that we actually split a bill. I do not support that view. If this parliament is not the master of its own destiny and does not have the capacity to take on board the splitting of a bill as important as this and ensure that the safe-

guards that currently exist are maintained—and ensure that the intent in the agreement at COAG is maintained—then I think we have got some more serious concerns at hand, if we cannot physically do that. I believe we can. I believe that this place can change the course of such things and I believe that it is not dangerous to split this bill. If people do have concerns about it, I think we should work extremely hard to ensure that those concerns are met and that we actually find a way to do this properly.

As I said, it is critical that we get a conscience vote on whether or not we should split this bill so that people can express fully their view on the prohibition of human cloning and on the use for research of embryonic stem cells. I think that is the key, that is the core of this. No-one should be able to hide, in a sense, or should feel that their vote was being impeded by having to vote in a particular way simply because they could not vote for something else in the bill. I think it is pretty clear to everybody here that that is the main reason for the push to split the bill.

In summary, I believe this is a historic occasion for many reasons. I also believe it is historic because we will be passing legislation in this place which will affect everybody, and everybody in the community has a strong view on what we should do. I am firm on what I believe. I have spoken to my community and I believe I am representing the views of the majority of my community in the decisions I will be taking. I support this motion.

**Mr HARDGRAVE** (Moreton—Minister for Citizenship and Multicultural Affairs) (1.02 p.m.)—I rise to also support the motion to split the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) from the member for Dunkley, which has been seconded by the member for Bowman, and I thank them both for their initiative in this regard. This debate has certainly allowed the parliament to show a mature and very responsible approach to what can be, for many, a very highly emotive and deeply personal decision. For me, this has been a difficult debate. I do not know of any other time that I have publicly been involved in a discussion, on the record anyway, on such mo-

ality based decision making. I am certainly troubled by the notion of exploitation of life in its most basic forms. I am deeply committed to life; I do not like tags, but I guess that personally I am pro-life. I do not personally support abortion, in almost all cases. I have never believed that abortion should be the last point of birth control, for instance. I do not support state sanctioned murder in almost all cases and I am personally against euthanasia.

However, I do accept that, as this debate has exposed, there are many others who have completely different views, and for very respectable reasons. I understand that people can make choices regarding their own life accordingly. I accept that states can cause murder in a just war and I believe that there can be mitigating circumstances whereby people can choose an abortion. I do not understand, however, why anybody would take their own life. I support efforts by this government to prevent this and by society to encourage people to understand that life simply gets better with every day and the older that you get. I personally intend to fight for every last breath in my body, and I pray this is not a consideration for me to worry about for many years to come.

My conscience is very clear on these matters. Further, I believe that judging morals can be a fatal flaw in some people's personal make-up. Some people believe that they are themselves so righteous as to be able to pass judgment on others. Mr Deputy Speaker, it is not my place to judge your conduct or any in this place, nor for you to judge mine. It is legitimate for people to advocate their positions on life and death matters. It is legitimate for people to advocate their positions based on their personal values. It is incumbent on us all to respect views and values which differ from our own—that is what this debate has been all about. Indeed, this discussion about splitting the bill is about putting our own personal cases; it is about us personally making decisions based on our own deeply held motivations, values and experiences. I firmly believe that, ultimately, no-one on earth is the all-knowing, all-powerful judge able to pass judgment on others with complete wisdom. I firmly be-

lieve it is a far higher authority which will ultimately make those judgments on each and every one of us.

However, having said all of that, our society is one which makes laws relevant to the needs and concerns of the society we are, as members of parliament, meant to serve. I am very concerned that we should not turn our backs on what could be. The rest of the developed world is taking on the responsibility of research involving embryos; it is important that we do. I am concerned that there could be a range of possibilities unlocked by what could be learnt by the research involving embryos. And we must have a thorough set of standards, which is what the Prime Minister's bill was all about. Unless we split the bill, my equal concern that the idea of cloning of human beings will not be outlawed—

**Mr Sawford**—On a point of order, Mr Deputy Speaker: this is way off what we are supposed to be talking about. He is debating the substance of the bill.

**The DEPUTY SPEAKER (Mr Lindsay)**—I am prepared to listen carefully to the minister.

**Mr HARDGRAVE**—I know the member for Port Adelaide does not hear things sometimes, but I am concerned—as I was saying when the member for Port Adelaide interrupted me—that unless we split the bill we might turn our backs on what could be, on the possibility that could come from the research involving embryos. I also believe that if we do not split the bill, my other concern—the need to outlaw, to put a prohibition on the cloning of humans—would not be properly addressed, which I believe is the substance of the matter before the House at the moment. Just as we have with reproductive technology created families that might not have been, there may well be a set of possibilities that we need to unlock. I therefore believe that the splitting of this legislation should be supported to allow all members to best express the views that they have. I believe I can equally support the legislation in the two parts which may develop as a result of the member for Dunkley's motion actually being passed by this chamber. If I am wrong, I believe it is not the place of

mere mortals to judge me badly. If I am wrong in the judgments I make then I will face higher judgment gladly. I have never claimed to be perfect and, if I am wrong, as a Christian I believe I can pray for forgiveness.

**Mr ZAHRA (McMillan)** (1.08 p.m.)—In this debate there has been a lot of dignity shown by and a lot of goodwill extended from members on both sides of this place. In this debate people have conducted themselves, I think, in a way which is unusual in this place. I am concerned that, in considering whether or not to split the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**, and in our appreciation of the goodwill that has been extended in this place and the seriousness with which people are attempting to facilitate the conscience of others, we may lose sight of the bill before us and the matters it seeks to address.

The other day a bloke drove me from a function in Melbourne back to my flat. You get to know the Comcar drivers pretty well, as you would know, Mr Acting Deputy Speaker. This driver was telling me that his young son, who is six years old, has been diagnosed with diabetes. As part of that, his son has to inject himself several times a day. It seems to me that this is what we are talking about: embryonic stem cell research and human cloning, and this parliament attempting to provide hope for people in that sort of circumstance. This has been a debate where a lot of dignity and goodwill have been shown. There has been a great deal of eloquence in what people have had to say today. But my genuine concern is that, if we split the bill, we undermine the chances of the legislation passing both in the House and in the Senate. When I search my conscience in relation to what is important when considering this legislation, the most important thing to me is that the legislation passes and that that young fellow gets an opportunity to have everything done that we can do in providing him with a chance to get past the disease that he has and be able to have a full and active life. That to me is the most important thing.

I know that people have said in the course of this debate how important it is that people are able to exercise their conscience and that the bill be split so that people can exercise

their conscience with both pieces of the legislation. I respect people's right to have the view that that is important. My own view is that, as members of parliament, we have to make tough decisions relating to difficult areas and we have to respond quite often to difficult legislation. I know that some people will have a different view from mine in relation to this issue. I have heard some members say that, if splitting the bill means that the legislation does not pass, so be it—because that would be the view as expressed by this parliament, with the various positions people take in relation to that.

My own view is that the most important thing in this debate is the outcome. The most important thing is that we provide a legislative basis on which research can be undertaken to provide hope for people who suffer from diseases which potentially can be cured or have therapy provided through embryonic stem cell research. Whilst I support what people have had to say in relation to this debate and the generosity which people have been prepared to extend to other members of this House, I cannot bring myself to support any step which would lead to a decreased likelihood of the bill becoming law. I cannot allow myself to support any action, however well meaning, that might provide for a greater likelihood of the bill not becoming law and of people not having the legislative underpinning they need to provide the opportunity, through embryonic stem cell research, for potential cures for a number of those diseases, including diabetes in particular.

I understand that people may well take a different view to mine. People may well say to me, 'Well, Christian, what about conscience? What about people here being able to express their view as they see fit? That's more important than any outcome.' If people think that, then I hold a different view. The most important task that we have as a legislature is to deliver outcomes to people—to deliver hope to people who are disadvantaged; to deliver hope to people who are suffering; and to make possible every last thing that can be done, in providing a cure for those diseases, to be done. That to me is the greatest consideration which I have when I

consider my own conscience in relation to how I will vote in matters to do with this legislation.

I appreciate the goodwill that has been extended from people on both sides of the House during the conduct of this debate. It has been an eloquent debate. It has been a debate to bring dignity to this parliament. I say to people that, when voting to decide whether or not to split the bill, we are not voting on the eloquence of the debate or on how kind and civilised people have been to each other while debating. We have to make a decision about the bill. When casting a vote as to whether or not to split the bill, we are making a decision as to whether there is a greater or lesser likelihood as a result of what we do of the bill becoming law.

In my view, if we vote to split the bill, there is a decreased likelihood of the legislation passing through both the House and the Senate. That, in turn, will mean that those hundreds of thousands or even millions of people whose diseases or medical conditions might be remedied through embryonic stem cell research may not have the chance that science can provide.

When I check my conscience, the most important thing, to my mind, is the outcome that we deliver to people. The outcome that I want to deliver to people is a legislative underpinning for embryonic stem cell research, to be able to provide all of that science and research and development that can be done to make these people's lives better. I want every effort made that we can make in this area so that we can provide every opportunity for those people to get help for their own circumstances so they can live full and active lives.

**Mr SECKER (Barker)** (1.15 p.m.)—I have been listening to the debate very carefully this morning. I congratulate the very bipartisan speeches by both the member for Dunkley and the member for Bowman who moved and seconded the motion to suspend standing orders. It is very important that we realise that this is not a party matter; it is a conscience vote. During the week and today, people have spoken with great dignity on this matter. I disagree very strongly with the previous speaker, the member for McMillan,

who at one stage claimed it was unusual for members to act with dignity in this place. Members on both sides—for example, the Prime Minister, the members for Tangney, Eden-Monaro, Kalgoorlie, Fisher and Mitchell and, from his own side, the members for Barton, Bowman, Franklin, Greenway, Stirling and so on—have always conducted themselves with dignity in this parliament. I do not think we should ever degrade ourselves as parliamentarians in trying to do this job in the serious way that it deserves.

I was very pleased to hear the member for Fraser admit that, whilst supporting the suspension of standing orders and then the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), it could actually make it harder for his wish for both bills to be passed. That generosity of spirit is necessary in this parliament so that other members are not treated unfairly when it comes to voting on the bill as a whole.

Before I came into this chamber I met with students from one of the visiting schools, St Martin's Lutheran School, who are here from Mount Gambier. I mentioned that they were here on a pretty important occasion for the parliament in that the way we are acting on this bill could have far-reaching consequences for Australia and embryonic stem cell research, whether we do it or not, and that they are seeing parliament at its best. They were very interested to hear my views—which I will not recount here, because it is not part of what we are voting on—and when I said that I did not support embryonic stem cell research, the reaction from the students was, 'That's fair enough—you have a conscience.' I think most members of this parliament here today and on previous days have taken that right attitude. I think it is very important that we keep up this attitude of respecting each other's views, especially on what is considered a fairly controversial bill, where people tend to have very strong views one way or the other.

I also did a radio interview this morning with Jeremy Cordeaux. I am sure the member for Port Adelaide would—

**Mr Sawford**—I never listen to him!

**Mr SECKER**—That is unfortunate, because he would actually support the member for Port Adelaide's view on this. Perhaps he should listen to him. I said in the radio interview that I felt it was very important that we as a parliament, whether there is a precedent set or not, do allow this suspension of standing orders and that we do allow the splitting of the bill. I understand that some members of parliament might be quite happy to go as far as supporting the suspension of standing orders but might then change their minds and say they will not support the splitting of the bill after those orders are suspended. That concerns me a bit because I think most people in this parliament have tried to treat everyone else here with respect and give them the ability to express their views quite properly.

I think the member for Oxley put it very well when he said that we should have a free vote completely, not a free vote in part. That comes down to the real crux of why we wish to suspend the standing orders and then split the bill: because, frankly, it would not be fair for many of us to have to decide, if the bill was not split, on supporting or not supporting cloning because we did or did not support embryonic stem cell research.

Notwithstanding the COAG agreement, I believe COAG were wrong. I believe that, given some further thought on this matter, they would probably see the wisdom of seeing this bill split into two, because I do not believe anyone in this parliament wants to see the cloning of human beings, and they would support that, I would suggest, unanimously. To tie embryonic stem cell research in with something that we all support the banning of is a very harsh thing for members of parliament and for other people in the community who ask, 'Why don't you split the bill up?' They are two different issues. The only coincidence is that scientists are involved in both. I do not think they should have been connected in the first place.

I do not know if the splitting of the bill would set a precedent, but in my life, whether I have been involved in local government, sporting clubs or even Liberal Party policy matters, there has never been any problem in splitting motions and voting on

them seriatim. So people do not have to accept the bill as a whole.

If it is a precedent I do not think it is one to be worried about because, as I have said, I have been involved in that sort of thing very much in local government and other groups. It is never been a problem in the normal community. In the end, I think it is very important that most, and hopefully all, members of parliament not only support the suspension of standing orders but also support the splitting of the bill into two parts. If the bill is split, there will be the possibility of voting on several amendments. I know of at least six amendments that will be put up—and I flag that I expect, on reading them more closely, I will support the majority, if not all, of them.

I think it is very important that we have a conscience vote. Often in society we are asked why we do not always have conscience votes. I think anyone who is involved in parliamentary parties realises that the strength is in teamwork. You do the work before the legislation actually comes in the parliament, whether it is in government committees, standing committees or policy committees. It is beholden of us as party members that, when there are party votes, we use the arguments in the right place. In the end in most cases I do not think we have any problem with party votes.

But this is not a party vote; this is about all members of parliament having a total and free conscience vote on this issue. I think many of us would find it very hard—I am sure many of us find it very difficult—even making that final decision on whether or not to support embryonic stem cell research. Frankly, I have had no problem at all with it. If somebody asked me when it was that I made up my mind, I would say that it was probably about 30 years ago. But it is important that all members of parliament have the right to a conscience vote.

I support the suspension of the standing orders. I support the splitting of the bill. I hope and urge all members of this parliament to take the same attitude, because I think it is fair to all concerned that we do split the bill in two.

**Ms CORCORAN (Isaacs)** (1.24 p.m.)—I want to express my support for splitting the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), although I do it with a little bit of trepidation. I am very keen to see the research on embryonic stem cells go ahead; but, if splitting the bill reduces that chance, so be it. My other hesitation is that I am concerned that, by splitting the bill, we may end up with inconsistent legislation across the Commonwealth and states and territories of Australia—and to me that would be a great shame.

But, against those arguments for not splitting the bill, the bigger argument is that by splitting the bill we give every member here the chance to follow their conscience as fully as possible. At the end of the day, when this legislation has passed or failed, it is important that as a parliament we are able to look back and say that the process was right and proper, that every person in this place had the opportunity to follow their conscience and vote on the issues one by one, and that the end result was arrived at by a proper process. To me, that overrides the risks of ending up with inconsistent legislation or the risk that in fact the whole thing may fail.

**Mr HAWKER (Wannon)** (1.26 p.m.)—I, too, would like to support this motion to suspend the standing orders to allow the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) to be split. I would also like to commend the member for Dunkley for giving us the opportunity to debate this suspension—and hopefully, with the support that seems to be coming, to actually allow it to go through—and also the member for Bowman. That in itself is quite a significant thing: to have a member from the government and a member from the opposition putting forward this motion. I think it embodies the spirit in which this whole debate has been undertaken, where it is clear that there is good will on not only both sides of the chamber but on both sides of this debate.

That in itself has been quite a remarkable achievement and it shows that, when the opportunity is provided, the members will rise to the occasion and certainly will put forward a very well thought out, quality debate on all the points that have been raised. It is also

quite clear from those points that, as this bill in its original form does embody two quite distinct issues, the opportunity to vote on both of them would certainly reward the quality of that debate and be very much appreciated, not only by members of this chamber but, indeed, by the public at large.

I would also like to congratulate the Prime Minister on the way he has handled this debate; I think it has been a real sign of leadership. It is something that I believe will be recognised in time to come, as indeed it is probably recognised now, as the sign of a Prime Minister who really is leading the nation—and leading it in connection with a very difficult area and in a way that allows the maximum democratic participation in this very important issue.

I think it is, as I say, important to allow members, as we have a conscience vote, to consider these two parts of the bill. I see that we have already been given the opportunity, should this motion be carried, to have the bill split into two. I commend the House of Representatives staff for having prepared this so that we now have already in front of us the form of the bill if the House decides to divide the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) into two forms: the Research Involving Embryos Bill 2002 and the Prohibition of Human Cloning Bill 2002. It embodies the fact that there are two very clear issues. We have the whole question of cloning and, I think if one considers the views that have been expressed, there is very strong opposition right across the House to cloning. In regard to that view, as has been put by some of the other speakers, it is very important that members be allowed to place on the record their views unequivocally and to reflect what I believe is the view of the wider society without any qualification.

I say that because, like most members, I have a very strong opposition to cloning. That probably goes back to the days when I read Aldous Huxley's book *Brave New World*. If members have not read it recently, it is well worth rereading. The form of society that he portrayed in that book and the way that form of society might be achieved were very much linked to the ability to start

cloning and to start deciding how the intelligence of individuals was going to be determined by others. It really was a frightening scenario. It is certainly not the sort of society that I would ever subscribe to.

The second part of the question is the issue of embryo stem cell research. Having listened to the debate, members have expressed views which may not always be consistent with their total opposition to cloning. Given that over 100 members have spoken in this debate, it is important to allow us to go the next step and split the bill into two parts. Clearly, this legislation has invoked an almost unprecedented level of debate. Therefore, members should be given the opportunity to express their views on the two quite separate parts of the whole issue.

I think it is also significant, while it may or may not affect members' votes, to note that there have been some revelations relating to the information that has already been provided to members. I refer, of course, to the article in the *Australian* a couple of days ago where it was made quite clear that some of the information that was given to members in relation to the use of embryonic stem cells and the potential to cure a rat was in fact not quite accurate. Given that this information was supposed to come from some of the leading experts in this field, I found that very disturbing. I believe that members who have already spoken may be influenced by finding that information that they had been led to believe was correct is not necessarily correct.

I would also pick up the point that the member for Dawson made, which I think is a very important point, that members who chose to oppose the original bill could—

**Mr Wilkie**—What does this have to do with splitting the bill?

**Mr HAWKER**—If you would just wait I will explain it to you. The point the member for Dawson made was that, in regard to those members who chose to vote against the original bill, the perception could be created that they in fact supported the cloning of human beings. I think that perception, albeit one that they would probably not choose to have made about them, is nonetheless a very

real reason for allowing this bill to be split. So, to the honourable member who interjected, that ought to satisfy him that that was a very important point that the member for Dawson has made. Therefore, it is another reason why we should allow this bill to be split.

I come back to the point that, if the bill is split into two, it will allow all members to exercise their separate vote on the question of cloning. That is a very strong reason why this bill should be allowed to be split: so that the whole community can see quite clearly what the views of all members are on the question of cloning. Members can vote quite unequivocally and their vote will not in any way be qualified by the views they might have on the other part of the bill.

In summing up, I would again like to commend the member for Dunkley and the member for Bowman for putting this motion up. I do believe that it is a reflection of the quality of the debate that has been put forward on the original bill and that we are now deciding on whether to go to the next step and give people the opportunity to exercise their right to vote on both parts of the original bill. Therefore, I support the suspension of standing orders and again commend everyone for the way they have handled this debate. All members can take credit for the fact that they have shown what a good debate can do in terms of bringing out quality and bringing out the best of the arguments. Not only all members in the chamber but hopefully all Australians will respect the views that have been put forward in this debate.

**Mr SAWFORD (Port Adelaide)** (1.35 p.m.)—This debate is about a suspension of standing orders. Anyone listening to this debate on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) would be totally confused. They would actually think you are talking about a second order, inferior debate and a second bite of the cherry. This is not about the substantive bill on which 105 members have already had an opportunity to put forward their views, in support or otherwise. This is nothing more than a strategy to preclude people from actually speaking about the substantive bill. As

the member for Lilley and the member for Perth pointed out right at the beginning of this particular debate, that is what we are doing at this point of time. This debate precludes everybody from having a point of view about the substantive bill.

In support of this motion, some people have been arguing in this chamber that this is a very inclusive process. That is simply not true. If it were inclusive, we would not have this particular strategy. We would have been patient; we would have waited until the bill came back into the House. There is no logic whatsoever that supports that contention. This suspension I think needs to be regarded in three ways. What is the rationale? What is the process? Where is the outcome?

To take the rationale first of all—I have a few faults, but I think self-delusion is not one of them—this particular debate is a second-order debate: it is about the suspension of standing orders to which people have added all sorts of contributions. Has there been one piece of information or one new idea that has been added in this debate this morning? I contend, without risking offence to anyone in here, that not one new piece of information was introduced into this debate this morning—and I bet not one more will be introduced before this debate is concluded.

**Mr Barresi**—Yes, there was.

**Mr SAWFORD**—Not one iota. I am sorry if that offends some members, but that is a simple statement of fact. We seem to have gotten away from that in this particular suspension of standing orders debate. This strategy has one simple purpose: to split the bill, because there is a realisation that the numbers are there to support embryonic stem cell research. Is that strategy valid? Does the strategy confuse people? My word it does—just look at some of the contributions we have had. Does the strategy deflect from the substantive bill? Yes, it does. Does the strategy resort to emotion? Yes, it does. Does it raise the emotional heat? Oh, yes, it does, and there are plenty of members on both sides who have participated in that. Why would they resort to an emotional plea in a suspension of standing orders debate rather than a rational one? Ask yourself that question. Why resort to emotion only? Because

you think you are going to lose—that is the only reason. The people who do not support the splitting of this bill gave forward technical information, procedural information, factual information—they provided information. They did not go on to the actual cloning or embryonic stem cell research; they talked about the actual debate—the suspension of standing orders.

This debate is not about the substantive bill. It is just a procedural motion. So, largely, but not in all cases, emotion is there for other reasons, and members need to look themselves in the mirror and ask themselves, ‘Why is the emotion there?’ Think for a moment, again, of the contributions of the members for Lilley, Perth and Sydney. They were purely procedural, technical, correct and—importantly—non-emotional. This is not a substantive debate, but by doing this we have now precluded people from actually playing a part in a substantive debate. We have actually precluded everybody from doing that. We have all had an opportunity over the last two weeks to put forward our views. How many bites of the cherry do people want? Some people may think that they may be on the losing side and they will use any opportunity whatsoever to deflect, to defer, to filibuster, to obfuscate, to do anything—and that is essentially what this is.

I will not be supporting the splitting of this bill, which is merely a procedural matter. That is no disrespect to the members that, as I am, are quite sincere in their argument. The arguments put forward to support the splitting of the bill lack three qualities: there is no coherence of rationale, process or outcome. Not one person in here who supports the splitting of the bill could come up with a coherent philosophy, a coherent process and a coherent outcome—not one person. You have to ask yourself the question: why is that so?

This is nothing more than a strategy that has come about because of the belief that embryonic stem cell research is going to be passed. That is all it is. It is nothing more, and I think we should stop our self-congratulations on a second-order debate. The first-order debate was the 105 contributions that we made in this House and in the

Main Committee. They were excellent contributions. We will look back on these contributions this morning for what they are: second rate.

**Mr CIOBO (Moncrieff)** (1.41 p.m.)—I rise this afternoon to speak in support of the suspension of standing orders and also to speak in support of the splitting of the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**. Even though I go right against the grain in terms of what the member for Port Adelaide was speaking about—most certainly this will rub roughly against him—I stand to speak in support of the suspension of standing orders and in support of the splitting of the bill because of the amount of time, thought, consideration and ethical turmoil that I had to suffer in deciding ultimately which way I was going to go on this bill.

People should have the freedom to exercise their conscience in good faith when it comes to a vote on a conscience motion. What we are debating this afternoon, despite the comments from the member for Port Adelaide, is very much a debate about whether or not people should have the ability to exercise their conscience in good faith. Being able to exercise your conscience in good faith on such an internally difficult problem requires you to have the ability to differentiate between the various aspects of the bill that you need to differentiate between in order to be able to determine what parts are acceptable to you and what parts are unacceptable to you. I have ultimately resolved that I support both aspects of the bill, but there are many I know that are in this chamber currently and that I have spoken with previously who have great difficulty with the aspects of the bill that involve embryonic stem cell research. There are also those that do not have a difficulty with this, but most certainly everyone in this chamber—as far as I have been able to observe over the past several days—does support wholly and totally the prohibition on human cloning.

To me, the idea that, because of a matter of process, this bill was presented to this House as one bill and not as two separate bills and therefore must always remain thus, reeks of poor intellectual rigour. There is no

basis for it to remain one bill. At this stage, the bill is being put forward as being able to be split into two. Let those who have difficulty with the notion of supporting embryonic stem cell research be able to exercise their conscience and be able to demonstrate that they are opposed to embryonic stem cell research. Let those who wish to support the prohibition on human cloning—which, I expect, will be all—have the ability to do that.

If we look at what is being presented in this debate today—and I note particularly the comments made by the Minister for Ageing—we see that the split bill maintains the legislative framework to ensure that the COAG agreement reached between the Prime Minister and the various state premiers can be upheld. The only difference is that, instead of this legislative framework being delivered by one bill, the legislative framework is delivered by two separate bills. In no way does it undermine or diminish the resolution of COAG. The Minister for Ageing also demonstrated when he spoke this morning that essentially the bill is underpinned by five key principles—the five key principles which were the fundamental platform that gave rise to the agreement between the premiers and the Prime Minister. If these five principles can be embraced in two separate bills, I see no procedural reason or, indeed, any intellectual reason for the bill not to be split.

Members opposite, in particular the member for Port Adelaide, went to great lengths to talk about and question the very motive of splitting the bill and described it as procedural trickiness and various words like that. I find this absolutely and totally absurd. What is being put forward is one bill that provides a legislative framework. What we are now debating is splitting one bill into two bills that maintain the same legislative framework but simply deliver it through two separate bills. The reason we seek to do this is so that members who have a difficulty in supporting embryonic stem cell research are not forced into the absurd position of having to also vote against the prohibition on human cloning. To describe it as trickiness or to question the motives undermines the credibility of this debate and, more importantly, undermines

the credibility of those who would seek to influence the outcome so that the proposal to support splitting the bill fails.

I would be more concerned about those who are opposed to the splitting of the bill, who, essentially, are saying to this chamber that they want, through duress, to force people to make a decision about which way they are going to go. They want members to make a decision under duress about whether or not, on balance, they would rather support the prohibition against human cloning or exercise their conscience and not support research in favour of embryonic stem cell research.

A large part of the motivation of those members who are opposed to splitting the bill—not all members, but certainly some members who oppose to splitting the bill—probably flows from the fact that the New South Wales Premier, Bob Carr, is rattling his sabre at this point about whether this bill should be split. From my observations, from day one the New South Wales Premier has been irritated by the notion that he had to compromise with state premiers and with the Prime Minister to reach consensus on the bill in its original form. If we now choose to split this bill, we will present him with an opportunity to say, ‘They breached the COAG agreement. I have no choice but to implement what I originally intended to do.’ It will provide the perfect opportunity for him to do that. I find it ironic that those who would oppose the splitting of the bill seek to say that it is those who support the splitting of the bill who are undermining the COAG agreement, when the exact opposite is the case.

In conclusion, I rest on this point: overall, as a relatively new member of this chamber, I have been impressed by the standard of debate, both in the substantive part and in the procedural aspects relating to this bill. I commend the member for Dunkley and the member for Bowman for the work they have done in putting forward their proposal to split this bill. I commend them for their work and the effort they have made. I do not believe that the two of them, in some concerted campaign, have been seeking to undermine the COAG agreement or the process that this

parliament retains the right to determine. I think the debate has been excellent and I am certainly pleased to associate my remarks with all those who support the splitting of the bill.

**Mr ANDREN (Calare)** (1.49 p.m.)—I have listened all morning to this debate on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#), both here and in my office. It is marvellous how a debate of this nature—when you are not quite sure from which direction responses from various members will come—attracts you to the screen in your office to listen to particular points of view. It is a very healthy trend. I notice how excited members are at the prospect of a conscience vote, which is something I have to engage in every time I vote in this place. Indeed, I am struggling with my vote at times as I walk down the steps into this chamber. We might be considering a piece of industrial relations legislation, and of course not every bill is black and white. There are elements of much of our legislation that include issues you can support and issues you oppose. On balance, I suppose you have to make an overarching decision. While the member for Port Adelaide seems to have some crystal ball that has already provided the result of the vote on these issues, I certainly think the debate is far from over. As this debate proceeds to the other place, I think it will attract a lot more attention and study by members who have taken the time—as I believe we all have—to try to listen to all elements.

I will address the terms of the motion. I am supportive of the motion to suspend standing orders and, indeed, I intend to support the motion to split the bill. Contrary to what the member for Port Adelaide said, I am used to arguing lost causes. In this case my enthusiasm remains undiminished. In fact, it may surprise me at the end. I do not have the prescience that you seem to have on this matter, and we may find out in the weeks ahead—

**Mr Leo McLeay**—Don't look at me! I'm on your side.

**The SPEAKER**—The member for Calare may have confused the member for Watson with the member for Port Adelaide.

**Mr ANDREN**—And I have my glasses on, too. The member for Port Adelaide speaks of the lack of coherence in this whole matter. This is the debate we have to have about the coherence and the logic that are necessary with this bill.

I am amazed that we are talking about a conscience vote with the splitting of this legislation. I am only less slightly amazed that COAG could not foresee how ridiculous was the proposition that two separate issues—the permission for embryonic stem cell research and a prohibition on cloning—could or should be covered by the same legislation. There may not be a precedent in this House for splitting a bill, but surely there are precedents for complementary legislation. That surely is what we will have with two separate pieces of legislation, which will require separate votes because it is for different reasons that those votes will be cast. They are clearly separate issues. If COAG got it wrong, then it will be incumbent upon the states to prepare their legislation according to these template bills if they pass this chamber, recognising the prescience of the member for Port Adelaide that it seems as if they will be passed. But that is a big 'if'.

I have made it clear that I have moved over recent weeks from uncomfortable, to total, opposition to the embryo cell research aspects of the legislation while supporting a ban on anything related to cloning, including therapeutic cloning. I demand a separate vote on those issues. There has been much talk here today and throughout this debate on the importance and the novelty of a conscience vote. A conscience vote is a rarity in an adversarial Westminster system but, as Bob Dylan said, the times they are a' changing. With more Independents in houses of parliament right around the country, conscience votes are becoming more the order of the day. But they happen quietly, with Independents walking into chambers right around this country and voting with their consciences every day of the week. They do not get headlines. They do not get excited about it and write letters to their constituents and to the newspaper saying, 'I cast a conscience vote.' It had escaped me what the enthusiasm

was about until I sat down and realised how rare an opportunity this was.

In supporting this motion, I do so particularly because it gives members the opportunity for two votes on this issue. It gives us the correct opportunity to vote separately on the related but definitely separate issues. It gives us the opportunity to ponder not only the ramifications of cloning but also the consequences of stem cell research, notably embryonic stem cell research. As members ponder, hopefully, both those issues separately, I ask them to also ponder the words I quoted in my speech during the second reading debate from the late Michael Polanyi, once Professor of Chemistry at Manchester University:

In the days when an idea could be silenced by showing it was contrary to religion, theology was the greatest single source of fallacies. Today when any human thought can be discredited as unscientific, the power exercised previously by theology has passed over to science; hence science has become the greatest single source of error.

We should not make the error of failing to split this bill, and we should also remember the errors that have been brought into this public debate in recent days—errors, whether deliberate or accidental, which underline the scientists in whom we are placing so much trust are far from infallible. They are human like all of us, and that goes to their ethics as well.

I support the motion and urge members to do likewise.

**Mr WILKIE (Swan)** (1.56 p.m.)—I rise to support the motion for the suspension of standing orders moved by the member for Dunkley. I also support the view of the member for Dunkley that the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) should be split. Having said that, I support the bill in its current form. I also support both bills, should they be split. I recognise that there are different views out there in the community—and there are also different views here in this chamber—about both the sections of the bill relating to cloning and those relating to the use of embryos.

I am particularly impressed by the speeches that have been given on the splitting of the bill by the members for Brisbane,

Watson, Hunter, Corio and Lingiari. I am not going to go over all the issues that were raised because I think these members adequately covered them. I congratulate the member for Sturt on the first part of his speech, which I thought was actually relevant. He seemed to lose the plot, unfortunately, in the latter part of his speech.

**Mr Leo McLeay**—Then it became an argument against cloning.

**Mr WILKIE**—Then I thought it became an argument against what he was proposing. Whilst not agreeing with members who oppose either section of the bill theologically, morally, ethically or practically, I believe that as these members have a strong personal conviction regarding the two distinct aspects of the existing legislation, they should be given the opportunity to express those views by way of separate votes. Therefore, I support that aspect of the legislation.

When you discuss the relevant legislation with members of the House you find that they often have strong religious views which would preclude them from voting for one aspect as opposed to the other. This split will give them that opportunity. I support that opportunity. I am concerned—in line with the member for McMillan's view—that splitting the bill may cause some problems with the legislation's passage through the Senate, but I think in the cause of a conscience vote, which is what we are looking at here, that risk is worth it. Hopefully, commonsense will prevail in the Senate and both bills will be passed.

**Mr FARMER (Macarthur)** (1.59 p.m.)—On behalf of my constituents, I would like to take the next 20 seconds to let the House know that I certainly support the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#) in its entirety. It would give me the opportunity to best represent the people of my electorate. Like many other members of this chamber, I have toiled in trying to address the needs and the concerns of my electorate. For that reason, I look forward to the bill being split so that we can vote individually on each aspect of it.

**The SPEAKER**—Order! It being 2 p.m., the debate is interrupted in accordance with standing order 101A. The debate may be resumed at a later hour.

#### MINISTERIAL ARRANGEMENTS

**Mr HOWARD** (Bennelong—Prime Minister) (2.00 p.m.)—I inform the House that the Minister for Trade will be absent from question time today. The minister is in New Zealand to participate in the annual CER meeting of Australian and New Zealand trade ministers. The Minister for Foreign Affairs will eloquently answer questions on his behalf.

#### QUESTIONS WITHOUT NOTICE

##### Veterans: Gold Card

**Mr EDWARDS** (2.00 p.m.)—My question is directed to the Minister for Veterans' Affairs. Minister, I refer to your response yesterday on the question of the veterans gold card and your reference to an article from the *West Australian* newspaper. Minister, are you aware of a letter sent to you yesterday by John 'Bluey' Ryan, National President of the T&PI Association, following your statement in this chamber, advising that you did not use his full quote from the article and also refuting your denial that there is a problem with doctors accepting the veterans gold card in WA? Minister, now that you have been caught out, when are you going to stop using the veteran community for a cheap political stunt—

**The SPEAKER**—The member for Cowan will ask his question without the vitriol.

**Mr EDWARDS**—and start speaking to veterans directly in order to understand the true needs of their community?

**Mrs VALE**—I thank the honourable member for his question. I can say that no, I am not personally aware of any such letter. I will make inquiries of my department. I understand that he said it was sent today, if that is correct—

**Ms King**—Yesterday.

**Mrs VALE**—Yesterday. But I can say that, as I answered yesterday, the overwhelming majority of doctors, including specialists, are continuing to honour the gold

card for veteran patients. This is an important matter and deserves more than the scare tactics that are being perpetrated. The average age of our war veterans is in the late 70s, and the provision of universal health care is one of the most meaningful ways that we can acknowledge their service and their sacrifice.

As I said yesterday, the Department of Veterans' Affairs is currently discussing this matter with the Australian Medical Association. In fact, I met this morning with Dr Keryn Phelps and other representatives from the AMA. I believe it was a very good meeting and I have every reason to believe that the excellent relationship that has been enjoyed between my department and the AMA will continue. But let me make it clear that the Australian community and the government do not accept that the threat to withdraw services to veterans is a legitimate means to progress discussions on the future treatment of veterans. I restate: the majority of GPs and specialists continue to honour our gold card, and after our discussions with the AMA I believe that they will continue to do so. In the meantime, if a veteran is having difficulty locating any treating specialist I invite them to contact my department.

**Mr Swan**—I was wondering if the minister would report back to the House once she checks in her office for the letter.

**Mr Edwards**—I seek leave to table the letter from the national president of the T&PI Association sent yesterday to the minister and I also seek leave to table a copy of the article from which the minister quoted yesterday but which she refused to table herself.

Leave granted.

##### East Timor: Independence

**Mr KING** (2.04 p.m.)—My question without notice is directed to the Prime Minister. As the Prime Minister will recall, tomorrow, 30 August, is the third anniversary of the historic vote by the people of East Timor in favour of self-determination. Prime Minister, would you outline the contribution made by your government to East Timor's success in achieving its independence and, on behalf of the people of Australia, would you consider sending a message of congratulations to President Gusmao compli-

menting him and the people of East Timor on this anniversary?

**Mr HOWARD**—I thank the member for Wentworth, who I know has a very keen personal interest in the progress of the newly independent nation of East Timor. It is true that tomorrow is the third anniversary of the historic vote by the people of that now tiny nation for self-determination. On behalf of the government—and, I am sure, on behalf of all honourable members—I want to remark what an important event that was, and also what a very significant role Australia played in the events leading up to the vote, subsequently through the deployment of the INTERFET force and continuing until today, when, under the flag of the United Nations, Australia continues to contribute some hundreds of ADF personnel.

It is well known that the representations that were made by the Australian government—and, not least, my own letter to President Habibie—led to a significant change in the policy of the then Indonesian government. It turned around a quarter of a century of Australian policy—from both sides of the parliament, I might add—and led to very significant change and an outcome that gave to this country the opportunity to act on behalf of a small nation that, on proper grounds, regarded itself as being very unfairly treated. The leadership and the contribution that Australia made to those events is very widely respected around the world. There are very few people, even in this country, who take the view that the actions of the Australian government at that time were other than totally in our national interest and in the interests of the principles on which this nation is built.

Many of us had the opportunity of going to Dili for the independence celebrations. As a measure of the way in which Indonesia has moved on, as have the East Timorese, undoubtedly the highlight of those celebrations was the arrival of President Megawati of Indonesia. Her gracious act of reconciliation towards the people of East Timor and the warmth of the reception that she received were by far the most impressive highlights of that occasion for me. I take the opportunity of congratulating President Megawati on the

forward view that she has taken in relation to the links between her country and East Timor.

It was our honour to host a visit by President Xanana Gusmao in June of this year. East Timor, a tiny country with many challenges, is well served by the quality of its leadership, and I know that all members of this House would want me to convey the message of congratulations to which the honourable member for Wentworth so properly referred.

**Mr CREAN (Hotham—Leader of the Opposition)** (2.08 p.m.)—Mr Speaker, on indulgence, I join with the Prime Minister in congratulating the East Timorese on the third anniversary of the ballot for independence, to recognise the tenacity and courage that led to that ballot, to recognise the efforts of the Australian troops in their law enforcement role, to recognise the role of the United Nations and the effectiveness of the umbrella organisation leading the international effort in peacekeeping and to look forward to working with the government in supporting East Timor in their future. It is an important anniversary for them, but it is the future that matters most. We must do what we can to support them grow into that future.

#### **Education: HECS Contributions**

**Mr ZAHRA** (2.09 p.m.)—My question is to the Minister for Education, Science and Training, and it refers to his moralising about taxpayers paying more for university education.

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

**Mr ZAHRA**—Minister, why do you so passionately support students paying more for their university education? What proportion of the cost of your medical degree did you pay? Was it wrong for the Australian taxpayer to pay for your medical degree?

*Government members interjecting—*

**The SPEAKER**—Order! The chair has some difficulty seeing how the minister's current responsibilities are in any way addressed by the cost of a degree that he would have received some years ago. The honourable member for Fadden.

**Mr Jull**—Mr Speaker, my question is directed to the Minister for Foreign Affairs. What is the government's response to the decision by—

**Mr McMullan**—Mr Speaker, I raise a point of order. It is in two parts. The first part is that there is no question but that that part of the question asked by the member for McMillan which said: 'Why do you so passionately support students paying more for their university education?' is in order. There is no way you could, in my view, have ruled that out of order. Secondly, there is a very long and proper tradition in this parliament that, when ministers' private behaviour contradicts their public advocacy, it is a proper matter to be asked in this parliament. It is neither a unique question nor an unorthodox question. If a minister advocates one course of action but practises another, it is something about which he or she ought properly be asked in the parliament. For that reason, I put it to you that both parts of the question are in order, and unquestionably the first part.

**Mr Abbott**—Mr Speaker, on the point of order: I thought that the member for Fraser was making a perfectly reasonable point of order, until he got to the point where he seemed to be suggesting that there is some hypocrisy or some inconstancy in the behaviour of the minister for education. I think this is an outrageous thing to say. I think it is a particularly outrageous thing for the member for Fraser to allege in a point of order.

*Opposition members interjecting—*

**The SPEAKER**—Order! The same courtesy I expect to have extended to the member for Fraser I reasonably expect to have extended to the minister. I indicate to the House that it is rare for me to indicate that a question is out of order, but it is impossible for me to see how the minister's present portfolio responsibilities have any bearing on the situation that applied an era or more ago when he qualified for his university degree. It is fair to say that the member has indicated that part of the question would have been in order, but the question was couched in such a way as to make that a very small part of the total question. I have indi-

cated that I will not allow the question, as it was framed, to stand.

**Mr Swan**—Mr Speaker, I raise a further point of order. It relates to the ruling that you just gave. Under standing order 142, questions may be put to a minister relating to public affairs with which the minister is officially connected. Yesterday in this House we asked a series of questions of the minister for education. He spoke at some length; in fact, the first question he answered yesterday went for in excess of seven minutes. If you were to review the *Hansard* from yesterday and look at the minister's answer, he spoke at length about taxpayers paying for university education. He spoke at length about how he was passionate about putting more money into tertiary education through students paying more. The question from the member referred to the minister's comments yesterday about paying for university education. It was: 'Why are you so passionately—

**The SPEAKER**—I do not need the question repeated. The member for Lilley will resume his seat.

**Mr Swan**—No, I—

**The SPEAKER**—The member for Lilley will resume his seat. I have heard his point of order. I do not require the question to be repeated. The member for Lilley will resume his seat.

**Mr Swan**—Further to that point—

**The SPEAKER**—The member for Lilley has been asked to resume his seat. I point out to the member for Lilley and all members of the House that clearly any question directed to the minister for education about the cost of university education would be in order, in his current ministerial role, as indeed it was yesterday. There was no hesitation in my accepting that question. Equally, the member for Lilley's comment that the minister had taken seven minutes to answer the question has absolutely no bearing on the standing orders. Under the standing orders, the minister could have spent the entire question time answering the question, had he wished, and I could not have taken any action. It is evident to everyone who has witnessed this exercise that the question simply reframed

would be entirely acceptable. I have called the member for Fadden.

**Mr Swan**—I have a point of order.

**The SPEAKER**—I have dealt with the point of order. I have dealt with all of the points of order raised. If there is a further point of order, I will hear it, but it had better be well wide of the previous points of order.

**Mr Swan**—Mr Speaker, I raise a point of order related to your previous ruling. In your ruling, you said that there was a small proportion of the question asked by the member that was in order. I was trying to point out that the part of the question that was in order, which was consistent with your ruling, was over half of the question. I was going to ask you to give the member time to rephrase his question so that it was in order, and to do that now.

**The SPEAKER**—The comment ‘Mr Speaker’ was in order, but that did not make the rest of the question in order. Of course the member for McMillan has all the time he wishes to rephrase the question, and I will recognise him if he rises—later. But I have recognised the member for Fadden. If the member for McMillan wants to stay in the chamber and ask the question, he will resume his seat. The member for Fadden has the call.

#### **Foreign Affairs: Drugs**

**Mr JULL** (2.16 p.m.)—My question is directed for the Minister for Foreign Affairs. What is the government’s response to the decision by a Vietnamese court yesterday to impose the death sentence on an Australian convicted of possessing heroin? What penalties can Australians face for crimes committed overseas?

**Mr DOWNER**—I thank the honourable member for Fadden for his question. All members of the House know what a great interest the member for Fadden has in foreign affairs and in particular in consular issues to do with the safety and welfare of Australians overseas. In answer to the second part of the honourable member’s question, Australians travelling overseas must always remember that they are not subject to the laws of Australia, in the main; they are subject to the laws of the country they are in.

This point is reinforced in the travel advisories and consular publications from my department and also in a booklet which is issued with every Australian passport. Our advice underlines that the death sentence is a potential penalty for drug trafficking in some countries. This government is very concerned about drug trafficking and works hard to promote regional cooperation to combat this crime, through our diplomatic as well as police, immigration and Customs networks, and through our aid program. Having said that, this government and previous Australian governments going back quite some years now have always had a strong and consistent position against the death penalty as punishment for these and any other offences.

I was concerned to hear that yesterday, 28 August, the death penalty was imposed in Ho Chi Minh City on an Australian citizen, Ms Le My Linh, following her conviction for transporting heroin. Ms Linh did not contest the charge. She was found carrying 880 grams of heroin at Ho Chi Minh City airport and was on her way to Sydney. There is no doubt that, as a matter of principle, we appreciate the efforts of the Vietnamese authorities to catch drug traffickers and to ensure, quite apart from anything else, that heroin cannot be transported to Sydney—the city to which this woman was travelling—or to any other part of Australia. To that extent, we are grateful to the Vietnamese authorities for the interception. We are grateful to the Vietnamese authorities for the vigour with which they approach the issue of drug trafficking. But the government has made its opposition to the death penalty very clear to the Vietnamese authorities over some weeks now, both in Australia and in Vietnam. I underlined this position myself yesterday, in a letter I wrote to the Vietnamese Foreign Minister, and foreshadowed that, should the sentence be confirmed on appeal—the conviction is not being appealed, but I understand the sentence is—the government will support a request for the sentence to be commuted. I have also spoken today with the Vietnamese Ambassador to Australia and have essentially made the same points to him, more or less, that I am making here in answer to the honourable member’s question.

Officers from my department and the Consulate-General in Ho Chi Minh City have been providing consular support to Ms Linh and her family since she was arrested some time ago, on 17 November last year. Three consular access visits have been granted. We have ensured that she has legal representation, we have secured visits for her children—I understand she has two children—and we have monitored her welfare.

The government do not want to give the impression to the Vietnamese government that we are sympathetic to drug traffickers. We do not want to express anything but gratitude to the Vietnamese government for its determination to fight the drug trade, but we do want to leave a clear message for the Vietnamese government that this government—and, I should say, almost all members of this parliament too—oppose the death penalty. We hope that, subject to what happens in the appeal process, Ms Linh's death sentence will be commuted to a custodial sentence.

#### Education: School Values

**Ms MACKLIN** (2.22 p.m.)—My question is to the Minister for Education, Science and Training. It refers to his answer to a question on school values and the importance of teaching children to be trustworthy. Minister, did you tell the *Australian* newspaper in May 1995:

I have voted Liberal in every election since 1987, even though in 1988 I rejoined the Labor Party.

Did you also tell the *Australian* that you were an ALP member because you felt:

... on balance that in representing the AMA ... it would ... have more impact if I was ... known to be an ALP member.

Minister, when you recently visited—

**Mr Abbott**—Mr Speaker, I rise on a point of order. The kind of points that the Deputy Leader of the Opposition wishes to make are much more appropriately dealt with by way of motion and much more appropriately dealt with by an MPI speech. They are certainly not appropriate to a question time question, because they have nothing to do with the minister's education portfolio.

**Mr Swan**—Further to that point of order, the question related directly to an answer

given to this House by the minister and concerned schools that he had visited and values that he had talked about.

**The SPEAKER**—I had not, in fact, interrupted the member for Jagajaga because I had any unhappiness about the question; I had interrupted her to hear a point of order. I am prepared to hear the question.

**Ms MACKLIN**—Thank you, Mr Speaker. Minister, when you recently visited Emmaus Primary School and the Flagstone State School and talked on the importance of values and character, did you tell the students that it is okay to pretend to be something that you are not if it helps your career?

*Honourable members interjecting—*

*Mr Ripoll interjecting—*

**The SPEAKER**—If it is necessary for me to call the attention of individual members, I will do so. Their electorates need to know that, unlike those whose attention has been drawn to the chair, there are a number of others who never find it necessary to interject and who remain very effective representatives of their electorates regardless.

**Mr Abbott**—Mr Speaker, I rise on a point of order. I am very reluctant to make this point of order but I think, in order to maintain the standards of the House, I must.

*Opposition members interjecting—*

*Mr Ripoll interjecting—*

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

**Mr Abbott**—Mr Speaker, I put it to you that this is not a question; this is a nasty personal smear masquerading as a question and it should not be permitted under the standing orders of this House.

*Opposition members interjecting—*

**Mr Martin Ferguson**—Don't you ever talk about smears! You spend your life smearing.

**The SPEAKER**—The member for Batman apparently also finds it difficult to restrain himself.

**Dr NELSON**—As Australia's Minister for Education, Science and Training, and having the privilege to have that position in the first government elected for Australia for

the 21st century, there are a number of things that I always try to say to young people on behalf of not only the government but their parents: young people only have one life; they only have one opportunity to use their lives to find and achieve their own potential. Education is not just about preparing young people for the future, it is about giving them the confidence to believe that they can create the kind of future that they really want. Education is not just about the transfer of knowledge and skills, it is about building a sense of values and producing adults of character. One of the most important things I have found in my life—I have said this on a number of occasions and I will repeat it here in the House—is that I have made many mistakes, and I will make many more. If I did not, I would not be human.

One of the key things that is important to finding success in your life is to keep an open mind. You always need to listen to what other people are saying. In front of my desk in my ministerial office, to remind me of what is important in education and in life, is a photograph which is probably the size-and-a-half of standard sized door. It is a black-and-white photograph of a man who is now dead: Neville Bonner. It is not there because Bonner was the first Aborigine elected to the federal parliament; it is there to remind me on a day-to-day basis of what is important in education.

Bonner was born on Ukerebagh Island under a palm tree. His father left him when he was an infant; his mother died when he was a child. His grandparents, who raised him, tried to send him to a school near Lismore. He was excluded from that school because non-Indigenous parents did not like seeing an Aboriginal boy at that school. He finally had one single year of education; he did three years in one year at Beaudesert School. His grandmother said to him, 'Neville, if you learn to read and write, express yourself well and treat other human beings with courtesy and respect, it will take you a long way.' That photograph stands there every single day to remind me that what is important in education is that it is able to lift people against the most difficult adversity that many people on the other side

of this place cannot even begin to imagine. In the end—

*Honourable members interjecting—*

**The SPEAKER**—The minister will resume his seat. The only thing that saved the member from Sydney from a warning was the behaviour on my right. The minister has the call.

**Dr NELSON**—It is interesting that there is a national leadership forum here today and young people have come from all over Australia to have a look at what leadership might be about. All of us need to understand that in life the most important thing is to keep an open mind and listen to another person's point of view. Because in keeping an open mind, in doing what Robert Menzies said in 1944, which was that to every good citizen the state owes not only a chance in life but a self-respecting life, the fundamental is education. Every day that I have the privilege to be in this job I will support and annunciate to Australian children and their families that education is based on values.

*Honourable members interjecting—*

*Mrs Crosio interjecting—*

**The SPEAKER**—The Chief Opposition Whip will withdraw that statement.

**Mrs Crosio**—Mr Speaker, I raise a point of order. Since when is the word 'hypocrite' unparliamentary?

**The SPEAKER**—The Chief Opposition Whip will withdraw that statement.

**Mrs Crosio**—I withdraw the statement that the minister is a hypocrite.

**The SPEAKER**—The Chief Opposition Whip will withdraw without qualification the statement she made and resume her seat or I will deal with her.

**Mrs Crosio**—I withdraw.

#### **Capital Expenditure**

**Mr PYNE** (2.32 p.m.)—My question is addressed to the Treasurer. Would the Treasurer inform the House of the results of the Australian Bureau of Statistics survey of new capital expenditure for the June quarter? What are the implications of the survey results for the business investment outlook?

**Mr COSTELLO**—I thank the honourable member for Sturt for his question and for his interest in the Australian economy. The ABS today released its survey of new capital expenditure, or CAPEX, for the June quarter, which showed that capital spending on buildings and structures increased by 5.4 per cent in June and spending on equipment and machinery increased by 5.7 per cent. In addition, CAPEX also has a survey of intentions for the forthcoming year. Businesses reported that they expect to spend \$41.6 billion on new buildings and capital equipment in the 2002-03 financial year, an estimate 8.8 per cent higher than the equivalent estimate for 2001-02. This is a very strong expectation of capital investment in the forthcoming year and is consistent with the government's budget forecasts that business investment will be strong and take up some of the slack from the housing cycle.

There are a number of big new investments taking place in Australia at the moment: the North West Shelf fourth train, the Alice Springs to Darwin railway line, the Grocon Queen Victoria redevelopment site in Melbourne, the Duke Energy Bass Strait pipeline, the Kwinana gas plant in Western Australia, Comalco's development in Queensland and the AMC magnesium project. New capital construction is to come on line, like the Scoresby Freeway, which we expect next year, the Craigieburn bypass and the Geelong road.

**Mr Howard**—What about the Gladesville roundabout?

**Mr COSTELLO**—I am just looking under G for the Gladesville roundabout. There it is there, is it? There is a bit of special pleading going on about Gladesville.

**The SPEAKER**—The Treasurer has the call.

**Mr COSTELLO**—I am being interrupted on my right, Mr Speaker. This is a good thing for investment in Australia and a stronger economy. It is coming at a time when the housing cycle is expected to come off. The July trade balance was an improvement on June, with a narrowing of the deficit to \$643 million from \$998 million in the previous month. Exports were \$328 million

higher in July, mainly reflecting exports in non-rural goods. As I said yesterday, we would expect the drought to kick in and affect rural exports, unfortunately, during the later part of this year.

Next week the APEC finance ministers will be meeting in Mexico. I will be representing Australia at that meeting. This is the first opportunity to discuss global events in the wake of some of the fallout in US stock markets and the volatility in Brazil and Argentina in relation to currency and their economies. The world situation continues to be of concern to the Australian government, but business investment intentions are strong. That is good news for Australian job seekers.

#### **Education: School Values**

**Ms MACKLIN** (2.35 p.m.)—My question is again to the Minister for Education, Science and Training and it refers to his answer to a question on school values and the importance of teaching children to be trustworthy. Minister, is it true that in the 1993 election campaign you declared at a Melbourne demonstration that you had, 'Never voted Liberal in your life'? Minister, in 1995, to gain preselection for your seat of Bradfield, were you not forced to admit that you did not tell the truth in 1993? When you recently visited Emmaus Primary School and the Flagstone State School and talked on the importance of values and character, did you tell them that, every day as you think about education and values, the truth is dispensable if it helps your career?

**Mr Abbott**—Mr Speaker, with reluctance and regret, I raise a point of order. Again, this question is a smear. It is not a question, it is not seeking information and it does not deal with the minister's portfolio responsibilities. It should be ruled out of order.

**The SPEAKER**—I consider all of these questions highly undesirable, but I am not sure that the last two have necessarily contravened standing order 143. I will allow this question to stand, but I do not intend to entertain other questions of this nature.

**Dr NELSON**—In an earlier question that was ruled out of order, there was a reference to my medical training. It is interesting that

one of the standouts in my life—in my journey to getting here—is a fellow called Rick Burns, a Professor of Neurology at Flinders University.

**Mr Gavan O'Connor**—Wait until I light a candle!

*Opposition members interjecting—*

**The SPEAKER**—Order! The minister will resume his seat. I remind all members, particularly the member for Corio, that I have just allowed to stand a question that I probably ought to have ruled out of order. I do not intend to have both the question and the answer abused by those in front of me. The minister has the call.

**Dr NELSON**—Professor Burns is striking for many reasons. One of the most outstanding features of this man is that, when I was a fifth-year medical student, he came to speak to us and he spent an hour telling us about the mistakes he had made in his medical life. It is interesting, in the current medico-legal climate, to imagine whether he would do that now. I thought, 'Why would someone so esteemed spend an hour telling us about the mistakes he had made?' I have learned, as I have gone through my life, that we all make mistakes.

**Mr Leo McLeay**—We all make mistakes!

**The SPEAKER**—I warn the member for Watson.

**Dr NELSON**—The most important thing is that we are prepared to face up to them and to discuss them. I am very fortunate, I learned four values from the Jesuits, with whom I spent the last two years of my education. These are examples of the kinds of values that we are trying to encourage and support in government and non-government schools. These are the four values. Firstly, if you want to succeed, you need to be committed. You need to persistently apply yourself to the things in which you believe, which is why the Prime Minister is the Prime Minister today. Secondly, you need to always have a sense of conscience about everything you do, which is typified by the debate in the parliament. You need to ask yourself all of the time, 'What is the right thing to do?'

Thirdly, you need a sense of compassion. You need to always ask yourself, 'How would I feel if this were ever to happen to me?' Fourthly, you need courage. You need a brave heart.

I should conclude because I realise the hardworking taxpayers of this country, who are trying to feed their kids and to pay their car loans and their mortgages, would like us to talk about policy. The last comment I would make is that, about a week before the 1996 election, I received a phone call from a person very close to my father who had supported the labour movement all his life. He said to me, 'I'm going to vote for the Liberals next week.' I asked, 'Why is that?' He said, 'Because Keating and Brereton and those people do not represent everything I ever believed in.'

#### **Immigration: Visitor Entry**

**Ms PANOPOULOS** (2.42 p.m.)—My question is addressed to the Minister for Immigration and Multicultural and Indigenous Affairs. Would the minister inform the House of developments relating to visitor entry into Australia? Would the minister also advise the House of the level of compliance with our immigration laws?

**Mr RUDDOCK**—I thank the honourable member for Indi for her question. It is a very important question about something that impacts upon us all as members of parliament. It is a matter of very considerable interest to many of our constituents. The past year has been a very difficult one for tourism around the world, particularly following the events of September 11. But it is clear that, over the longer term, Australia has been experiencing very strong growth in tourism, and there are indications that we will remain a very popular destination. In the past financial year, we saw more than 3.3 million people arrive in Australia on visitor visas. That is an increase of 1.5 million in the last decade. We are not far off having doubled our outcome in that time.

The good news is that, for visitor visas issued to people from countries we have traditionally seen as being of higher immigration risk and from some of the emerging tourism markets, the rates have been exceptionally

good. Approval rates are up, so that almost 98 per cent of applications are now the subject of a visa grant. That has enabled us to respond to growth, particularly in China and India, amongst other markets. What pleases me is that the non-return rates are at an all-time low. The level is now 1.85 per cent. This is the first time it has ever been below two per cent. That is good news for Australia, and it is good news for those people from Australia who are interested in having family visitors from overseas. But it is not a matter that we should take for granted. It is something that we have to continue working on.

Yesterday, I launched a new initiative which is the Family Visitor Network. I recommend that those members of parliament who were not present at the launch—there were a number present—see the material and be aware that family visitors through that network will now have departmental officers here in Australia who can assist them in obtaining advice on those matters. It will help them to understand the framework of law; it will not mean that people who we think are high risk will be able to get access. But it will help them to understand the process.

From time to time, some people have suggested that the government are solely focused on boat arrivals and unauthorised arrivals and that we are not serious about breaches of immigration laws by visitors and other visa holders. I want to say that nothing could be further from the truth. The fact is we have seen strong growth in our activities to ensure that people not abiding by visa conditions are located and removed from Australia wherever possible. I wish to let you know that in the last year my department located 17,307 people who had overstayed visas or were found breaching visa conditions, for example by working when they had no lawful authority to do so. That contrasts with the situation in 1994-95, the second last year of the former government, when only 9,018 overstayers were located. Unfortunately, at that time the numbers were trending down. In the last year of the former government only 7,800 overstayers were located, so we have looked at considerably more than that. Almost 2½ times that number of people

have been located as a result of compliance activities.

I want to make this point very strongly: we can continue to see growth in visitors to Australia, and particularly family visitors, if we have compliant visits. It is important that the people who are making those linkages advise their families and friends that they are helping others if they are able to ensure that those who come to Australia undertake bona fide visits so we can maintain the integrity of the system.

#### **Education: Funding**

**Mr SAWFORD** (2.47 p.m.)—My question is to the Minister for Education, Science and Training. Minister, is it not true that the proportion of university students needing to work to support themselves increased by 46 per cent between 1984 and the year 2000 and that students now work an average of 19 hours per week during semesters? Minister, have you been sitting on a report into the extent of financial pressure on university students, prepared by the University of Melbourne? If so, Minister, when will you release that report?

**Dr NELSON**—I thank the member for Port Adelaide for his question and for it having, in particular, a policy focus. While I disagree with him on policy, he is one of the members on the other side for whom I have a high personal regard. The question is in relation to university students and how often they are working and so on. The information that I have available to me—and I would be very happy for the member for Port Adelaide to provide the evidence which he cited in his question, and I will check its veracity—is that the average university student is required to work to support their living expenses on average about 4½ or 5 hours a week. As many of us who have had the privilege of having a university education would know, that is not necessarily a new experience. I think most of us have done that, including me. I had two part-time jobs when I was at university. In fact, not only do students themselves but I think, increasingly, parents also see that as a very important part of life experience. As the Foreign Minister was just reminding me, I spent some very

enjoyable time working in the basement of Harris Scarfe selling soft furnishings.

There is an important thing here that needs to be understood. It is interesting to be actually out in the field working and meeting every single day with everyday Australians. I will relate to the House a story. I was standing outside the Queensland University of Technology. I was waiting to go inside the QUT, and there was a woman next to me—an everyday kind of person. I said to her, 'It's a funny thing to ask, but what do you think about universities?' She stepped back a bit and said, 'I don't know, really. I applied to go to one once but I didn't get in.' She said, 'Are you going inside there?' and I said yes. She said, 'Could you tell them something for me?' and I said yes. She said, 'You tell them I work really hard and my taxes pay for what goes on in there.' She then said, 'You tell them that, when they come out and apply for the same job I apply for, they'll get the job.'

**Mr Sawford**—Mr Speaker, I rise on a point of order with regard to standing order 145. The question was quite simple: when will the report be released? I am grateful for his kind remarks, but that is all I want to know.

**The SPEAKER**—The member for Port Adelaide will resume his seat. The minister was asked a question about university education, the cost of university education and the availability of a report. All that he has said to date is entirely relevant and in order.

**Dr NELSON**—Sometimes honourable members on the other side do not know what they do not know so you have to run through a bit of information. What is important is that Australian taxpayers pay for about three-quarters of the cost of the education of a student who goes to university, and that was a policy that was introduced in 1988 by the Australian Labor Party, supported quite sensibly by the members on this side. What is also worth remembering, and I will run through these figures, is that the Australian taxpayer actually lends the money for the cost of one-quarter of that education to the students who then derive a benefit from that education.

In fact, the average male graduate earns \$622,000 more over a lifetime and the average female graduate \$412,000 more over a lifetime than someone who did not go to university. The average HECS debt is \$7,800, and 91 per cent owe less than \$16,000. Do you know, Mr Speaker, there are 64 people in the country who owe more than \$40,000 to the Australian taxpayer—the mechanics, the tilers, the bricklayers, the retail salesmen and the other hard working men and women of this country who those on the other side purport to represent. They are actually paying for three-quarters of it.

**Mrs Irwin**—Mr Speaker, I rise on a point of order to bring your attention to standing order 145. Firstly, Harris Scarfe went broke. And what about the report, Minister?

**The SPEAKER**—The member for Fowler will resume her seat.

*Honourable members interjecting—*

**The SPEAKER**—When the House has come to order, the minister has the call. The minister was asked a question about university education costs. There is no way I can deem it other than relevant.

**Dr NELSON**—In concluding, in his or her first year after graduation, a university bachelor graduate earns, in almost every case, more than the total cost of their contribution to their education.

#### **Charities: Government Response to Inquiry**

**Mr NEVILLE** (2.54 p.m.)—My question is addressed to the Treasurer. Would the Treasurer advise the House of the government's response to the charities definition inquiry? How will this assist the charitable sector?

**Mr COSTELLO**—I thank the honourable member for Hinkler for his question. I acknowledge his interest in and support of the charitable sector. In September 2000, the government announced an inquiry into charities, headed by the honourable Ian Sheppard. The report was released last year, and today I am announcing the government's response to that report. At present, the definition of a charity is set under approximately 400 years of case law, dating back to the Statute of Elizabeth. The government has

decided to enact in its place a legislative definition of 'charity' for the purpose of the administration of Commonwealth laws and to adopt the majority of the inquiry's recommendations for the definition.

The legislative definition will provide greater clarity and transparency for charities. It will explicitly allow not-for-profit child care available to the public, self-help bodies that have open and non-discriminatory membership and closed or contemplative religious orders the opportunity to be charities. So it will extend the definition in those respects. It will provide certainty to those organisations operating in the sector while providing the flexibility required to ensure the definition can adapt to the changing needs of society. In addition, the government has decided that, from 1 July 2004, charities, public benevolent institutions and health promotion charities will be required to be endorsed by the Australian Taxation Office in order to access all relevant tax concessions. These organisations will have their status attached to their Australian business number, and the public will be able to have a complete list of those which have that status through the Australian Business Register.

I think all of us would recognise the wonderful work that is done by charities in our community. As a consequence, charities enjoy special tax status—exemption from income tax, some of them have gift deductibility, special rules in relation to fringe benefits tax and special rules relating to GST. The government will be preserving those concessions, but it will be giving additional certainty to this area so that not only charities but also those that deal with them will know the particular tax status that they have. I will be asking the Board of Taxation to discuss the fine detail of the legislation and report back to the government. I want to again thank Justice Sheppard and his committee for the wonderful work that they did. This will be a great improvement in a very important area for a very important sector that contributes a lot to the life of the Australian community.

#### **Medicare: Bulk-Billing**

**Mr STEPHEN SMITH** (2.57 p.m.)—My question is to the Minister for Ageing, repre-

senting the Minister for Health and Ageing. Can the minister confirm that in every year from the commencement of Medicare in 1984 through to 1996 bulk-billing rates for GPs increased, but in every year since the election of the government bulk-billing rates have decreased from a high of 80.6 per cent in 1986 to a low of 74.5 per cent today? Is it not also the case that the average patient cost to see a GP who does not bulk-bill has gone up by more than 40 per cent under the government to nearly \$12 today? Finally, can you confirm that in the run-up to this year's budget the government rejected a proposal by the minister for health to provide an incentive payment of \$10,000 to GPs who continue to bulk-bill pensioners?

**Mr ANDREWS**—I thank the honourable member for Perth for his question. Bulk-billing is something which this government has been committed to. In fact, a substantial number of Australians make use of bulk-billing services every day when they visit their general practitioners. Some 73 per cent of services provided by general practitioners are bulk-billed, and for people over the age of 65 I understand that more than 80 per cent of services are bulk-billed. So bulk-billing is something to which this government is committed, just like Medicare and just like the rest of the provision of health services to the Australian people. As to the specific detail in the latter part of the member's question, I will take it on notice.

#### **DISTINGUISHED VISITORS**

**The SPEAKER** (2.59 p.m.)—It has been drawn to my attention that we have in the gallery this afternoon a delegation of Queensland state members of parliament, led by the Leader of the Opposition in the Queensland parliament, Mr Horan. I also noticed the former parliamentary secretary to the Prime Minister, Mr Chris Myles. I welcome our visitors to the gallery.

**Honourable members**—Hear, hear!

#### **QUESTIONS WITHOUT NOTICE**

##### **Workplace Relations: Union Fees**

**Ms GAMBARO** (2.59 p.m.)—My question is to the Minister for Employment and Workplace Relations. Would the minister inform the House how efforts by the gov-

ernment to protect Australian workers from compulsory union levies are being hindered? Is the government committed to ensuring that Australian workers continue to have freedom of choice in the workplace? Are there any alternative positions in relation to this issue?

**Mr ABBOTT**—I thank the member for Petrie for her question. To put her mind at rest, let me assure all members that this government is totally opposed to compulsory union membership. We are totally opposed to compulsory union levies because we believe that this is a way of bringing back the closed shop by the back door, and that is the last thing that Australian workers need right now. That said, it would be only fair of me to acknowledge the historic role that unions have played at different times, civilising capitalism and establishing the dignity of work. But unions have had enormous difficulty making the adjustment from an era which was focused on the collective to the modern time, which focuses more on the individual. Unions have had difficulties adjusting to the great cultural shift from the tribal to the personal which has taken place over the last few decades.

As members would probably know, union membership as a proportion of the population has gone down from over a half to under a quarter. What members opposite and the unions need to understand is that you cannot cure by compulsion what you have not been able to achieve by persuasion. That is the fundamental point. I think that the best minds opposite appreciate this fundamental point. For instance, Premier Carr has said:

You can't put a tax on other members of the work force and the state can't require the collection of union fees from non-unionists.

Premier Gallop of Western Australia is on the record attacking a \$400 fee for non-union nurses. The member for Barton, the shadow minister, has said:

Before I felt comfortable with that concept—that is, the concept of compulsory union fees—

I would want to know why unions are unable to recruit members in a particular area.

That is what the best thinkers and the good hearts of the ALP think. Unfortunately, that is not the attitude that senators from the ALP adopted in the Senate last night. They returned to form and they adopted a knee-jerk, pro-union position. I should let all members know that the government is totally committed to its legislation in this area. It will be re-presented in three months time. I think that will give members opposite a chance to reconsider their views.

Let me say in conclusion, and I might say this particularly to the Leader of the Opposition: it is not enough to talk about reducing union power unless you actually do something to demonstrate that it has been reduced. When this bill comes back into the House and then into the Senate in three months time, it will be a very good opportunity for the Leader of the Opposition to show that he has changed, to show that Labor has changed, by supporting this important piece of legislation.

#### **Workplace Relations: Australian Workplace Agreements**

**Mr McCLELLAND** (3.03 p.m.)—My question is again to the Minister for Employment and Workplace Relations. Minister, do you recall that yesterday you lauded your success in pushing for individual employment contracts? Minister, are you aware that an Australian workplace agreement at a Granville bakery is stripping the rights of employees to paid holiday leave and also paid sick leave? Minister, despite your claim of being pro family, doesn't your system strip away the rights of Australian workers and keep them from spending time with their kids during school holidays or caring for their kids when they are ill? Minister, when will you do more than just lecture about family values and actually start valuing families?

**Mr ABBOTT**—Obviously I am quite concerned to hear the member for Barton make the claim in this House that an Australian workplace agreement has disadvantaged people in this way and stripped people of conditions in this way. But let me simply remind all members of this House that it is impossible for an Australian workplace agreement to be registered unless it passes

something called the no-disadvantage test. If the AWA in question has passed the no-disadvantage test, the member for Barton's question is simply factually inaccurate. If it has not passed the test, obviously it can go back to be reconsidered by the appropriate authorities.

### Small Business

**Mr CADMAN** (3.05 p.m.)—My question is addressed to the Minister for Small Business and Tourism. Minister, what measures has the federal government taken to assist the more than one million small businesses in Australia? Can the minister inform the House how the composition of the Senate reflects the attitudes of the wider Australian community to small business? Are there any private sector organisations that help members and senators better understand small business?

**Mr HOCKEY**—I thank the member for Mitchell, a longstanding advocate for small business. As the member for Mitchell knows, a healthy economy, based on sound economic management, has helped to create new small businesses. In the first 12 months after the introduction of the new tax system, 47,000 new small businesses started in Australia. Isn't that fantastic! Less tax, low inflation and a growing economy deliver better capital expenditure and create jobs. All this has been brought about by the hard work of small business and this government's reforms—all of which were opposed by the Labor Party. It is also obvious that the Labor Party, as the Minister for Employment and Workplace Relations said a little earlier, is determined to stop in the Senate our further reform in favour of small business.

Obviously the composition of the Senate affects the passage of small business legislation. I previously advised the House that the recently retired former senator Barney Cooney was the last Labor senator to have ever worked in a small business. I hope I have not inadvertently misled the House—I may have been a little unfair to Labor's new Queensland senator, Senator Claire Moore. Senator Moore was state secretary of the CPSU from 1994 until 2001. However, I overlooked her job as a director of a public company, the SEARCH Foundation. Senator Moore was a

director until just two weeks before she entered parliament as a new Labor senator on 1 July.

Of course, this does not happen to be in her official CV. I asked myself: why would Senator Moore hide her small business credentials by not putting them on her CV? So I did a little research on the Search Foundation. I checked the web site and found some very interesting links. Listed from the top are the Australian Greens; the Australian Labor Party; the Center for Democratic Values, which is a US socialist group; the Democratic Left, which is a British political organisation that emerged out of the Communist Party of Great Britain—

**Mr Swan**—Mr Speaker, I rise on a point of order. My point of order relates to relevance. There is no possible relevance in what this minister is saying at the moment to any of his public responsibilities. Will you please sit him down and bring him to order?

**The SPEAKER**—The minister was asked a question about small business, about Senate participation in small business and about private sector organisations to assist people to understand small business. In the second of those two areas, he is relevant to the question asked.

**Mr HOCKEY**—The SEARCH Foundation has two other political party links: the New Patriotic Movement of the Philippines, and the South African Communist Party. This is the private sector small business that the Labor senator was a director of two weeks before she entered parliament. I went on to check what the SEARCH Foundation does. I found the answer in a book titled *The Reds: the Communist Party of Australia from origins to illegality*. 'Hello!' I said. In the comprehensive text of the history of the Communist Party, the acknowledgment of the author goes like this—

**Mr Swan**—Mr Speaker, I rise on a point of order. My point of order is on relevance. I know he is hard to ignore. Mostly it is worth the effort, but not this time.

**The SPEAKER**—The minister will come quickly to addressing the question of the private sector organisations that assist small business.

**Mr HOCKEY**—Mr Speaker, I was looking at the history of this small business, the SEARCH Foundation. In this comprehensive book, it says:

This work began in response to an invitation from the SEARCH Foundation, the successor of the Communist Party and the custodian of its records.

So Senator Moore came into this place as a Labor senator and, two weeks before, she was a director of the successor to the Communist Party of Australia. Mr Speaker, it gets better. As you would ask of any good small business, how does the SEARCH Foundation fund itself? That is a very good question. There is more to come on that.

**Mr Swan**—Mr Speaker, I rise on a point of order. In your previous ruling, you asked him to come to order. Will you please bring him to order?

**The SPEAKER**—I asked the minister to wind up his remarks and to come to the point of the question, which reflected on a private sector assistance organisation for small business.

**Mr HOCKEY**—This is a private sector assistance organisation. It is assisting the Labor Party because the directors of it are going into parliament. But the interesting issue is where the money goes. Political returns from this small business indicate that the only party it financially supports is the Australian Greens.

**Mr Swan**—Mr Speaker, I rise on a point of order. If you continue to allow the minister to defy your ruling, you cannot expect to have order in the House.

**The SPEAKER**—The minister will conclude his answer.

**Mr HOCKEY**—Not only does the SEARCH Foundation fund the Australian Greens, who voted against our small business package just a few weeks ago in the Senate, and not only does the SEARCH Foundation have a Labor senator who, two weeks beforehand, was a director of the foundation—which is a successor to the Communist Party of Australia—but also the former member for Ryan Leonie Short is now on the board of the SEARCH Foundation. Now we discover that not only is the SEARCH Foundation funding the Australian

Greens but also it is closely linked to the Australian Labor Party. There are serious questions to be answered by the Labor Party on its links with the successor to the Australian Communist Party. They need to answer where the \$2.8 million comes from. (*Time expired*)

#### **Employment: Working Hours**

**Mrs IRWIN** (3.14 p.m.)—My question is to the Minister for Employment and Workplace Relations. Minister, can you confirm that the government made a 273-page submission opposing the reasonable working hours test case, which stated:

There is no demonstrated, widespread problem of employees being required to work long or excessive hours.

Isn't it the case that the Industrial Relations Commission found the opposite to be true and that hours worked by Australians are among the longest in the industrialised world, with unpaid overtime being common? Minister, why does your government continue to deny the reality that families face real problems with excessive working hours in this country? Our country, Australia, Minister!

**Mr ABBOTT**—I thank the member for Fowler for her question. I would not deny for a second that there are quite a large number of Australians who feel under a great deal of pressure. Obviously there are some Australians who are working very long hours and some working long hours who are not making enormous amounts of money. I would certainly accept that. But what I would also say is that the problem is getting, if anything, slightly better rather than worse. Although I do not have these statistics at my fingertips, I am fairly confident that the ABS statistics show that the percentage of workers working unpaid overtime in Australia has dropped, rather than increased, over the last five years. Certainly, if you look at the figures from the mid-eighties to the current period, the big increase in standard full-time hours took place between 1985 and 1995. If anything, they have gone backwards slightly since then. In fact—and I think I am quoting accurately, from memory full-time workers averaged 39 hours a week in 1985; in 1995, they averaged 41 hours a week; now, they still

average 41 hours a week. Sure, it is an issue. It is a problem, but it is a problem which is not getting worse. It is a problem which, if anything, is getting better under this government. The other point that I should make is that hours are quite properly a matter to be regulated by awards and agreements. That has traditionally been the case and it should remain the case.

#### **Rural and Regional Australia: Rural Transaction Centres**

**Mr BRUCE SCOTT** (3.17 p.m.)—My question is to the Minister for Regional Services, Territories and Local Government. Minister, will you please advise the House of progress in your previously announced intention to improve the delivery of the services of this government's regional transaction centre initiatives?

**Mr TUCKEY**—Previously, on 12 July, I informed the House of the efforts I was making to improve rural banking services in conjunction with the Rural Transaction Centre program. I am pleased to advise the House today that my efforts have had some success already, because they were directed especially to convincing the banking industry to participate in the Rural Transaction Centre program by, for instance, donating the bank premises they were proposing to close to rural transaction centre community groups and by forming community partnerships so that their banking service was in fact maintained in that community. I wish to advise the House that these efforts have already shown some success and that a number of properties owned by banks, either closed or proposed to be closed, have been offered to communities, particularly in the state of Victoria and in the electorate of Murray.

Another small community have now advised me that they have concluded negotiations with the National Australia Bank to provide post office, telecentre, banking and government services—both state and federal—from the bank building in their town where the bank involved was considering closure and where the banking services were limited to approximately six hours per week in two three-hour periods. Furthermore, the bank proposes to continue to provide direct officer services, ranging from management

to counter activities, in the building at certain times each week. To facilitate this arrangement and in conjunction with state government agencies and others, including the local authority, who have contributed \$100,000, the government has approved this facility as a rural transaction centre and, as part of its contribution, will install a high-speed telecommunication facility to enhance the operations therein.

The government has approved 111 rural transaction centre projects, of which 57 are already operational. It has funded 101 licensed post offices to install electronic point of sale—EPOS—facilities to communities who lack this level of banking service. However, for many rural communities the closure of a bank building is as distressing as the loss of the banking service involved. An example is now available as to how this may be avoided and how a redundant or underutilised bank building can be converted to a busy, thriving and useful facility. The RTC field officer network is presently advising communities around Australia of these new opportunities along with the previous arrangements, which of course are still available. I trust all MPs will take the opportunity to advise their communities when these circumstances arrive, and achieve a better service for everyone.

#### **Workplace Relations: Reforms**

**Mrs CROSIO** (3.21 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Minister, are you aware of the comments by Mr Jay Pendarvis, a man your Prime Minister has praised as a reformer in industrial relations, when he said that you are a dangerous man? Of your attitude, he said:

His attitude is them against us. He's 100 per cent employer-orientated and the employees don't get a look in.

Minister, when will you wake up to the fact that your divisive approach and attitude is not in the interests of honest, hard-working workers or employers?

**Mr ABBOTT**—I thank the member for Prospect for her question. I am very proud to be part of a government which has delivered unprecedented benefits to Australian work-

ers—almost a million new jobs, average weekly earnings up by 12 per cent in real terms and strikes at the lowest levels since records were first kept in 1913. Some confrontation, with strikes at the lowest level since records were first kept in 1913! Jay Pendarvis is a very intelligent man. I accept that. He has done a lot of great things for Australian industrial relations. If he says that I am a dangerous man, who am I to disagree? I will tell you whom I am dangerous to. I am dangerous to law-breakers and I am dangerous to people who want the Australian economy to live in the Dark Ages. Yes, of course I am dangerous to them. This is a government which wants to modernise our economy. It is a government which wants to ensure that the rule of law applies in the workplace just as much as it applies everywhere else. It is a government which wants to deliver a better deal to the workers of Australia.

#### Resources

**Mr NAIRN** (3.23 p.m.)—My question is to the Minister for Industry, Tourism and Resources. Would the minister inform the House of developments in Australia's energy and resources sector. Furthermore, Minister, are you aware of any alternative policies?

**Mr IAN MACFARLANE**—I thank the member for Eden-Monaro for his question. Can I also thank him for representing the Commonwealth at the historic ceremony yesterday for the corporatisation of the Snowy Mountains Authority and the restoration of environmental flows to the Snowy River. Can I also congratulate him on his assistance during that corporatisation process which came about through the cooperation of the New South Wales and Victorian governments with the Commonwealth and has delivered environmental benefits to Australia as well as ensuring the rights of irrigators are protected. The agreement yesterday will improve the health of both the Snowy and Murray rivers and will ensure that some 38 gegalitres of water are delivered into the Snowy and some 70 gegalitres are delivered into the Murray.

Corporatisation of the Snowy is only one of the many achievements of this Howard government. This year we have seen the government scoop a number of major devel-

opments, including the \$1 billion syngas and methanol plant on Burrup Peninsula, creating 1,000 jobs; a \$1.2 billion Riotinto oil processing plant and integrated steel operation in Kwinana, creating 500 jobs; today we are seeing the turning of the sod on the Australian Magnesium Corporation's new plant, backed by CSIRO technology and, of course, a contribution from this government—again, a project in excess of \$1 billion—and recently we have seen a huge win to Australia in the \$25 billion LNG contract to China. And so the list goes on.

I have been asked if there are alternative policies. In the lead-up to the last election the Labor Party had promised 230 reviews and inquiries, and what did their resources policy end up being? Half an A4 page in their election campaign. So, after nine months of this government, where is the Labor Party policy? Again, the shadow minister has called for yet another review. At least it is a belated recognition by the Labor Party of the importance of energy policy, but we wonder if they will make a serious contribution.

#### Taxation: Reform

**Mr McMULLAN** (3.26 p.m.)—My question is to the Treasurer. Treasurer, isn't it the case that you promised in writing to tax the trusts of high-wealth individuals? In light of this morning's report that the Board of Taxation will recommend against such legislation, will you guarantee that you will honour your written promise, repeated in this House on 24 November 1999? Why won't you accept Labor's offer to work with the government to implement this in a way which does not adversely impact on the legitimate use of trusts by farmers and small businesses? Treasurer, will you also guarantee to implement the other anti-avoidance measures which you promised but have not delivered? Treasurer, what is fair about stripping the tax returns of honest, hardworking families while continuing to allow high-wealth individuals to avoid tax?

**Mr COSTELLO**—I thank the honourable member for his question, although he did take a while to get to it. At 3.30 p.m. on a Thursday afternoon, it was the last question so burning in the Labor Party's heart that it came after the character assassination on the

Minister for Education, Science and Training and all the rest of it. I want to say how well the minister for education did today.

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

**Mr COSTELLO**—Australia's own Braveheart as he came to the dispatch box.

**The SPEAKER**—The Treasurer is defying the chair and will come to the question.

*Mr Rudd interjecting—*

**Mr COSTELLO**—I get asked a question about entity taxation. We published a—

*Mr Rudd interjecting—*

**The SPEAKER**—The Treasurer will resume his seat. It seems it matters not how often I draw the member for Griffith's attention to the obligation the standing orders place on him. He simply ignores me unless I am prepared to take direct action. The member for Griffith will restrain himself.

**Mr COSTELLO**—The government put out draft legislation on entity taxation. It was the subject of extensive consultation with the Board of Taxation. The Board of Taxation, back in February 2001, recommended that the legislation not proceed, and that was announced in the May 2001 budget—not last May's budget but 18 months ago. This was announced 18 months ago. Don't they do any research? I am waiting for the interjection.

**The SPEAKER**—The Treasurer will not await an interjection unless he wants me to take unreasonable action against the member for Fraser. The Treasurer has the call.

**Mr COSTELLO**—The second part of the question is, effectively: why won't we do what Labor does? Since the announcement in the 2001 budget we have had an election. One might have thought that, if the Labor Party thought entity taxation was workable or achievable, it would have had that as a policy in the last election. Knowing that the member for Fraser most probably would ask a question after reading today's *Australian*, I went back to get the ALP policy on the issue. It was a policy that was released by the deputy leader, as he then was—now elevated to the lofty heights of Labor leader—the member for Hotham. There it is: 'More resources to fight tax avoidance'. I read and I read and

I read: not a mention of entity taxation. It was not your policy at the last election. So, to stand up here and say, 'Why won't you join Labor?' when Labor did not have that policy at the last election—really, sometimes I wonder if they get you at the dispatch box to try to make the Leader of the Opposition look good. I table that. The Labor Party has no clothes or credentials in this area.

Let us go to some of the measures which this government has put in place. This was the government that dealt with the R&D syndicates; this was the government that closed down the infrastructure borrowing schemes—\$4 billion; this was the government that did the non-commercial losses; this was the government that put in place the alienation of personal service income; this was the government that put in place the ultimate beneficiary test; this was the government that dealt with luxury car leasing. This was the government that put in place all of those matters. This is the government that does the heavy lifting. This is the government that is interested in Australia's future. You can engage in the kind of character assassination which you have tried today. We will get on with governing this country.

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

#### PERSONAL EXPLANATIONS

**Mr CREAN (Hotham—Leader of the Opposition)** (3.31 p.m.)—Mr Speaker, I wish to make a personal explanation.

**The SPEAKER**—Does the Leader of the Opposition claim to have been misrepresented?

**Mr CREAN**—Yes, I do.

**The SPEAKER**—Please proceed.

**Mr CREAN**—The Treasurer in his last answer said that Labor did not make the offer to work with the government—

*Government members interjecting—*

**Mr CREAN**—He did say it. He said that Labor did not make the offer to work with the government, because that was the question. I remind the Treasurer that I made that offer to him at my Press Club address following the 2001 budget that he has just re-

ferred to. The Treasurer made an agreement to do this, has reneged on it, and he has rejected the offer. He stands condemned.

**The SPEAKER**—The Leader of the Opposition has indicated where he has been misrepresented and will resume his seat.

**Dr NELSON (Bradfield—Minister for Education, Science and Training)** (3.32 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

**Dr NELSON**—I do.

**The SPEAKER**—Please proceed.

**Dr NELSON**—In raising a point of order the member for Lilley suggested that I had argued for an increase in student fees; I have not.

#### QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

##### Telstra: Privatisation

**Mr ANDERSON (Gwydir—Minister for Transport and Regional Services)**—Mr Speaker, I seek the indulgence of the chair to add to an answer.

**The SPEAKER**—The minister may proceed.

**Mr ANDERSON**—Yesterday in this place the member for Melbourne asked me a question without notice regarding Telstra's profit for 2001-02. I undertook to provide further information and, assuming that the House does not want to be delayed any further, I am happy to incorporate a full response into *Hansard*.

*The response read as follows—*

The Minister for Communications, Information Technology and the Arts has provided the following additional information in relation to the question asked by Mr Tanner, the member for Melbourne, Wednesday 28 August 2002.

As expected of a responsible publicly listed company Telstra's 2001-2002 profit performance delivered to shareholders a strong underlying revenue performance from a number of Telstra products, good cost management, targeted capital expenditure, and a solid underlying earnings performance.

On specific issues raised by Mr Tanner;

- In savings in capital expenditure Telstra has indicated that it has introduced processes to use its capital expenditure more efficiently, to focus more precisely on growth areas and ensure funds are effectively allocated for the provision of services to customers. The company is also obtaining better value from its suppliers.
- In relation to staff cuts Telstra and other industry players must continually focus on delivering quality services at lower prices to customers. Any reduction in full time staffing reflects the continued implementation of Telstra's Next Generation Cost Reduction program which has been in place for some time.
- Concerning price increases for the products identified by Mr Tanner, Telstra's more you and more business programs were aimed at providing customers with greater choice and the means of lowering their overall monthly telecommunications costs.
- On line rentals, consistent with recommendations of the Australian Competition and Consumer Commission, the controls on line rentals were simplified to enable Telstra to gradually increase line rentals to cover costs over time, while at the same time reducing call prices as part of a price rebalancing exercise.

Telstra has achieved a credible commercial result while attaining record levels of service performance across all customer service measures, particularly in relation to connections and fault restorations to rural and remote areas.

##### Veterans: Gold Card

**Mr EDWARDS (Cowan)** (3.33 p.m.)—Mr Speaker, I wonder whether it is possible to inquire, through you, whether the Minister for Veterans' Affairs is able to add to the answer which she gave early in question time today regarding the letter which was emailed to her yesterday.

**The SPEAKER**—I would have thought it would be better to make that inquiry once the minister has had an opportunity to leave the chamber. Does the minister wish to respond?

**Mrs Vale**—No, I do not wish to respond.

**The SPEAKER**—I would have thought the minister has not, as yet, had an opportunity to access that material.

### PERSONAL EXPLANATIONS

**Dr EMERSON (Rankin)** (3.33 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

**Dr EMERSON**—Yes.

**The SPEAKER**—Please proceed.

**Dr EMERSON**—During the adjournment debate last night the Minister for Immigration and Multicultural and Indigenous Affairs attacked me for criticising him for divisive comments that he had made about the Vietnamese community.

He had said in the *Courier Mail* that ‘it is a fact that we all need to realise that some of the parents of some of the kids, despite getting English lessons, don’t practise the use of English. The kids who grow up with English don’t practise Vietnamese or Khmer.’ In responding to my comments the minister said, ‘Nothing I have said makes reference to a particular community. Dr Emerson is being deliberately divisive by singling out the Vietnamese community—a typical Labor Party approach.’ I draw the attention of the House to the fact that he did, in fact, criticise the Vietnamese community and the Khmer community.

**The SPEAKER**—Before I recognise the member for Prospect or the member for Chisholm, in response to the offer from the Deputy Prime Minister to add the detail to an answer without in fact reading the detail into the *Hansard*, I should indicate that the Clerk has suggested to me that it might be best if the question were taken as a question on notice and were answered as a question on notice, and in fact the answer has been provided and will be printed in that form.

### QUESTIONS TO THE SPEAKER

#### Parliament: Unparliamentary Language

**Mrs CROSIO** (3.35 p.m.)—Mr Speaker, earlier today you asked me to withdraw the word ‘hypocrite’. I would like to ask: have you made a new ruling in this regard? I can provide you with 224-odd examples of the word ‘hypocrite’ being used in this House since I have been here—since 1990. I can provide you with an example where the

Prime Minister, the member for Bennelong, questioned the then Prime Minister—

**The SPEAKER**—The member for Prospect will resume her seat. The member for Prospect, as a one-time occupier of the chair, astounds me. After I had made the comments I made I consulted with the Clerk to be sure I was right. Even if I were wrong I would find the term undesirable, but what I asked to be withdrawn has been frequently asked to be withdrawn. The matter was confirmed by the Clerk.

**Mr Randall**—Mr Speaker, I raise a point of order. Earlier this year you asked me to withdraw that exact term and I withdrew it.

**The SPEAKER**—The member for Canning will resume his seat.

### Questions on Notice

**Ms BURKE** (3.36 p.m.)—Mr Speaker, under standing order 150, I seek answers to questions I have directed to the Treasurer—Nos 371, 372, 373, 374, 409, 411, 412, 413—and to the Minister representing the Minister for Family and Community Services—Nos 376 and 377.

**The SPEAKER**—I will follow up that matter as the standing orders provide.

### Trade: Export Market Development Grants

**Dr EMERSON** (3.37 p.m.)—Mr Speaker, I seek your advice in relation to the unavailability at question time today of the Minister for Trade, to whom I had proposed to ask a question. Yesterday, the member for Newcastle received a letter from the trade minister advising that he had just awarded a \$60,000 export market development grant to the Newcastle based Electric Lamp Manufacturers (Australia). This company was forced to close its doors six months ago, and we want to stop the cheque going astray in the mail. Can you advise me of any alternative forum within the parliament for inquiring into—

**The SPEAKER**—The member for Rankin will resume his seat. This is a frivolous matter.

*Mr Leo McLeay interjecting—*

**The SPEAKER**—The member for Watson had earlier been warned by me. If I were

to be consistent in my application of the standing orders, he would not be present to vote on any of the sensitive legislation likely to appear in the House this afternoon. If he wishes to apologise, I will allow him to remain.

**Mr Leo McLeay**—I will apologise for interjecting. It is very naughty of me.

**The SPEAKER**—I thank the member for Watson. The warning stands, of course.

#### Questions on Notice

**Mr MURPHY** (3.38 p.m.)—Mr Speaker, I seek your assistance again under standing order 150. All these questions are questions that I addressed to the Minister for Transport and Regional Services on 26 June 2002. Questions on notice Nos 607, 608, 609, 610, 611, 629, 631 and 632 are all about Sydney airport. He normally answers them—

**The SPEAKER**—The member for Lowe will resume his seat. I will take up the matter as the standing orders provide.

#### Parliament: Unparliamentary Language

**Mr LEO McLEAY** (3.39 p.m.)—Mr Speaker, earlier today you asked the member for Prospect to withdraw after calling another member a hypocrite. As you aware, this word is used frequently in this House; as the member said, over 200 times in the last few years—as recently, I think, as last week by Minister Hockey. Is there some consistency on this word? I recall the Prime Minister using it frequently in the past when he was the opposition leader. If we are going to see these rulings made and then made differently by others, it makes it very difficult for members to know where the boundaries are. Would you be willing to give the House a definitive ruling on some of these things and draw that to the attention of some of the deputy chairmen of committees so that at least members know that, when they make interjections or interventions, they are not going to run up against a new rule? By making that ruling on the member today, you would seem to have overtaken a number of rulings that have been made in the past when I generously allowed the Prime Minister to call the former Prime Minister a hypocrite.

**The SPEAKER**—I am astonished that anybody, least of all a previous occupier of

the chair and an immediate past member of the Speaker's panel, would even entertain the thought that such language would be acceptable, and ought to have noted that at least I took the trouble to consult the Clerk to see that I was being consistent.

*Mr Brereton interjecting—*

**The SPEAKER**—Member for Kingsford-Smith! Does the member for Kingsford-Smith have a difficulty with the way in which the standing orders are being applied?

**Mr Brereton**—No, Mr Speaker.

#### AUDITOR-GENERAL'S REPORTS

##### Report No. 6 of 2001-02

**The SPEAKER**—I present the Auditor-General's audit report No. 6 of 2001-2002 entitled *Performance audit—Fraud control arrangements in the Department of Veterans' Affairs*.

Ordered that the report be printed.

#### PAPERS

**Mr ABBOTT** (Warringah—Leader of the House) (3.42 p.m.)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the *Votes and Proceedings* and I move:

That the House take note of the following paper:

Government response to Report 42 of The Joint Standing Committee on Treaties – “Who's afraid of the WTO? Australia and the World Trade Organization”

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

**Mr ABBOTT** (Warringah—Leader of the House) (3.43 p.m.)—I present a paper being a petition which is not in accordance with the standing and sessional orders of the House.

#### UNITED STATES OF AMERICA: TERRORIST ATTACKS

**Mr HOWARD** (Bennelong—Prime Minister) (3.43 p.m.)—by leave—I move:

That this House:

- (1) Affirms the imperative for all people to enjoy peace and security in their day-to-day lives;
- (2) expresses its repugnance of those who employ terror and violence against innocent people;

- (3) conveys to the Government and people of the United States of America the sympathy of the Government and people of Australia, on the first anniversary of the horrific terrorist attacks of September 11;
- (4) extends condolences to the families and other loved ones of those Australians who lost their lives in the attacks;
- (5) confirms Australia's continued commitment to the war against terrorism;
- (6) reiterates its support for the comprehensive range of enhancements to domestic counter-terrorist arrangements enacted by this Parliament, and
- (7) endorses the Australian Government's continuing efforts to improve co-operation on counter-terrorism with other governments in our region.

It is appropriate, as this House will not be sitting on 11 September, that we pause, on this the last afternoon of sitting before a two-week adjournment, to recall the horrific events of September 11 last year; to repeat our sense of horror and repugnance of them; to reaffirm our commitment to the war against terrorism; to extend again to the people and the government of the United States of America our deep sense of sympathy, our sense of a shared assault upon common values and all the decent human reactions that people have at a time of horror and terror.

In the lifetime of most Australians who are under the age of 60, it is probable no event more shocked the community than the events of September 11 last year. It may well be for the older generation that the shock of the bombing of Darwin or the fall of Singapore sent shudders through them that they have never quite experienced since. But for most of us, I believe those particular events represented such a watershed in our life's experience at such a shocking and unpredictable event, and created such a sense of vulnerability, that those hours will be forever in our minds. As we go about our daily lives, we are reminded from time to time of the terrible images that came out of the United States on that day. It was the sheer unexpected character of the attack, the audacity of it, the realisation that two cities with which we so readily identify because of our relatively similar cultures could be so easily and audaciously assaulted with such devastating

effect. I think even now, a year from the event, it is hard to comprehend that such things could have happened.

More than 3,000 people died in those attacks. They included 10 Australians and people of every religion, including a significant number of people of the Islamic faith. The attacks represented a scale of horror and terror and, because they were inflicted upon cities that are familiar to our own experience and understanding, it made it all the more graphic and all the more horrifying. In the months that have gone by, the impact of those events and the sense that the world has never quite been the same has been very real indeed.

We all have our different recollections of that day. As honourable members will know, I was in Washington on the day the attack occurred. I had the opportunity last year to say something of my own experiences and my own reactions on that occasion. I have not forgotten the experience of visiting ground zero in January this year with members of my family, of seeing the beautiful floral tributes from the relatives of the Australians who died there, including Andrew Knox, who I know was known to many people on the opposite side of this House and whose moving memorial service in Adelaide was attended by a number of members of this parliament. I saw the site, as many of us have done, and I shall not forget taking my family to the top of the Empire State Building just as dusk was falling and looking down at the site, which looked for all the world like a huge, illuminated cavity in the middle of that giant city. I will not forget the emotional experience of visiting the US Congress on 12 September. I had been invited to address Congress on that day but, for obvious reasons, that address was cancelled. My wife and I, along with other members of my party, had the emotional privilege of being the only people in the gallery. The sense of gratitude expressed to me by the members of the House of Representatives conveyed the isolation and vulnerability that the people of the United States felt.

Probably the strongest impression I have that came out of those events, not only at the time but in the months that have followed, is

the fact that the mightiest nation the world has ever seen, in economic and military terms, was reduced to a sense of vulnerability by those events—not to a sense of despair and panic but a sense of vulnerability.

The real significance of a terrorist attack of this kind is that it could strike at the heart of the most powerful country the world has ever seen, unexpectedly, without warning, creating a sense of total bewilderment and vulnerability. It is a reminder to all of us that we live in different times. It is a reminder that terrorism can attack this country. We are not as vulnerable as the United States. We are not as vulnerable as a number of countries in Europe. We are not as vulnerable as countries in the Middle East. But we are, nonetheless, vulnerable. Every measure that has been taken by this parliament since September 11 to respond to those events has been justified. Every action taken by this government—may I say in a very positive way with the total support of the opposition—to combine with the United States in the war against terror has been justified. I want at this stage to record my particular thanks to the former Leader of the Opposition—it fell to him to speak for his party at that time because he was the Leader of the Opposition—for the ready support that he extended to me late last year in relation to our response to the war against terror.

Those events triggered an amazing response, an amazing upsurge of patriotism within the United States. Our American friends are like us in many ways, but they are also unlike us in some ways. They are more overtly patriotic than we are. I do not believe they are any more patriotic than we are, but they express their patriotism in a different fashion. They responded with all the emotion and fervour that Americans do when their sense of security is attacked. I think the controlled and calculated response that the Americans gave to the terrorist attack spoke volumes for their sense of cohesion and their sense of national unity.

The majority of the people who died in those attacks were American citizens, but there were also Australians, Indians, people from the Caribbean, Germany, Japan, the United Kingdom—people from something in

the order of 30 or 40 countries. Many of them were very young. Many of them were the young professional people, like so many of our own children, who travel the world to get experience and to understand something of life before settling down in this country. Many of them were older people. They represented an entire cross-section of mankind. They had one thing in common: they were all innocent. That is the thing that really made it such a shocking and barbarous act. It was an act of unspeakable evil, and it was an act that deserved the unrestrained condemnation of the rest of the civilised world. And it did get that response.

I have to say that, in the 6½ years I have been Prime Minister, I have not attended a more impressive international gathering than that of the APEC grouping of countries, hosted by President Jiang Zemin in Shanghai in October last year. It was attended by every leader. It had the President of the United States, the President of China, the President of Russia, the President of Indonesia, the Prime Minister of Japan and many others. The sense of solidarity—a word perhaps better known to those opposite than to those who sit beside me—that those leaders felt towards President Bush on that occasion, and not least the sense of solidarity felt and displayed by President Jiang Zemin towards President Bush, was an earnest display of the way people felt about what had occurred.

Out of those events, which were remarkable, there were a number of remarkable things. The most remarkable thing was the individual deeds of heroism, which will no doubt be relived and seen again on our television screens on and around September 11. We will all remember different ones. I shall not forget the story of Father Mychal, the chaplain of the New York City Fire Department, who stayed behind in one of the buildings to deliver the last rites of the Catholic church to some dying firemen—only to die himself in the collapse of the tower. We shall not forget the graphic pictures that were taken. I shall not forget the experience at some Christmas drinks last year with friends of ours in Sydney, attended by a young man, James Dawney, who had been working on the 85th floor for one of the

banks. He described to members of my family and to my wife and I just what had happened on that particular day. He had been at the same school as one of my own children. There are a thousand stories like that, and they bring home to all of us the horror and the heroism and the sense of fragility and vulnerability that something like that has produced by its shocking character.

These events did result in the invoking of the ANZUS Treaty for the first time in its 50 years. The ANZUS Treaty calls upon the signatory countries to respond if there is an attack upon the metropolitan area of any of the signatory countries. It was coming back on Air Force Two to Honolulu that I discussed over the phone with the Minister for Foreign Affairs the possibility of invoking the ANZUS Treaty. We had a cabinet meeting on the day I returned, on 14 September, and we adopted a recommendation from the minister that the ANZUS Treaty be invoked.

I said earlier that the remarkable thing about these attacks was that they struck at the heart of the most powerful nation that the world has seen. The way in which America's sense of vulnerability was revealed is a reminder that none of us—no nation that mankind has ever seen—is immune to attack, no country is ever completely secure, no nation can mock insecurity and no nation can imagine that it will not happen to them. The way in which America's allies rallied to her is a tribute to the leadership of the United States and also, might I say, a tribute to the generosity of spirit of so many people around the world.

Terrorism is a horrible thing. It is the ultimate destabiliser. It is the ultimate weapon against the kind of society in which we believe. It requires all of us to be vigilant. It also requires all of us to do everything we can to remove the causes of unrest. I do not blame the conflict between Israel and Palestine for the terrorist attacks. People who do that misunderstand the chain of events and the motives of those who financed, supported and propagated the terrorist attacks on the United States. But we are reminded by these terrorist attacks of our obligation to go the extra yard, the extra distance, to try and

bring about a solution to those particular problems.

I want to take the opportunity on this occasion to record my respect and my thanks, and the respect and the thanks of everybody in this parliament, to the men and women of the Australian Defence Force who are currently serving this country and the cause of antiterrorism in Afghanistan and in other places. They are doing dangerous and necessary work for us and dangerous and necessary work for the cause of freedom. We have already lost one Australian soldier, Andrew Russell, a member of the Special Air Services, and several others have been injured. We think also of the men and women from the United States and other countries who have died in the campaign against terror. It is also necessary to do as we have tried to do—that is, build antiterrorist alliances with our regional neighbours. Earlier this year, I was able to sign a memorandum of understanding with the Indonesian government to give effect to our antiterrorist effort.

On 11 September here in Canberra there will be a special memorial service held at St Christopher's Cathedral in which the Governor-General, the Leader of the Opposition, myself and, I know, other members will be participating. The foreign minister will be travelling to the United States to represent Australia at a number of memorial services. He will be in New York on 11 September. This House has, in my 28 years, had many solemn moments, many exuberant moments and some very sad moments. None was sadder and more solemn than the day we debated a resolution, after September 11, conveying our sense of desolation and sadness at what had happened to our American friends—but, even greater than that, what had happened to our belief in humanity and mankind because of what occurred on September 11 last year.

So as we pause this afternoon we remember those who died. We remember that they represented all the nations and all the faiths. We renew our commitment to fight terrorism. We extend again to those in our own Australian family of Moslem faith our embrace of them as a part of the Australian community. We say to them that they are as

much part of our nation as are people of the Christian belief, the Jewish faith or people of no faith at all. This is not a war on Islam; it is a war on the bastardry that brought about that attack and it is a war on terrorism. It is a war that has to be continued, it is a war that has to be fought and it is a war that has to be won. Until those who would inflict this brutality and horror on mankind are found and removed, we cannot rest in peace and we cannot be sure that it will not happen again. That is the message from 11 September last year. It is a message that I hope all honourable members will heed.

**Mr CREAN (Hotham—Leader of the Opposition)** (4.02 p.m.)—It gives me pleasure to support the motion that the Prime Minister has moved. Whilst, as he has indicated, there will be a memorial service here in Canberra on 11 September to remember that horrible day, this is the last sitting of the parliament before that day and I thank the Prime Minister for agreeing to my suggestion that the significance of this tragedy should be marked by a resolution of the parliament in relation to an anniversary that all of us wish we were not remembering, but have to. For that reason, the significance of it is stark indeed—the significance for the families of the victims, because they must be going through a terrible time at the moment; the significance in reminding us of the need to steel our determination to fight the war on terror; and the significance in unifying the world against the premeditated and cowardly attack that was September 11. The fact that it did happen in New York is significant in itself because it is the greatest city in the world in the most powerful nation of the world. It is a place where people from all over the world gravitate. For that reason the attack on September 11 was not just an attack on New York and Washington, it was an attack on freedom and liberty for people everywhere. It was an attack on the whole world.

The senseless killing of people going about their ordinary daily routine horrified us all. The attacks brought all Australians together because they were attacks as much on the United States as on the rest of us. They were attacks not just on the people, but on

our values, our political system and, tragically, the victims themselves. Ten Australians died in the attacks. It was thought at one stage that there could have been up to 40. Now that the identity of the dead has been established, I think it is appropriate that this parliament pause to mention them all in this place as a mark of our respect and our resolve never to forget them or the real injustice that has been done to them and their families. They are: Kevin Dennis; Alberto Dominguez; Elisa Ferraina; Craig Neil Gibson; Peter Gyulavary; Yvonne Kennedy; Andrew Knox, who was known particularly to many of us on this side and who the Prime Minister has made reference to; Lesley Anne Thomas, Steve Thompset; and Leanne Whiteside.

The Prime Minister has indicated that the foreign minister will be representing the country in New York on September 11 and we welcome that fact. Many relatives and friends of the victims will also be travelling to the United States, as indeed will other members of this parliament, and will be at the site of the World Trade Centre for the anniversary. It will be a hard journey for the families. It will be a difficult day. But I think I speak for all of us when I say I hope that the journey itself helps ease the great emotional pain that has been caused by the deaths of their loved ones. None of us will forget that day. I remember returning that night from a function at the Clayton RSL club in my electorate. I turned the television on when I got home and was transfixed for the rest of the night. It is a horror, as the Prime Minister reminds us, that simply will not go away and over the next couple of weeks no doubt we will be reminded of that graphic imagery.

It was eerie here the next day. Having sat up through the night, it was like the very next day the whole of the nation stood still; it was like the country stopped. It was trying to absorb and trying to understand what had happened. Many were praying in the hope that many more people would be found alive but were trying to comprehend the sheer magnitude of what we had seen and of what had happened. All of us felt threatened; all of us became suddenly vulnerable. The new

threat, in itself, took on a terrifying personal form: suicidal fanatics turning aeroplanes full of people into new weapons of war against thousands of others who were simply going about their ordinary activities—going to work.

This motion, importantly, extends to the families and the loved ones of those who lost their lives the condolences of the parliament. But September 11 affected all of us in one way or another. We have all had to put up with increased security arrangements that can be trying, but all of us understand the importance of them. They have succeeded in preventing more attacks, and this is the success that is often overlooked as we deal with questions like the ones about Iraq and security legislation. Watching the people in the World Trade Centre towers confront the prospect of their deaths, I think, had a very important impact on all of us—whether we saw them jumping in desperation because of the heat of the building or running from the buildings only to be engulfed. We were told subsequently of their last-minute phone calls and emails to the people that they loved. They discussed their careers, their families, anything; they just wanted to talk. What they did, from all of the reports back, was talk about family and friends. That is where they turned in their hour of need. What that did for all of us was remind us of the importance of family and friends and of values, goals and aspirations.

We are also reminded of the firefighters and the rescue crews who sacrificed themselves in the name of duty to their fellow citizens. They gained the admiration of people from all around the world. We had the opportunity to welcome and thank a delegation of them when they visited this country recently. They reminded us that the real heroes of our society are not the rich and successful but the ordinary people with strong values and real emotional and physical courage. Those firemen have helped us all gain a new respect for the brave professionals and volunteers on whom our safety ultimately rests.

There have also been some not-so-positive outcomes, like heightened awareness of ethnic differences. Since September 11, refugee

and immigration policies have dominated the politics of many developed countries—especially of Europe but, as we know, of Australia as well. But, to the credit of the nation, apart from a few incidents, Australians have not victimised the Muslim community. It is true that the perpetrators of the attacks on September 11 were Islamic extremists, but those who have seen this as an opportunity to typecast and condemn the Muslim faith should themselves be condemned. I congratulate the Prime Minister for the acknowledgment of that in his speech. People who do that show the same intolerance as Al-Qaeda and the terrorists themselves. The enemy is not Islam; it is the terrorists and those who support terrorism. Appropriately, in Australia, the leaders of all religious communities—including Muslim leaders—have condemned the September 11 attacks.

I think it is too early to tell exactly what sort of a world will emerge post September 11, but we know what sort of world it should be. It should be a world that is characterised by international cooperation to smash terrorism, a world where all religions and cultures respect and tolerate each other and a world that is more just—where all people are given the hope that they can obtain a better future without resorting to political fanaticism and violence. That is why this motion also says that it is imperative for all people to enjoy peace and security in their day-to-day lives, but we can only do that if we are united against the perpetrators of such attacks.

The weeks after September 11 saw the international community of democratic and peaceful nations unite to ensure that those who committed the acts were brought to justice. Our intelligence agencies were at the forefront of assisting in that. It soon became clear that Osama bin Laden and the Al-Qaeda network—and the Taliban regime in Afghanistan that protected them—were to blame. It is very interesting that the detailed public presentation of the case was made in the British House of Commons by their Prime Minister, who reported on the events and made the case. He recalled the parliament to do it and allowed a public debate to consider it; he took the public into his confidence. When we heard that explanation as to

who the perpetrators were, we were left with no doubt. That was an example of where the evidence was obtained, the case was made to the people and the link was established. The case was made and we acted together. The international coalition at the time gave the Taliban four weeks notice to hand over bin Laden and acted only when it was clear that the Taliban would not do that.

Australia was and remains one of the key contributors to the campaign. We sent our SAS troops to Afghanistan, and a third rotation of soldiers from the elite regiment is on its way. We contributed B707 air-to-air refuelling aircraft and currently have two ships in the region. Our contribution, of course, has not been without cost. As the Prime Minister has remarked, Andrew Russell lost his life when the vehicle in which he was travelling struck a landmine. We acknowledge and honour the courage and bravery of those troops representing not just our interests but the rest of the world's interests. Australia has also provided international aid to feed, house and clothe Afghani people. Much of the financial assistance has gone to support work through the UN High Commissioner for Refugees.

The job of smashing terrorism, of course, is not over. We have important issues, indeed, in this chamber to tackle and to deal with it further. There are questions surrounding whether we participate in possible military action in Iraq, the powers that we give to ASIO in this fight against terrorism and what our position is on the International Criminal Court. These are all important matters for this parliament to debate. With regard to the ASIO bill, there is an important lesson in the package of antiterrorism laws that came before the parliament earlier this year. There were concerns in the community about the government's antiterrorist legislation but through cooperation and negotiation Labor and coalition MPs listened to and addressed those concerns. As a result, we now have tough new laws but innocent victims have not been affected. This is not the time to discuss the detail of the ASIO bill. It is listed for debate later in this session. But I say to the Prime Minister: by working together we can produce laws that are stronger,

laws that have the support of the community and laws that do not affect the innocent in our community.

Our position remains clear in principle. We are determined to ensure Australia and international communities are protected from terrorism. In doing that, though, we must get the right balance struck between effective measures against terrorists and preserving Australia's hard-won democratic rights and freedoms. We must demonstrate we have strong principles to match the support our armed forces are putting into the effort. That means judgments must be measured and they must be based on the evidence. This is an important motion for the House. In the way in which we debated it almost 12 months ago, we have to remember the anniversary of this horrendous event with a commitment to the families of the victims and also our commitment to move forward in the interests of the nation to ensure it does not happen again. I commend the motion to the House.

**Mr ANDERSON (Gwydir—Minister for Transport and Regional Services)** (4.17 p.m.)—I rise to support the Prime Minister's motion. The terrorist attacks on New York and Washington last year can only be described as evil. They reminded us of how inhumane man can be to man and awoke in good people everywhere a deep awareness of the need to ensure that the attacks will be proven over time to have been utterly futile and utterly self-defeating. The leaders of Al-Qaeda thought that they could terrorise the Western democracies. They made the mistake that so many enemies of freedom have made from kaisers and fuhrers to communist dictators: they looked at our freedoms and saw only weaknesses without comprehending the enormous resilience and determination of countries made up of free people.

The attacks killed more than 3,000 people including, as has been noted here this afternoon, 10 Australians. We pay tribute to their memory today and extend our deepest sympathies to their families. The deaths were a tragedy, although that tragedy was shot through with both heroism and noble behaviour. We remember the passengers on board United Airlines flight 93 who rose up against the knives of their hijackers and pre-

vented a fourth terrorist attack. We remember also the New York police and the fire-fighters who were killed when the World Trade Centre towers collapsed.

I recall that I was filling in for the Prime Minister at the time that the attacks occurred. I was here in Canberra. I had been up through the two previous nights, the Sunday and the Monday nights, dealing with the very serious issue here at that stage, the rapidly emerging peril that Ansett was facing. I had only just gone to sleep on the night of—our time—the attacks, when the phone rang. I was in a strange motel in Kingston and, as luck would have it, the remote control on the television would not work. I could not get the thing on when the phone call came through saying that I must turn it on. Like so many others, I think I thought I was watching some sort of horror movie—it just did not look real. I was able to speak at short notice to the Minister for Defence and the Minister for Foreign Affairs. They were strange conversations: they dealt with the facts, as we understood them to be, and the actions that needed to be carried forward but were devoid of emotion because no emotion could have adequately captured what we were feeling and what we seemed to be seeing at the time. I spoke to the Prime Minister. To this day I do not understand the technology behind the way in which I was told to dial the five-digit number into my mobile phone and was put straight through to him in Washington.

I want to record my very great pride in, and I think that which all Australians would extend to, our own officials and relevant authorities who sprang into action to cordon off the assets, Australian and otherwise, that were perceived to be at possible risk, because we did not know whether this was a series of rolling attacks. There was an expectation that something would almost certainly happen in Great Britain at that early stage, I can record, among the people I spoke to here in Canberra. There was a very real fear that something might happen here as well. I was cautioned against coming into Parliament House so I stayed in my motel room. I remember being very conscious in the end that I had to try to snatch a couple of

hours sleep because perhaps the most important thing I could do for the Australian people the next day was to be, to the greatest extent possible, a calming and steadying influence on national television.

I remember being met by Laurie Oakes in the lift at about 6 o'clock when I came in. It was a time, as the Leader of the Opposition has said, when there was a sort of stunned disbelief as people tried to come to grips with what had happened. Then, of course, various activities were sprung into place. As I say, we are much more ready now in terms of security preparedness than we might have been then. But that is not to in any way fault, rather it is to praise, the efforts of our relevant authorities as they ensured that we moved quickly to increase airport security and to deal with what looked like could have been a problem for us. An incoming flight from the United States, where what emerged thankfully to be only a computer game, caused great concern that perhaps that plane was going to be subject to some sort of terrorist activity.

From the outset, Australia has been a very strong supporter of the international coalition against terror. Our special forces have been operating in Afghanistan since late last year. They have made an outstanding contribution to the coalition's operations against the Taliban regime and the terrorist infrastructure in Afghanistan. Our commitment also includes two frigates, currently HMAS *Melbourne* and *Arunta*, and two tanker aircraft. We here at home have tightened Australia's security arrangements—and I think done so in a way that has minimised the disruption and inconvenience to the travelling public where it involves transport. This parliament has passed new laws to create a comprehensive range of offences in relation to terrorist acts and the financing and membership of terrorist organisations.

We are playing a leading role in UN efforts to develop a comprehensive convention against terrorism. We have concluded counter-terrorism MOUs with Indonesia, Malaysia, and shortly Thailand. At a regional level, through organisations such as the ASEAN Regional Forum, APEC and the Pacific Islands Forum, we are promoting more coun-

ter-terrorism cooperation between countries in South-East Asia and the Pacific Islands. All these measures are aimed at preventing the horror of September 11 from happening again. We hope and pray that we are successful in that. We must not give up in the fight to ensure that we are successful.

On the anniversary there will be commemorations throughout the world for the victims of the attacks. A number of families of the Australian victims will be going to New York and Washington to remember their loved ones. It will be a sombre day, but I hope one in which they draw solace from the feeling, the sympathy and the empathy of so many other people around the world. I will be attending a memorial service in Leongatha, a small Victorian community, with the member for Gippsland. The local churches there held their first memorial service shortly after September 11 last year. This year's service will be held in the Leongatha Memorial Hall, which was built by the local community in memory of those who died in the Great War. They thought and hoped that it would be the war to end all wars. This coming anniversary reminds us that there will always be wars, for greed and hatred will always be with us. So there will always be a need for the countries that value freedom and peace to defend themselves.

I am reminded of the words of General Douglas MacArthur at the end of the Second World War. Noting the awesome technical capability emerging at the time, including the atom bomb, he observed that the future of mankind could not be secured without what he termed 'spiritual recrudescence'. I imagine he meant by that that we should be aware in this age of moral relativism that it is necessary to remember that there is good and there is evil, there is right and there is wrong, and any worthwhile code of behaviour and belief, if it is to preserve and safeguard freedom, will accord all people due respect from each and every one of us. I commend the motion and thank the Prime Minister for bringing it to the House.

**Ms MACKLIN (Jagajaga)** (4.25 p.m.)—I am very pleased to join with the previous speakers to support the motion. The things we recall the most from September 11, the

pictures we all have in our minds, are passenger jets being flown into tall buildings, city streets filled with clouds of dust and debris and, most of all, faces full of uncertainty, shock and fear. These are the indelible images left behind of the terrible events of September 11, 2001. What occurred was a gruesome rebuff to hopes that the new century would be free of the conflict, death and destruction that scarred the 20th century. Like so many others, my first reaction on hearing of the attacks on the World Trade Centre towers and the Pentagon was disbelief. It was very difficult to countenance such a massive and wilful act of destruction. I spent that day travelling the breadth of Australia, on aeroplanes, meeting people in Hobart, coming back to Melbourne and then going to Perth. Universally, there was shock, disbelief and revulsion at what had happened. Although the events were half a world away, they nonetheless touched all Australians, many very directly.

We can only be thankful that the initial estimates of so many Australians perishing in the September 11 attacks were wrong. But that can only bring passing comfort to the families and friends of the people who did not survive. The fact is that for them and many other Australians September 11 was a personal as well as an international disaster. I want to extend my sympathies, along with the Prime Minister and the Leader of the Opposition, especially to the family and friends of Andrew Knox, a young man from Adelaide who showed dedication to others in his work for the Australian Workers Union before achieving success in one of the great cities of the world. Since the attack, Andrew's family, and others grieving the death of someone close and dear, have had to cope with a loss that is difficult for others to appreciate.

Many others have suffered losses as a result of September 11. Australia lost a fine soldier, and his family a loving father and husband, when SAS Sergeant Andrew Russell was killed by a mine blast while trying to rid Afghanistan of terrorists. But there is a loss that we have all suffered as a result of September 11: a loss of security. Those attacks punctured the illusion that distance,

wealth or military might give protection from those intent on wreaking mayhem. They demonstrated how vulnerable we can be in our daily lives. Terror and violence of the kind unleashed on innocent people going peacefully about their business last September is abhorrent to us all. It cannot be accepted by any civilised society.

For this reason we, along with the government, have backed the international war against terrorism. Those who seek to maim and kill the innocent in the pursuit of personal beliefs or goals have to be stopped, and international action to put an end to their activities is just. Just as the terrible events of September 11 undermine the sense of security of all, so that sense of security can only be reclaimed by joint action. The community of nations can only win security for their citizens when they act together against those who seek to terrorise the innocent.

We are all in this together, all the people of the world, and it is together that we must act to make sure that nothing like this happens again. We must act not in the name of retribution or revenge but with the goal of restoring peace and security. This is what Australians expect of their governments, and it is what we should pursue. We must also be careful that, in acting to stamp out terrorism, we do not harm the very values and way of life that we seek to protect. Of course we must be vigilant and take action to prevent terrorist attacks occurring but if, in the name of protecting democracy, we curb individual liberty and basic human rights, then terrorism has won.

Andrew Knox's twin brother, Stuart, fell ill moments after terrorists struck the office tower in which Andrew worked. At the time, Stuart was working at a school in Oodnadatta in South Australia's far north. It was one of those inexplicable, uncanny coincidences. Stuart himself cannot explain it, but he is sure about one thing: that no more innocent lives should be lost in pursuit of those who planned and plotted the deaths of his brother and so many other people. It is a principle we should all embrace.

**The SPEAKER**—As an indication of our respect for humanity and our assent to the motion moved by the Prime Minister and

supported by the Leader of the Opposition, I invite all members and those in the gallery to rise in their places.

Question agreed to, honourable members standing in their places.

**The SPEAKER**—I thank the House.

### **BILLS RETURNED FROM THE SENATE**

The following bills were returned from the Senate without amendment or request:

Veterans' Affairs Legislation Amendment (2002 Budget Measures) Bill 2002

Veterans' Affairs Legislation Amendment Bill (No. 1) 2002

Veterans' Affairs Legislation Amendment Bill (No. 2) 2002

Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Bill 2002

### **COMMITTEES**

#### **ASIO, ASIS and DSD Committee**

##### **Electoral Matters Committee**

##### **Membership**

**The SPEAKER** (4.32 p.m.)—I have received messages from the Senate acquainting the House that:

- (a) Senator Ferguson has been appointed a member of the Parliamentary Joint Committee on ASIO, ASIS and DSD, and
- (b) Senator Ferris has been discharged from the Joint Standing Committee on Electoral Matters and Senator Brandis has been appointed a member of the Committee.

##### **Publications Committee**

##### **Report**

**Mr RANDALL** (*Canning*) (4.32 p.m.)—I present the third report from the Publications Committee sitting in conference with the Publications Committee of the Senate. Copies of the report are being circulated to honourable members in the chamber.

Report—by leave—adopted.

### **RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING LEGISLATION**

#### **Suspension of Standing Orders**

Debate resumed.

**Mr BILLSON** (*Dunkley*) (4.33 p.m.)—In summing up the debate on the motion to sus-

pend standing orders, let me begin by thanking the member for Bowman for his support for this motion and for his contribution to the debate on the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). I also want to thank the Clerks, the Table Office, the National Health and Medical Research Council, the Office of Parliamentary Counsel, Minister Andrews and his office, and also the 43 colleagues who have spoken on this motion to suspend standing orders, which was not something that I had quite envisaged at the time.

To summarise the points that were raised, there were basically five key areas put forward by members both for and against supporting the motion to suspend standing orders. The first deals with policy and a concern about whether there is a faithful, accurate and reliable representation of the consolidated bills in the two separate bills before the parliament. I can assure members that it is a faithful representation. I have a letter from Minister Andrews which concurs with that assessment. I will refer to parts of it. He advises that he does not believe the definitions will become divergent by splitting the bills. He says:

I have seen the motions prepared by the House of Representatives Clerk Office on your behalf, and I am confident that they are not divergent from the spirit or the letter of the COAG agreement and the bill, as negotiated by the COAG implementation group.

I seek leave to table that letter.

Leave granted.

**Mr BILLSON**—The second area relates to the content of the bill. I can assure members that the sum of the two parts, the divided bills, precisely equal the consolidated bill. They are a companion pair, true to the COAG agreement and the bill implementation group's recommendations. The substantive issues are related to the monitoring provisions that are recognised in part 4 of the Research Involving Embryos Bill 2002 and how they have been carried over into the Prohibition of Human Cloning Bill. The review of the law has been replicated in clause 61. I encourage colleagues to refer to the bill, and they will gain some comfort about that. There is an additional clause, clause 55A,

that members may wish to acquaint themselves with in the Research Involving Embryos Bill, which does bring together the question of the review, also recognising that the inspectorial and supervisory functions of the National Health and Medical Research Council are carried between the two bills. That presents the nationally consistent framework that people have been speaking about.

I would like to briefly refer to Premier Bob Carr. He and his Labor colleagues, Premiers Steve Bracks and Peter Beattie, have written to the Prime Minister, according to media reports, stressing that 'substantial changes to the bill which extend the scope of the legislation, limit research opportunities, or prevent a meaningful review of the legislation within three years, will not be supported' by those state Labor governments. They do not have to worry about it—there is nothing in here that compromises that agreement. There is no hazard; no risk; no change to the policy position whatsoever. So those state Labor premiers can rest assured that there is nothing in this splitting of the bill that amounts to an opportunity for a stunt to go their own way. There is nothing in the detail of the bills that would give rise to that. So they can rest assured on that issue.

In terms of process, some have suggested, including our own Attorney-General, that there are other forms in the House to handle this split. That may be true, but that would involve concluding the second reading debate and going to the third reading consideration in detail discussion. That would compromise what we are trying to achieve here. There are other forms that we could proceed through in terms of splitting the bill, but that would oblige members to cast a conscience vote on the bundled issues in the consolidated bill at the policy stage—at the second reading stage—before truly reflecting their consciences in the consideration in detail stage. So, yes, there are other processes to go through, but they highlight the confounding nature of the conscience proposition put before us in the consolidated bill.

There was a concern about precedent. Yes, this is a historic debate and this chamber has resisted calls by the Senate to split bills in

the past. Others have mentioned how there have been times when we have supported legislation that has had bits here or a little piece there that we were not entirely happy with. But this is not routine; this is not a regular piece of legislation. This is not the usual process where both major parties have that pact with their leadership and the members to work through policy propositions that come forward in a collegiate manner. That is not what this is about. It is a historic debate. It is a safe precedent that we are establishing here today. Through a matter of conscience, we are proceeding in a conscionable manner. The conscience debate has highlighted how members in here recognise the unique nature of this debate. The leadership on both sides of the parliament has also evidenced the conscience nature of the debate.

Finally, I want to talk about motive. Some have been a little disingenuous and have talked about tactical advantage. It is an unpersuasive and an unconvincing argument. We have talked about that, and I will not go over those issues again. This conscience debate has displayed to our nation the very best qualities of our parliament, but the consolidated bill brings together two very distinct ideas that occur to people's consciences in conflicting and confounding ways. We should be able to accommodate these separate ideas and to facilitate their independent determination. A conscience vote that corrals a person to vote for something that is not in their heart by clustering issues of conscience together is inconsistent with the concept of a conscience vote. A single vote will not enable people to clearly articulate their conscience. The undivided bill does provide for an uncompromised conscience vote.

In closing, I would like to consider the issue of how we would feel—those of us who are happy to support the entire package—if we were faced with the same situation of a conflict of conscience that some of our colleagues face in this place. We would feel disenfranchised. We would feel we had been denied the chance to properly articulate our consciences and to carry through those core beliefs in our voting patterns. A separate vote on separate bills will guarantee the integrity of the conscience vote. It will ensure a free,

uncompromised vote, cast without duress. The divided bills provide for clarity of conscience to be reflected in the transparency of the vote.

I have said in here before that I am a strong advocate of the consolidated bill, and I hope many in here share my optimism and confidence that both bills will pass this chamber with a strong majority. But let us not disenfranchise our colleagues, as we would hope not to be disenfranchised on a matter of conscience ourselves. I encourage people to support this motion and to support the splitting of the bills as proposed.

Question agreed to.

**RESEARCH INVOLVING EMBRYOS  
AND PROHIBITION OF HUMAN  
CLONING BILL 2002**

**Report from Main Committee**

**Mr CAUSLEY (Page)** (4.41 p.m.)—Mr Speaker, in accordance with the resolution agreed to by the House on Monday, 26 August, the Main Committee has concluded consideration of the bill, up to but not including the summing up by the mover of the motion for the second reading of the bill. The bill is now returned to the House with an unresolved question for further consideration. On Monday evening in the Main Committee, a number of motions were proposed and unresolved. In accordance with paragraph (4) of the resolution of the House, debate continued regardless of those unresolved questions.

**The SPEAKER** (4.42 p.m.)—I thank the Deputy Speaker for this report. *House of Representatives Practice* states at pages 297-298:

In practice, in some circumstances it may make no sense for the House to determine an unresolved question ... and in such a case the matter is not put to the House.

One previous occasion involved a motion for further proceedings to be conducted in the House and also involved a motion of dissent from the Chair's ruling. On that occasion, the then Speaker indicated to the House that he did not propose to put the unresolved questions to the House, and there was no objection. I propose to take the same course of

action, unless the House specifically directs me otherwise.

In the taking of points of order and the general discussion that surrounded the initial stages of the resumption of the second reading debate, other motions were proposed but not correctly moved. These involved dissent from the chair's ruling and want of confidence in the chair.

Concerning the motion of want of confidence, the Main Committee is subordinate to the House. It can only consider matters referred to it by the House. The chair of the Main Committee is appointed under the standing orders, and a resolution of the Main Committee cannot prevail over the standing orders. Therefore, a motion of want of confidence in the chair cannot be raised in the Main Committee. Even in the House, a motion of this kind could be moved only by leave or pursuant to notice. I call the Prime Minister to speak in reply to the second reading debate on the bill.

**Mr HOWARD (Bennelong—Prime Minister)** (4.44 p.m.)—in reply—I want to say at the outset that this is a particular and very special debate on the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**. It is one of the few occasions on which there is a totally free and open vote. In the 28 or more years that I have been a member of this place, I think this is only the fifth or sixth occasion that there has been a free vote. I accept that all members are exercising a free vote. I understand how they work. My very first experience of a free vote in this parliament was on the Family Law Act in 1975, when I teamed up with the late Frank Stewart, who was then a minister in the Whitlam government, and Ralph Hunt, who was a member of the National Party—or the National Country Party, as it was then called. The three of us had some fairly profound reservations about some aspects of the Family Law Act that was moved by the then Prime Minister, Mr Whitlam, and that had been largely authored by the late Lionel Murphy, as Attorney-General. So I understood from my very early days that, when you get a free vote, you have some interesting alliances that do not normally occur. I think that has happened on this occasion, and

that is good. So let me accept the good faith of those opposite who say that their party is exercising a free vote; mine certainly is, and I think that is a very good thing.

Let me start off by making it very clear to the parliament that I am a strong supporter of the substance of the **Research Involving Embryos and Prohibition of Human Cloning Bill 2002**. I have followed the debate very closely. As members will know, there are a number of people who participated in this debate and who are very close friends and colleagues of mine. On past occasions when we have had intense debates in this place we have made common cause; on this occasion we have respectfully agreed to disagree. I have listened very carefully to the arguments that they have put. None of us, of course, has a mortgage on conscience; none of us is the supreme diviner of where human life starts and finishes. There is no one Christian tradition that instructs all of us as to where life starts. Speaking from a Christian perspective, you can, in equally good conscience, be on opposite sides of this debate. I think it is important that that be said. I respect those who take a different view from me. I do not seek to badger them with my view; I have not sought to ram my view down anybody's throat.

I see this bill as about the positive side of our nature. This bill is about offering people hope. One of the things that parliaments and leaders in a community can give to communities is hope. I do not believe that if this bill is passed we are going to remove all of those loathsome diseases overnight. I do not think everybody who is now afflicted with motor neurone disease or Parkinson's disease or Alzheimer's is going to be cured. I have had cause already to speak rather reprovably of some of the unfairly raised expectations in this debate, and I do not think the people who have raised expectations unfairly and unreasonably high are doing their case, or the case of the people they seek to offer comfort to, a service. But there is no doubt in my mind that good will come if this bill is passed. There is no doubt in my mind that mankind will be helped in this country by this bill. There is no doubt in my mind that

there are no compelling moral arguments against the passage of the bill.

I talk to a lot of people. As well as the scientists who have been spoken to, as is well known, I had some very lengthy discussions with His Grace George Pell, the Catholic Archbishop of Sydney, and Peter Jensen, the Anglican Archbishop of Sydney—people who I respect. I do not always agree with them but I respect them. On this issue, having listened to them, I do not accept their view, although I listened to it very carefully. I have spoken to our Chief Scientist, Robin Batterham, to Professor Hearn, Dr McCullough and Professor Alan Trounson—who has had a bit of a run in the media over the last couple of days on this issue. I spoke to a former resident of Sydney and one of the great science exports of Australia to the United Kingdom, Lord Robert May, the former Chief Scientist of the United Kingdom. He had a great deal to do with the stem cell legislation in that country.

In the end, I could not find a sufficiently compelling moral difference between allowing a surplus embryo to succumb by exposure to room temperature, on the one hand, and the use of those embryos for potentially therapeutic research, on the other. That is why, in the end, I come down in favour of therapeutic research. I think some good can come out of that research. I hope it does. I wish the scientists well.

I do believe very strongly that we need a national regime. I do not want New South Wales going out on a frolic of its own—or Queensland, or Victoria. We are only 19½ million people. I do not want state governments competing against each other. I want a consolidated Australian approach to this, not a New South Wales or Queensland or Victorian approach. And can I say—I will come in a moment to the question of splitting the bill—that there was a great deal of goodwill and unanimity at the COAG meeting on this issue. I want to thank the premiers. It is ironic, isn't it, Mr Speaker, that this was the first premiers conference that took place under the new political dispensation of having a federal coalition government and eight state and territory Labor governments. It is also ironic that we ended up finding a solution,

despite those differences, to this very difficult issue.

I think the Australian public wants us to work together on issues like this which, frankly, do not divide on party lines. We have seen that in this debate; this is not a debate on party lines. However the numbers come out—and I am not certain at the moment—there will be good representations from both sides on the substantive issues. It is fair to say that there is overwhelming agreement in relation to the provisions banning human cloning. I do not think I have heard anybody in this House speak against that. There may be some people who have reservations, but I have not heard any. I am pleased about that and I do not really need to address any remarks to that issue.

I have addressed some remarks to the IVF research issue. I have explained why I believe it is morally justified, why I believe it is good for mankind and offers that important ingredient of hope to people who have afflictions. I do not want to say any more than that. You have all thought about it. I respect your intelligence. I respect the fact that you have applied yourselves conscientiously. My conscience on this is no better than yours; it is the same. I believe what I am doing is right, I feel comfortable with it, and all I ask is that you apply the same approach to yourselves and support whatever you feel comfortable with. That is how a free vote ought to be.

The question has arisen about the splitting of the [Research Involving Embryos and Prohibition of Human Cloning Bill 2002](#). Can I just point out to the House that, when I introduced the bill, I had this to say:

Having conscientiously applied myself to this issue, I understand and respect that others in good conscience will come to a different conclusion. That is why, as I have said, every member of the coalition parties will exercise a free vote. Some members have argued that the bill should be split into two. In their mind, one would prohibit human cloning and other ethically unacceptable practices, which most members would support; the other bill would deal with research involving excess IVF embryos, which obviously would be more controversial.

The government has decided to introduce the bill in a consolidated form; but, out of respect for

the views to which I have just referred, the government itself will not oppose any move in the House to split the bill. It will, however, be up to members in a free vote to decide whether or not this should occur.

I have listened to the debate on the splitting. In fact I have spent three or four hours in this place listening to every speech, and I have to say that I am impressed with the arguments from both sides about the desirability of splitting the bill to allow people to have a conscience vote on both. I was persuaded by the arguments of the member for Brisbane, the member for Lingiari and many members on my own side of the House. I talked to them about it, and the last thing I want to do on this issue is create a situation where people do not think they have a fair go to give full effect to their conscientious feelings. It is terribly important that that not happen.

I had some concerns that people might see this as weakening the COAG agreement. I understand that. I have been through the COAG text, and there is actually nothing in the COAG agreement that says that you have to have one bill—nothing. What is in the COAG agreement is a series of principles, and this bill—or these bills, if you split it—gives effect to the COAG principles. I have got advice from my own department, from the Attorney-General and from others, and I am satisfied that, if the two bills are carried—and particularly if the one on cloning contains the monitoring regime—together they will have exactly the same effect. In those circumstances, I cannot, in conscience, after hearing person after person from both sides, whatever their views are on the substance, get up and say, ‘I think this should be one bill.’

This morning I have heard at least 30 people from both sides say, ‘As a matter of conscience, I think the bill ought to be split.’ I have advice that, by splitting the bill, you are not endangering the establishment of the regime agreed to at COAG, providing both bills are passed. If the bill is split, I think a lot of people will vote for the two bills—as I intend to do. My sense of this debate—and I could be completely wrong—is that a lot of people will be happy to have the bill split but that is not going to alter their support for the

two bills in their split forms. The sense I get of this place, and on both sides, is that more people will feel comfortable if we split the bill and we have two separate votes. I do not think that is really going to alter the outcome of the votes on the substance of the issues, so that is why, in the end, I am not going to oppose it. If we are going to have a really decent conscience vote, I think we ought to remove any barrier to people feeling that it is a full conscience vote. That is basically the conclusion I have come to. I have to say—and this is not sophistry—that I have been persuaded by listening to the arguments. I did not have that same view right at the beginning. I listened to the arguments and I was persuaded by people on both sides. I was persuaded by what the member for Brisbane had to say.

**Mr Stephen Smith**—The best speech of the day.

**Mr HOWARD**—I heard some very powerful speeches from my own colleagues, particularly from the member for Moncrieff and the member for Macarthur. Speech after speech made that very point. The only reservation I have had today about this course of action has been that I hope it is not used by any of the premiers as an excuse to go off on their own. If, as I suspect the House is going to—and perhaps more readily than many people would have thought—we vote in favour of splitting the bill, I hope that we do not have people at a premier level running off.

I have reread the press statement signed by Peter Beattie, Steve Bracks and Bob Carr, saying that splitting the bill would not be ‘consistent with the spirit of our agreement at COAG’. I have to respectfully disagree with them: we did not talk about the legislative form. The only undertaking we gave was that we would deliver the agreement. The agreement listed a series of things, and the series of things will be delivered in split bills. I have come to that conclusion, having heard the debate.

Not all of those people who might have been agreeing with what I have been saying over the last few minutes will agree with this, but if the bills are split—which I think they will be—it makes it all the more neces-

sary that we do not fiddle around with any amendments. I think that, if you split the bills, you have to preserve the divided continuums very resolutely. I do not mean this in any provocative way, but I say to those who think that splitting the bills is perhaps the precursor to watering them down that I would counsel against that. I will support a splitting of the bills; I will then vote, without qualification, for each of the two bills. They represent the delivery of the COAG agreement. But, more importantly, I think they will be good legislation. I think this legislation will be good for medical science and for the Australian community.

I will finish on this note: this has been a very good debate. We have perhaps exceeded our expectations of ourselves in the quality of the debate, and I think it has been a reminder that this place can rise above some of the views people have of it. I want to thank everybody on both sides for the spirit they have displayed. I have heard some excellent speeches from both sides of the parliament. I commend very passionately the totality of the legislative elements of this bill, either in single or in divided form, to the parliament. I ask you not to amend it; I do not think amendment is going to achieve anything. By all means split it, if that is the wish. I think that, if it is split, there is then less argument for amendment.

**The SPEAKER** (5.01 p.m.)—The question is that the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 be divided into: (a) a Bill for an act to prohibit human cloning and other unacceptable practices associated with reproductive technology, and for related purposes, to be known as the Prohibition of Human Cloning Bill 2002 (incorporating, with associated amendments, the title, enacting formula and Parts 1 and 2 and clauses 56, 61 and 62 and the schedule of the bill as introduced, and an activating clause), and (b) a Bill for an act to regulate certain activities involving human embryos, and for related purposes, to be known as the Research Involving Embryos Bill 2002 (incorporating, with associated amendments, Parts 3, 4, 5 and 6 of the bill, and also including with amendments the

provisions of clauses 56, 61 and 62 of the bill as introduced and a new clause 55A).

Question put:

That the motion (**Mr Billson's**) be agreed to.

The House divided. [5.06 p.m.]

(The Speaker—Mr Neil Andrew)

Ayes.....	89
Noes.....	<u>43</u>
Majority.....	46

#### AYES

Abbott, A.J.	Anderson, J.D.
Andren, P.J.	Andrews, K.J.
Anthony, L.J.	Bailey, F.E.
Baird, B.G.	Baldwin, R.C.
Barresi, P.A.	Bartlett, K.J.
Bevis, A.R.	Billson, B.F.
Bishop, B.K.	Bishop, J.I.
Brough, M.T.	Burke, A.E.
Byrne, A.M.	Cadman, A.G.
Causley, I.R.	Charles, R.E.
Ciobo, S.M.	Cobb, J.K.
Corcoran, A.K.	Costello, P.H.
Cox, D.A.	Danby, M. *
Downer, A.J.G.	Dutton, P.C.
Edwards, G.J.	Elson, K.S.
Entsch, W.G.	Farmer, P.F.
Fitzgibbon, J.A.	Forrest, J.A.
Gallus, C.A.	Gash, J.
George, J.	Georgiou, P.
Haase, B.W.	Hardgrave, G.D.
Hawker, D.P.M.	Howard, J.W.
Hunt, G.A.	Johnson, M.A.
Jull, D.F.	Katter, R.C.
Kelly, D.M.	Kelly, J.M.
King, P.E.	Ley, S.P.
Lloyd, J.E.	May, M.A.
McArthur, S. *	McFarlane, J.S.
McGauran, P.J.	McLeay, L.B.
McMullan, R.F.	Moylan, J. E.
Murphy, J. P.	Nelson, B.J.
Neville, P.C.	O'Connor, G.M.
Panopoulos, S.	Pearce, C.J.
Price, L.R.S.	Prosser, G.D.
Pyne, C.	Quick, H.V.
Randall, D.J.	Ripoll, B.F.
Rudd, K.M.	Sciacca, C.A.
Scott, B.C.	Secker, P.D.
Sidebottom, P.S.	Slipper, P.N.
Smith, A.D.H.	Snowdon, W.E.
Somlyay, A.M.	Southcott, A.J.
Stone, S.N.	Ticehurst, K.V.
Tollner, D.W.	Truss, W.E.

Tuckey, C.W.  
Wakelin, B.H.  
Wilkie, K.

Vale, D.S.  
Washer, M.J.

## NOES

Albanese, A.N.	Brereton, L.J.
Crean, S.F.	Crosio, J.A.
Ellis, A.L.	Emerson, C.A.
Evans, M.J.	Ferguson, L.D.T.
Ferguson, M.J.	Gambaro, T.
Gibbons, S.W.	Griffin, A.P.
Hall, J.G.	Hartsuyker, L.
Hatton, M.J.	Hoare, K.J.
Hockey, J.B.	Hull, K.E.
Irwin, J.	Jackson, S.M.
Jenkins, H.A.	Kerr, D.J.C.
King, C.F.	Lawrence, C.M.
Lindsay, P.J.	Livermore, K.F.
Macfarlane, I.E.	Macklin, J.L.
McClelland, R.B.	Melham, D.
Nairn, G. R. *	O'Connor, B.P.
Plibersek, T.	Roxon, N.L.
Sawford, R.W. *	Sercombe, R.C.G.
Smith, S.F.	Swan, W.M.
Tanner, L.	Thompson, C.P.
Vamvakinou, M.	Williams, D.R.
Zahra, C.J.	

\* denotes teller

Question agreed to.

### PROHIBITION OF HUMAN CLONING BILL 2002

#### Second Reading

**The SPEAKER**—The question is that the Prohibition of Human Cloning Bill 2002, as contained in a form to be made available to members, be read a second time, that question to be decided without further debate.

Question agreed to.

Bill read a second time.

#### Third Reading

**Mr HOWARD** (Bennelong—Prime Minister) (5.18 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

### RESEARCH INVOLVING EMBRYOS LEGISLATION

**Mr ABBOTT** (Warringah—Leader of the House) (5.19 p.m.)—I move:

That further consideration of the Research Involving Embryos Bill 2002 be made an order of the day for the next sitting.

**Mr HOWARD** (Bennelong—Prime Minister) (5.19 p.m.)—On indulgence, after discussion at the front table, it was agreed it would be handled this way because there are a number of members of the opposition who, for reasons I fully understand, are not here and wanted to be involved in the vote. Although many of us might think that will not necessarily alter the outcome, in fairness and given the importance of the issue, any member who wants to be recorded present and voting on either side has a perfect right to. In those circumstances, we did not think it fair to force a second reading vote on that. I do not want anybody to think that they have not been given a fair go on this, so we will do it when we return.

**The SPEAKER**—I understand. I will extend indulgence to the Leader of the Opposition should he so wish.

**Mr CREAN** (Hotham—Leader of the Opposition) (5.20 p.m.)—The explanation given by the Prime Minister is correct. There are people who will want to have their vote recorded. They should be given that opportunity. It should be made an order of the day for the next day of sitting.

Question agreed to.

### BUSINESS

#### Rearrangement

**Mr ABBOTT** (Warringah—Leader of the House) (5.21 p.m.)—I move:

That business intervening before government business order of the day No. 3 be postponed until a later hour this day.

Question agreed to.

### COMMITTEES

#### Public Works Committee

##### Approval of Works

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.21 p.m.)—In what will obviously be an anticlimax to what has gone before, I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work

which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Proposed Christmas Island Common-use Infrastructure—Christmas Island Airport.

The Department of Transport and Regional Services proposes to upgrade common use infrastructure to support the proposed space centre project on Christmas Island. The proposed upgrade will be in the form of improvements to the airport. Additional port and access roadworks will also be required for the space centre. These works are to be undertaken as part of the new immigration reception and processing centre. Australia needs to pursue aggressively strategic investment proposals which help ensure Australia acquire leading edge technologies and skills that help develop and add value to our resources. In so doing, sometimes there may be a need to provide specific incentives to secure a strategic investment for Australia.

The proposal consists of strengthening, reconstruction and extension of the airport runway by 550 metres, a new taxiway and expansion of the airport runway. This upgrade is required to enable use by Boeing 747s and Antonov 124-100 aircraft. The upgrading of the common use infrastructure in this and other proposals that the government has for Christmas Island would support the objectives of the government for Christmas Island, allow a more flexible approach to air services for the Indian Ocean territories by increased strength and length of runway, secure for Australia the world's first commercially constructed satellite launch facility that would be the foundation for an Australian space industry and create short- and long-term job opportunities for the local community, to help relieve unemployment and develop the skills base on the island.

The proposed upgrades are designed to balance the commercial and social benefits for all Christmas Islanders in this unique Commonwealth territory. All the works on Christmas Island will be designed to ensure that the new infrastructure balances the commercial and social benefits with optimal protection of the environment. All works will be undertaken to ensure that any potential environmental damage to the area is mini-

mised. A comprehensive community consultation program will be implemented throughout the planning and development stages of the proposed common use infrastructure upgrading, involving the Christmas Island administration, stakeholders and the local community. The estimated cost of the common use infrastructure upgrade is \$51.3 million.

In its report, the committee has recommended that this project proceed, pending approval of the draft environmental impact statement and the fulfilment of the recommendations made in its report. The Department of Transport and Regional Services agrees with the general thrust of the recommendations of the committee. However, in relation to the recommendation of the committee on emergency services arrangements at the airport, the department will be reviewing those arrangements in conjunction with the Civil Aviation Safety Authority and will meet any requirements set by the authority. The department does not believe that commencement of the construction of common use infrastructure should be delayed until the emergency services issue is resolved. On behalf of the government, I would like to thank the committee for its work. I commend the motion to the House.

**Mr SNOWDON (Lingiari)** (5.25 p.m.)—Firstly, I thank the Parliamentary Secretary to the Minister for Finance and Administration. We endorse this proposal for work on Christmas Island. We believe it is very important to the future development of the Christmas Island community, not only because of the space facility but because of the attendant industries that can be developed as a result of having an extended runway and improved infrastructure on the island generally.

I will make one observation: the process of consultation, which we have been critical of since the start of this process, is one which we want to emphasise yet again. We believe that the government needs to pay far more attention to negotiating proper and appropriate outcomes with the community of Christmas Island. I say that as someone who has been travelling to and from the place now since 1987. I am aware of the need for this

infrastructure development and, as I say, it has the full support of the Labor Party. I just want to emphasise that there must be a change in the government's attitude in relation to the question of consultation and the processes therein.

Finally, this afternoon there were a number of students from my electorate in the House—students from Nhulunbuy School. They were here to see this debate and the division earlier on. I am about to go back and explain to them what it was all about. I will give them information on what this debate is all about as well.

**Mr GAVAN O'CONNOR (Corio)** (5.27 p.m.)—I wish to make a couple of comments on the matter that we are debating now: the proposed work for Christmas Island. I support the views expressed by the member for Lingiari about the developments taking place on Christmas Island. Central to this debate is the issue of consultation with the residents. They are on the cusp of quite profound developments on their island. We have proposals to construct a space facility, a \$51 million investment by the government for infrastructure upgrading and associated investments related to the construction of a detention centre on the island.

The *Common use infrastructure on Christmas Island* report of the parliamentary Joint Standing Committee on Public Works raised several concerns: the failure of the government to provide for firefighting services at the airport; the inadequacy of consultations with Christmas Island Phosphates, a major employer on the island—the largest business and the largest employer—which will lose access to some phosphate resources as a result of the runway extension; and the adequacy of the island's social and physical infrastructure to cope with an increased population resulting from this project.

It is very clear that the proposals and the developments for Christmas Island are taking place without the sort of planning that is required to ensure that there is not undue disruption to the Christmas Island community as a result of those developments. I recommend to the government that they take on board the matters that the committee has

raised and, in future, consult with the island residents on these significant developments.

**Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration)** (5.29 p.m.)—Briefly, there is weekly consultation between the department and the shire and an opportunity for matters of concern to be raised. The matters raised by the shadow minister were, in fact, covered in my speech.

Question agreed to.

#### ADJOURNMENT

**The SPEAKER**—Order! It being 5.30 p.m., I propose the question:

That the House do now adjourn.

#### Health and Ageing: Aged Care Review

**Ms ELLIS (Canberra)** (5.30 p.m.)—On 5 July 2002, the Minister for Ageing announced the draft terms of reference for a review of the funding arrangements for Australia's residential aged care sector. According to the minister, the review will address: the underlying cost pressures on the residential aged care industry, the efficiency and productivity of the sector, whether current funding arrangements are sustainable and the long-term options for funding residential aged care. These are important issues and they demand serious attention and very good policy from government. No-one should doubt that the current models for shaping and funding ageing, accommodation and aged care must change to keep up with demands in the community and the changing realities of life. Put simply, these issues require action.

The minister said on 5 July that he would announce the final terms of reference and reveal who will conduct the review of residential aged care funding by the end of August. It being 29 August, I look forward to these questions being finalised by the minister tomorrow. If that does not happen, then the many thousands of Australians living and working in the aged care sector, and those of us committed to the future of the sector, will in fact be entitled to ask why. Even if the minister does launch the residential aged care funding review tomorrow, no-one should expect action any time soon. The deadline for the review is December 2003.

That is 16 months away—and that is just too long.

Perhaps the Minister for Ageing thinks people in the aged care sector have time to wait, but the fact is that delays in the government's reform program have a very real impact on people whose quality of life should be the driving force in aged care policy. The minister has shown a remarkable lack of action in the Ageing portfolio but he has managed to announce a number of reviews of his own government's programs. He might not say so, but these reviews are an embarrassing admission that the government's aged care policies are just not working. The government's reform agenda for aged care has failed. Some examples are as follows. Yesterday, the minister announced a review of red tape when in actual fact the red tape was supposed to have been removed by the Aged Care Act 1997. There is the infamous National Strategy for an Ageing Australia, which is still in its development phase. The Minister launched the National Aged Care Workforce Strategy on 15 August 2002 to examine the workforce needs of the aged care sector, but the Howard government actually established a committee to carry out this work four years ago. In fact the only action that the Minister for Ageing can point to this year is this year's budget which contained a cut to aged services funding of \$174 million.

The other noteworthy piece of action in this year's budget was the Treasurer's Intergenerational Report. The Intergenerational Report sees ageing Australians in a purely financial framework. It says that elderly Australians are an impost on the Pharmaceutical Benefits Scheme and on the age and service pensions. What this government fails to understand is that ageing Australians are not a problem. They are simply who we are—or who we will become, sooner or later. This is not a niche issue. The number of people in Australia aged over 65 is likely to grow over the next 20 years from 2.4 million to around 4.2 million. Ageing effects every single one of us and at any given time most of us are faced with the negative consequences of ageing: we worry about the welfare of elderly parents, relatives

or friends and we try to plan for our own futures. Every Australian deserves happiness and security in their old age. With its powers under the Aged Care Act 1997 and other legislation, the Commonwealth government has the power to have a direct impact on the happiness and security of older Australians. If the government gets it wrong, as it has done so often over the past six years, the whole community suffers. But a lack of action is just as bad as getting the policy wrong. This is something the Minister for Ageing needs to understand, and understand quickly.

#### **Western Sydney: Infrastructure Development**

**Mr KING (Wentworth)** (5.34 p.m.)—I rise to speak in the adjournment debate about some issues concerning the improvement and development of infrastructure in Western Sydney. I also want to raise a couple of issues relating to my own electorate. In the adjournment debate last night, the member for Batman rose to speak about issues which he said were of importance to Western Sydney. In the course of his speech he said:

For the member for Lindsay to stand in this House and condemn the New South Wales government as failing to address vital infrastructure backlog in the region is an exercise in blatant hypocrisy.

It is a disgrace indeed that the member for Batman should stand and attack the member for Lindsay in this way, in this House, over that issue. The member for Lindsay has an outstanding record, if I may say so, in protecting the cultural and natural heritage of her electorate and the area of Western Sydney and ensuring the amenity and the quality of life of people living in that important part of not only Sydney but also Australia. I have some personal experience in that regard. Whilst I was chair of the Australian Heritage Commission I attended the ADI site at St Marys, amongst others, and saw the member for Lindsay lobbying for the conservation of the important natural heritage of that significant site.

The other issues raised by the member for Batman were really quite extraordinary in their tone and import. Can it be suggested, as he appeared to suggest, that the New South

Wales state government is somehow or other a paradigm of what is appropriate development? No, the exact opposite is the case. The New South Wales government has set a standard for overdevelopment in the state which is now becoming a byword. It is becoming a major problem for the people of Sydney who have to attend to and live with the quality of life problems that are linked to that overdevelopment that has resulted from the disgraceful planning measures, through the SEPP and other regional and local plans, that the state government has put in place in recent years. When I speak of local plans, I do not refer to measures taken by local authorities; I refer to measures where the state planning minister has overridden local authorities—even in relation to planning issues. It cannot be overlooked that, in the west of Sydney, this issue has arisen in the very backyard of strong supporters of the state government and in relation to the Canterbury Bulldogs and the present troubles they face—which were addressed by others last night in this House.

Whilst it is important for me to alert the House to the inaccuracies in the extraordinary attack on the member for Lindsay by the member for Batman—and I do so without reservation—I wish to draw to the attention of the House one aspect of my electorate. I have been fortunate, since being elected as the member for Wentworth, to have a strong association with all of the surfing clubs in my electorate. They include the Bondi Surf Bathers Life Saving Club, the North Bondi Surf Life Saving Club, the Bronte Surf Life Saving Club, Clovelly Surf Life Saving Club, the Tamarama Surf Life Saving Club as well as the famous Bondi Icebergs Club. I am either a patron or an honorary vice-president of each of those clubs, and that is for me a wonderful link with the beach culture of the important communities in my electorate. I enjoy that very much as part of my constituency work. Public liability issues are facing those clubs at the moment. In this House earlier in the week I addressed those issues in the debate on the [Trade Practices Amendment \(Liability for Recreational Services\) Bill 2002](#), and I made some general comments about Waverley Council and the problems it faced in re-

spect of the recent extraordinary decision of the courts concerning the swimmer at Bondi Beach. (*Time expired*)

#### **Immigration: Multiculturalism**

**Mr LAURIE FERGUSON (Reid)** (5.39 p.m.)—Last evening, the Minister for Citizenship and Multicultural Affairs, in what is becoming habitual conduct, used the adjournment debate to slander one of my constituents and to give a message to Australia's Islamic community that they are not allowed to have freedom of expression, freedom of association or freedom of views. He attacked Mr Talal Yassine, a well-known young Sydney lawyer—who struggled through the public education system and whose parents lacked English language skills—who has been a force for tolerance and intercommunal friendship in Sydney. It is interesting that, as a Muslim, he is the chairman of the traditionally Christian Australian Lebanese Welfare Group, which is centred in my electorate. The former Chairman, Joe Barakat, was well known to the Minister for Immigration and Multicultural and Indigenous Affairs. The fact that he has managed to bridge those often difficult religious divisions within the Arabic community I think gives some indication of this man's standing. Having attended his wedding, one would have thought the member for Parramatta was a far closer associate of his than I am, as he showed him around to meet those on the entire guest list that day.

The minister, as I said, has chosen to slander Mr Yassine because of Mr Yassine's attempt to raise public debate about ASIO legislation. He made this attack on Mr Yassine in an attempt to intimidate the Islamic community in Sydney under the veneer of concern that they were experiencing such national assault and that there was so much questioning of Islamic loyalty to this country that they could not really debate such a measure as that would lead to more public attacks upon them. This is absolutely preposterous. With regard to this legislation, the minister should bear in mind that the critics have included the parliamentary Joint Committee on ASIO, ASIS and DSD, chaired by the member for Fadden, and the Senate Legal and Constitutional Legislation Commit-

tee. They also have voiced some criticisms of this legislation. To say that it is outrageous of Mr Yassine to organise public meetings to question this legislation is a very serious matter.

It comes in the same week as a press release from the Australian Federation of Islamic Councils Chief Executive, Amjad Mehboob, in which he raised concern that the Islamic community has taken a battering over the last year as a result of September 11. For a minister—particularly one who has the role in this nation of trying to defend multiculturalism and people's rights—to try to put forward the idea that the Islamic community, unlike other communities, should not discuss this legislation is very worrying. This is not the first time. Back in July, the same minister chose to stereotype the Vietnamese community and the Khmers as being associated with crime because, allegedly, in their community the parents could not speak to the children because of language difficulties.

It is interesting to note that the theory he put forward was repudiated totally by a document he launched on 23 May. It made the exact opposite point. It said:

Compared to other second generation (migrants), the second generation of Slav-Macedonian, Turkish or Vietnamese origin were the most likely to retain the use of their parents' native language at home.

So the survey he launched made the point that the Vietnamese community is one in which the children have a higher propensity to retain their original language than the children of other migrant groups do. Yet, a few months later—forgetting what he had said—he said, 'There's a big crime problem, and one of the reasons for that is that the Vietnamese children do not speak their language at home.' The result of this kind of moronic outburst by the minister were headlines like 'Ethnic kids crime row'. The most interesting comment on this was from Zlatko Skrbis, of the University of Queensland. He commented of the minister:

I must say I have never heard a more unsophisticated comment from someone who holds a public office.

That was the analysis of a person who was the vice-president of an international re-

search committee dealing with ethnicity, race and minority relations.

I am not interested in how bad the factional problems are in the Queensland Liberal Party, I am not interested in Dr Flugg's case against the Queensland Liberal Party this week, I am not interested in the ganging up on Debbie Kember for the Senate preselection and I am not interested in the recruitment by the member for Ryan of everyone who walks down the road in Taipei and Hong Kong or in other matters. The minister and the member for Ryan should not abuse this House by increasing racial tensions in this country. (*Time expired*)

**Scott, Mr Shane: Rotary International Ambassadorial Scholar**

**Mrs ELSON (Forde)** (5.45 p.m.)—It gives me great pleasure to stand up and share with this House a notification that came into my office recently. It relates to the ambassadorial scholarship run by the Rotary club in Australia. For the first time since its charter almost 50 years ago, Beenleigh Rotary Club has been successful in nominating a candidate for the Rotary International Ambassadorial Scholarship program. Shane Scott from Beenleigh was recently accepted as district 9630 ambassadorial scholar and will take up a scholarship for one academic year of study abroad in the year 2002. The Rotary Foundation program is currently the world's largest, privately funded international scholarship program. The scholarships support approximately 1,300 students serving abroad annually, sending them from almost 70 different countries. This has created a worldwide network of more than 35,000 scholar alumni and has empowered students to improve international standards for over a half a century.

Shane will take up his scholarship at Florida State University in Tallahassee. The scholarship provides funding to cover transport, university fees, boarding and educational supplies to the value of \$25,000. Funding is through the Rotary Foundation of Rotary International. A unique benefit of Rotary scholarships is the scholar's association with the Rotary club—on this occasion, the Beenleigh Rotary Club. Shane has previously been involved with the Beenleigh Ro-

tary Club in various programs. In winning the scholarship for 2002, Shane successfully competed at the Rotary district level. District 9630 extends from Beenleigh to South Brisbane, Ipswich, Toowoomba and west to Quilpie, and embraces 46 Rotary clubs. So it was a great feat for someone in my electorate to take this award.

Although diagnosed at birth with cerebral palsy, Shane has always regarded his impairment as a personal challenge and, by the level of his success to date and the strength of his personality, he has won the support and admiration of his peers and those who know him. Shane is currently completing the third year of a Bachelor of Social Work at the University of Queensland. Shane is an inspirational young man, and the Beenleigh Rotary Club is proud to be his sponsor as he embarks on the role of ambassador of goodwill under the international education program of Rotary International.

I take this opportunity to also thank Geoff Kempe, the international service director of the Beenleigh Rotary Club, and the members of the Beenleigh branch for giving young Shane this opportunity and also for giving me the opportunity to host Shane at an afternoon tea last week to wish him well. He left last Friday to go to America to start his 12-month program. When meeting Shane, you cannot help but be impressed by this young man's personality. He will be a great ambassador for Rotary and, especially, for Australia. I wish him well and I look forward to sharing his many experiences while over in America. I thank the House for giving me the opportunity to share this with them tonight.

#### **John Valves: Closure**

**Ms KING (Ballarat)** (5.48 p.m.)—The collapse of John Valves in my electorate has again highlighted the inadequacies of the government's employee entitlements scheme and the failure of the Prime Minister to deliver on his election promise, and a promise made in this House, to introduce legislation to put employee entitlements before secured creditors when companies fold. The reality is that this government is not interested in defending the entitlements of workers and the impact that this has on their families. Despite his answer to me in question time during my

first weeks in this House, the Prime Minister has not introduced legislation to put employee entitlements before secured creditors when companies fold. He promised this in the election campaign and promised again in February to look at the issue. The Minister for Employment and Workplace Relations repeated the promise in July after textile firm Coogi was put into administration and almost 100 workers were made redundant. No action has been taken.

The workers of John Valves have lost thousands of dollars of their entitlements. They are now forced to rely on the government's minimal employee entitlements scheme to fund a small amount of the entitlements they were owed. I welcome the fact that the government has agreed to expedite applications from John Valves workers to the scheme. If they hold true to this promise, John Valves workers should be receiving their offers next week.

There are a number of workers that I am concerned will miss out under the scheme. I encourage the minister to apply the scheme in its broadest interpretation to ensure that the family of a John Valves worker who died during the administration period receives some entitlements. I hope that the approximately 12 workers who terminated their own employment during the administration period, due to the pressure they felt they were under and the uncertainty and insecurity they experienced during the almost six months of administration of this company, also receive their entitlements.

The uncertainty faced by these workers and their families is exacerbated by the unsatisfactory legal status of GEERS. Presently, all decisions to make payment under GEERS are at the absolute discretion of the minister and his delegates. There is no legislation enshrining eligibility criteria; only, apparently, non-binding operational arrangements. It would be a serious concern if the spiralling cost of GEERS—around \$70 million last financial year, up from \$50 million in the budget—led the minister and his delegates to treat some employees less favourably than others. It is understandable that the government would be concerned about the cost to taxpayers of its entitlements

scheme. Indeed, the spirally cost to taxpayers of GEERS is one of the reasons Labor has proposed the better model of a national insurance scheme to protect entitlements. But the government, having portrayed its scheme as the saviour of employees of collapsed companies, should be held accountable to administer this scheme without fear or favour so that cases like those of the John Valves workers are treated equally.

#### **Father's Day**

**Mr HUNT (Flinders)** (5.51 p.m.)—Sunday, 1 September is Father's Day. I want to speak briefly about what that means for families in my electorate and then, in particular, about a personal issue. At the electorate level, we see great importance attached to the notion of family. Often there is not sufficient focus on the particular challenges and difficulties facing fathers. I have had many fathers come to me within my electorate—those who have struggled, whether financially or emotionally in being disconnected from their children. I want to pay tribute to the hard work that they do and the extraordinary role that they play not just in providing for their families but also, and perhaps most importantly, in helping to create a sense of values in their children.

These values can be distilled in two ways: through the family and, where there is an absence of that, through the school. There is a particular school in our area which has a significant challenge in terms of cohesiveness of families: West Park Primary, which I will be visiting tomorrow morning. West Park Primary—with its principal, Brian Forward—plays a very significant role in pastoral care. It has a four-point value program which is right at the heart of the school's teaching of its children, aged between five and 12. In doing that, it acts as a node and a hub for that community. So I want to commend the work of West Park Primary in helping to create values and helping to take values back to the families. On the eve of Father's Day, I want to pay tribute to all of those fathers who have been able to play such an important role in raising their children.

I would also like to take a personal liberty here. My own father, Alan Hunt, who is soon

to be 75, instilled in me something which today I feel more strongly than ever. He was a member of the Victorian upper house for 30 years. Throughout that time he gave me a sense of his belief in the role of the parliament in society. He never talked about the word 'politics'; he talked about the words 'parliament' and 'values'. Today I witnessed in this House what to me was a great example of parliamentary values. A combination of integrity, service and generosity of spirit were displayed within this parliament.

As we approach Father's Day on 1 September, I want to say to all of the fathers within my electorate: I congratulate you. And I want to say a special thanks to my own father and say that I am prouder than ever, if in some small way, to be able to carry out and live on those values. He was right: there is a nobility and a dignity in the parliament, whether it is at the national level or at the state level. I think we saw all of those best qualities today. Ultimately, to all of the fathers within my electorate and to my own father: happy Father's Day.

#### **Science: Stem Cell Research**

**Mrs GALLUS (Hindmarsh—Parliamentary Secretary to the Minister for Foreign Affairs)** (5.54 p.m.)—I will speak very briefly; I do not want to take too much time in this adjournment debate. Earlier today I spoke on the motion to split the stem cell research bill. At that stage I spoke against splitting the bill; I spoke in favour of keeping it together. However, when we voted, I voted to split the bill. I want to explain to my constituents, who may be a little confused by this, that subsequent to my speech I talked to more people who explained to me why they believed that my reasons were not cogent. I took this further and indeed I was convinced that in the end there would be no harm done by splitting the bill. By splitting the bill we were assisting many of my colleagues here in the House to vote as they needed to do, with their consciences.

#### **Banking: Fees and Services**

**Mr GRIFFIN (Bruce)** (5.55 p.m.)—I will speak again, very briefly, on an issue I raised earlier today in the Main Committee: the recent credit card reforms by the Reserve

Bank of Australia, and in particular the issue of the interchange fee and how this government should implement this reform properly by ensuring that there is proper monitoring as the reform is introduced. There are—as I said earlier—problems with the likely intentions of some of the banks and other parties within the system, as to how this will be introduced, and there needs to be proper monitoring. The Treasurer has said in this place that the responsibility for monitoring lies with the Reserve Bank of Australia. However, I do not think that is the case. The actual paper on the reform that has been presented by the Reserve Bank very clearly shows that it is not the role of the Reserve Bank to monitor things like fees and charges, which are a crucial part of this system.

When we are talking about making a change in a position whereby other aspects of the system are not covered by the reforms, we can expect that institutions like the banks will be looking at those areas to recover some of the lost revenue. At a time when we are seeing record credit card debt, record credit card usage and record credit card profits for the banks, it is something that needs to be watched very closely—and I am supremely concerned that this will not be occurring. I know this is a concern held by many groups in the community. I would ask the government to reconsider this issue. It is a matter which should be considered by the ACCC. Proper monitoring of its implementation is needed; otherwise we will not see the sorts of savings that ought to be passed on to the community as a result of these reforms.

#### **Western Sydney: Infrastructure Development**

**Miss JACKIE KELLY** (Lindsay—Parliamentary Secretary to the Prime Minister) (5.57 p.m.)—I rise tonight on an issue that has already been mentioned by the member for Wentworth tonight: development in Western Sydney. The member for Batman last night in the adjournment debate also raised it. I would like to give you a sample of some of the correspondence which has been coming into my office about the travel commitments involved in living in Sydney, working and raising kids. This is an excerpt

from just one typical letter that I received. This lady writes to me:

I am lucky to have been working in my job for over 8 years and the firm that I work for appreciated and rewarded me for my efforts by allowing me to work remotely from home one to two days a week and travel to the City one day a week. This has been going on since late 1999. I couldn't take more than 4 months maternity leave with both of my children as I would lose touch with the type of work that I do and also I know that if I let my job go now it would be harder to re-educate and find employment further down the track.

In order to keep my job I drop my children to childcare between the hours of 6.30am and 7am one day a week so I can catch a train to Sydney and be at work by 8.30am. I have also had to change my hours so I can leave by 3.50pm so I could catch a train home and pick my children up by 6pm (closing time at the centre) and pray the train isn't running late.

On occasions I fill in for my colleagues when they are on leave and I have had to travel to Sydney all this week. Only for my husband and mother-in-law coming to my home and helping with my children I wouldn't have been able to do that. I miss my children terribly this week and have only seen them in their beds in the morning and say goodnight when I am home. I believe I am very lucky to earn good money and work part-time and not have to travel 5 days to the City.

I am positive that there are many mothers in our area that would benefit from employment in the local area and thank you for your support. We need to be there for our children, earn money to pay mortgages and bills but also to enjoy our life like the next person and not stress out about picking up our children on time if the train or transport is running late.

That is very typical of the feeling that I have been picking up in my electorate. The member for Batman questions what the federal government has been doing in this area, and I would like to remind him that through the Road Safety Black Spot Program the government has spent nearly \$10.5 million on black spots in New South Wales, and about \$222,000 has been specifically allocated to Campbelltown. I call for a tri-level of government meeting on this important issue of development in Western Sydney.

**The SPEAKER**—Order! It being 6 p.m., the debate is interrupted.

**House adjourned at 6.00 p.m.**

*Thursday, 29 August 2002*

**The DEPUTY SPEAKER (Ms Corcoran)** took the chair at 9.40 a.m.

#### **STATEMENTS BY MEMBERS**

##### **Health: MRI Funding**

**Mr GIBBONS (Bendigo)** (9.40 a.m.)—I rise to urge the federal government to provide and license a magnetic resonance imaging capability at the Bendigo Health Care Group's acute campus. I intend launching a petition tomorrow calling on the federal government to provide this vital and life-saving service. The Bendigo Health Care Group is one of the largest publicly funded health care organisations in rural Australia. The major services of the Bendigo Health Care Group are based in the City of Bendigo, which has a population of almost 90,000 and is growing at a rate of approximately 1,000 people every year. This is the highest growth rate in Victoria, outside the Melbourne metropolitan area. The group services a total population of around 360,000 who live in an area of one-quarter of the landmass of Victoria—extending beyond Mildura in the north-west of the state, into south-west New South Wales and below Gisborne in the south.

In addition to the facilities at Bendigo, the group provides extensive community services throughout its catchment area and is allied in service provision with 19 separate hospitals and health service organisations together with general practitioners and other health professionals. This is the largest rural alliance in Victoria. To date, Bendigo has not been considered for the licensing of an MRI scanner. Previously released tender documents following on from the Blandford report have so far not recommended a licence for central Victoria, even though Bendigo is said to be the largest regional population in Australia without an MRI, licensed or unlicensed.

MRI provides an unparalleled view inside the human body and is non-invasive, with none of the known cumulative effects that are associated with x-ray examinations. The level of detail that can be seen is extraordinary compared with any other imaging arrangements. This is obviously of enormous benefit in diagnosing a wide range of illnesses in their early development and, therefore, MRI services have the potential to save many lives. Given that the central Victorian region has the largest rural alliance in Victoria, it is unacceptable that it is still without this valuable service. I call on the Minister for Health to bring this region in line with all other health regions and provide and license MRI services as soon as possible so that people from this region can benefit from this life saving technology.

The Commonwealth government and the state government have combined to fund an oncology unit in Bendigo, which is now up and operating. That provides a very valuable service for people with very serious illnesses as it means they do not have to travel to Melbourne for that sort of treatment. I commend the Commonwealth government and the Victorian state government for doing that. But, if there were an MRI service in Bendigo, we would have the ability to detect soft tissue damage, like cancers, very early. A place like Bendigo, given its large catchment area, really needs that equipment desperately. I would be delighted if the Commonwealth could see a way to provide that service as soon as possible.

##### **Petrie Electorate: Child Care**

**Ms GAMBARO (Petrie)** (9.43 a.m.)—Last week I had great pleasure in announcing an additional 20 family day care places for Brisbane's north side. These places were part of a total of 35 additional places that were allocated to the north Brisbane area. Like many social vari-

ables that are contingent on the age of the population, child care with its changing needs and demands is affected by changes in demographics. My electorate of Petrie, which includes the City of Redcliffe and the outer northern suburbs of Brisbane, has grown incredibly. Over the past five years, the growth in my electorate and other areas of Brisbane's outer north has resulted in changes in the demand for services.

The corridor from North Brisbane to Caboolture is the third fastest growing region on a residential basis in Australia. It is estimated that in the next 10 to 15 years the Mango Hill population, situated in the north of my electorate, will grow by 25,000. A report released by the Queensland state government last year showed that, between 1995 and 2000, the population of the Redcliffe peninsula increased by 0.9 per cent. Redcliffe also beat the City of Caboolture, situated at the northern end of the growth corridor, in residential and non-residential approvals. The City of Redcliffe approved \$62.5 million worth of approvals, compared to \$58.6 million for the Caboolture Shire Council. Similarly, in parts of Brisbane's north side, population changes have resulted in increased residential development; and, because of the number of new housing estates in the Petrie electorate, there is an increase in the number of young families settling into the electorate, and also the demand on child-care services.

When the demand for child-care places was first raised with me in April this year, I met with the Minister for Children and Youth Affairs, the Hon. Larry Anthony, and presented him with details of the waiting lists in both the Redcliffe and Bramble Bay day care schemes, the two schemes that were most successful in this latest allocation. The demand was there and the government responded by allocating additional places for this demand. There has been extensive consultation with the child-care community, and the results are indicative of an ongoing process which this government has adapted in this area.

These additional places are allocated in areas which are determined as high need and I am very grateful for the assistance of the Redcliffe Peninsula and Bramble Bay day care centres in providing that information and also in demonstrating that these were areas of high need. I am pleased for our region that my push for more places has been rewarded with a total of 20 new places.

#### **Bowman Electorate: Aquaculture**

**Mr SCIACCA (Bowman)** (9.45 a.m.)—The Tasmanian company SunAqua is currently seeking government approval to establish an aquaculture development off the shores of Moreton Island in my electorate. Today I would like to affirm my opposition to this project that in its initial stages would involve about eight cages, 30 metres in diameter and 15 metres deep, which would extend two metres above the waterline. Within three to five years, it is anticipated that this project would expand to incorporate 32 cages. An aquaculture farm comprising 32 cages would be approximately four times the size of the Brisbane Broncos' home ground, ANZ Stadium.

I believe that a development of this size would inevitably have a significant impact on the environmental, recreation and economic status of the region. The project is presently before the Queensland state government, the Department of State Development. Naturally, in accordance with established procedures they are looking at the project, and it is far from yet being approved. I would hope that when the Department of State Development, the Queensland government and subsequently the Commonwealth government, which has to give approval for this sort of thing, come to give it approval or otherwise, I hope they take into consideration what we think it will do to the environment.

I must say, to be fair, that Dr Julian Amos, who I think is one of the head people in the company, has not come to see me as yet, but he will and when he does he is going to have a lot of convincing to do. I did tell him that I am prepared to look at his side but I am a bit bi-ased about it. In any event, I will give him the time that he wants. The environmental concerns aroused by this proposal are many and I do not have time to discuss them today, except to say that the sea cages will lead to increased nutrients in the water which attract dolphins and sharks, the nets around the farm could entrap these predators and they could consequently drown. South Australia has had this sort of problem.

There is also considerable concern that aquaculture development in Moreton Bay would compromise the millions of dollars that have been invested to remove nitrogen from the marine park to protect the fragile ecosystem. There will be an impact on industry and employment. There is a lot of small business around the Moreton Bay region involved in ecotourism, small fishing and that sort of thing. I am particularly concerned about a beautiful resort on Moreton Island called Tangalooma, which employs something like 120 to 130 people. This could be jeopardised by a sea cage farm and it could end up, I am told, with only about 50 people. Trevor Hassard, who is in charge of the environmental schemes around the island, and Normie Wilson—good friends of mine—have been telling me that this could have the effect of absolutely devastating Tangalooma. If that is likely to happen, as far as I am concerned it is just not on.

This is not an issue that will go away. It affects people all around Moreton Bay, and I am proud to represent virtually the whole of Moreton Bay—you could even say that the marine creatures of Moreton Bay have me as their representative, including the porpoises and all the other animals. I intend to fight this as much as I possibly can. As I say, I will talk to Julian Amos when he comes to see me next week but he is going to have a lot of convincing to do.

#### **Defence: Parliamentary Program**

**Mr BARTLETT (Macquarie)** (9.48 p.m.)—Along with a number of other members and senators, I was privileged during the winter recess to participate in the Australian Defence Force parliamentary program. To be specific, I spent five days at RAAF Richmond and was joined there by the member for Dobell. During those five days we were involved in a range of activities to give us as broad an overview as possible of the day-to-day work and activities on the base. The experience was certainly varied and interesting. It gave us an even greater appreciation of the professionalism of the men and women in our defence forces. Their sense of purpose and their commitment to the task at hand and to doing their best as part of the team were evident throughout. Added to that was their obvious attention to detail, thoroughness and proficiency. This was evident throughout the ranks and it showed in all activities, even those in which some might normally consider to be more menial tasks. These are no doubt some of the reasons for the outstanding record of the Australian defence forces both in safety and in operational effectiveness, a record which has brought great credit to the personnel, to the Australian defence forces and to Australia. In short, if the men and women at RAAF Richmond are typical of all branches of our Defence forces—and I am sure they are—then we can be very proud of them all.

The visit to RAAF Richmond also gave me a greater insight into some of the issues facing the personnel there. These included operational health and safety issues, remuneration, super-annuation, uniform and other matters of concern to them, and I am in the process of pursuing some of these matters currently with the relevant ministers. We have a responsibility to ensure that we are doing the best we can to look after our Defence personnel—that is, in terms of equipping them adequately, their working conditions, operational health and safety issues,

conditions of service and remuneration and so on, and also in ensuring that their superannuation is adequately looked after. Part of the increased Defence spending under this government must go towards addressing those issues—those issues that affect so much the day-to-day lives of our Defence personnel. In conclusion, I want to thank all of those at RAAF Richmond who made the week there for us so enlightening and rewarding.

#### **Banking: Credit Card Schemes**

**Mr GRIFFIN (Bruce)** (9.51 a.m.)—I rise today to speak briefly about the recently announced reform of credit card schemes in Australia announced by the Reserve Bank of Australia. It has attracted quite a deal of comment in the media in recent days and in recent months as the reforms have drawn to their conclusion. With respect to the reforms, three major changes were announced by the Reserve Bank. The first was the issue of surcharging. At the moment the capacity is not there for merchants to surcharge direct to customers for the cost of the operation of the credit card system, and that will be removed under this proposal. Second, there is also an issue in respect to access to the scheme by new participants. The third was the actual rate of the interchange fee which is charged between the banks as the wholesale charge with respect to the operation of the system.

Essentially, this has been a quite controversial change, particularly with respect to the banks and the major companies involved in this area, MasterCard and Visa. The key implication for the Australian public relates to that question of interchange fees. The Treasurer, in speaking on this matter in the House a couple of days ago, said that in his view it was estimated that some \$300 million to \$400 million in savings could and should be made available and passed on to Australian consumers as a result of these changes.

But just yesterday in the House when he was questioned again on this, we were pointed towards a very different answer. Evidence has been produced publicly regarding the ANZ Bank and what it intends to do. I quote from the ANZ Bank press release which was mentioned by the Treasurer yesterday:

The estimated impact on net credit card profits assumes ANZ will absorb about one third of the impact. In effect, that means that some two-thirds of the impact will be passed on to consumers—and through several ways, in my view. One will be the question of fees and charges going up, and also in terms of the diminution of existing benefits. Things like loyalty schemes, which have been provided by credit card schemes as an incentive for people to be involved with credit cards, will probably be cut down by the banks. That is on the basis that they see these as being part of the overall interchange fee when, in fact, it has been decided by the Reserve Bank that they cannot charge it as part of the interchange fee.

This is in a situation where credit card debt is at record levels, actual credit card usage is at record levels, and the circumstances are also that profits for banks with credit cards are at record levels. So, on one hand, the Reserve Bank is saying, ‘You should not be charging this as part of your interchange fee’; on the other hand, the banks are making record profits and I do not believe they should be using this as a way to cut back on their costs. I think it is unfair, unjust and unreasonable for the Australian people.

#### **Commonwealth Games: Australian Shooting Team**

**Mrs ELSON (Forde)** (9.54 a.m.)—I received a letter from a group in my electorate, and they have asked me to bring contents of the letter to the attention of the parliament. The letter read:

The Beaudesert Pistol Club would like to bring to your attention the outstanding performance by the Australian Shooting Team at the Manchester 2002 Commonwealth Games. A team of 29 shooters, con-

sisting of 13 women and 16 men won a total of 30 medals made up of 11 Gold, 13 Silver and 6 Bronze medals. We are pleased, too, to point out that our Pistol squad of eight members, consisting of three women and five men won a total of 12 medals made up of 3 Gold, 6 Silver and 3 Bronze medals.

This performance is second only to those produced by the Australian Swimming Team, which, with a team of 45, consisting of 24 women and 21 men, won a total of 48 medals made up of 27 Gold, 13 Silver and 8 Bronze medals.

And congratulations to them. The letter continued:

The shooting team performance is even more impressive when comparing the ratio of medals won in relation to the number of people in each team. The ratio for shooters for all medals is 1.03 per person compared with the swimming team ratio of 1.06 per person. Taking into consideration the very generous outlays made by the Commonwealth and States in support of the Australian Swimming Sports compared with the more modest grants made to the shooting sports, this represents exceedingly good value for money. It is also worth pointing out that the various shooting sports, for the greater part, have to pay for their own shooting facilities, unlike the swimmers, whose facilities are provided by various levels of government.

Australian shooters have again proven their credentials as world class athletes and by their demeanour, have shown that they represent the highest ideals of sportsmanship and are worthy role models and ambassadors for their sport. It is regrettable that there are still organisations and political parties in Australia who continue to vilify the various shooting sports and their practitioners.

We request that the Honourable Member brings the performance of the Australian Shooting Team to the attention of Parliament at its next sitting. We believe that the Team's performance and the prevailing attitudes in some quarters to shooting sports, are compelling reasons why this privilege should be accorded to this Team.

And I thoroughly agree. I would also like to place on record my personal congratulations to the Australian shooting team and thank the Beaudesert Pistol Club for bringing their achievements to my attention.

I would also like to thank the President, Don Crowther, and his members for the very successful tournament that they recently conducted in my electorate to raise funds for the Care Flight Emergency Service—well done! The Beaudesert Pistol Club is well respected in our community for the responsible attitude that they constantly display not only in their sport but also in their community.

**The DEPUTY SPEAKER (Ms Corcoran)**—Order! In accordance with standing order 275A, the time for members statements has concluded

#### ADJOURNMENT

**Mrs GASH (Gilmore) (9.57 a.m.)**—I move:

That the Main Committee do now adjourn.

#### Fathers and Sons

**Mr SIDEBOTTOM (Braddon) (9.57 a.m.)**—The chorus of the hit song *Cats in the Cradle* goes:

And the cat's in the cradle, and the silver spoon

Little boy blue and the man in the moon.

'When you coming home dad?'

I don't know when, but we'll get together, then

You know we'll have a good time then.'

I heard this famous hit song of a not so good father and son relationship on Tuesday at the Parliamentary Post Office and it set off a whole lot of memories and reactions. Apart from reminding me of the era in which I grew up and enjoyed my early manhood, I was struck by

the message it has for fathers. The song tells a story of a dad and his son—a son who takes second place to his dad's job. Sadly, but not strangely, the son ends up just like his dad, and his dad takes second place to his son's interests. The song goes on:

I've long since retired, my son's moved away  
I called him up just the other day.  
I said, 'I'd like to see you, if you don't mind.'  
He said, 'I'd love to, dad, if I could find the time.  
You see my new job's a hassle and the kids have the flu  
But it's been sure nice talking to you dad.  
It's been sure nice talking to you.'

And as I hung up the phone it occurred to me  
He'd grown up just like me: my boy was just like me.

Of course, it is Father's Day on Sunday and, along with the song, *Cats in the Cradle*, this has made me ponder more than usual my role as a dad, the role of dads in general and, importantly, my dad and me.

It is good to know that Father's Day did not originally start out as a commercial free-for-all in the United States. It was started by Sonora Dodd of Washington in 1909 as a tribute to her father William Smart. Father's Day received presidential proclamation in 1966. Since then it has spread throughout the Western world and, no doubt, many sock, tie and card manufacturers have welcomed it. But which dad am I? Am I the dad in *Cats in the Cradle*, who seemed to have time for everything and everyone except his son's immediate wishes—the son who no longer asks because he knows the answer; the son who idolises his dad because he wants to be like him until, tragically, that is what happens? I suspect at times I am. But the fact that I am aware of it means that I can do something about it. I often look at my two beautiful boys—Julian, 16 and William, 14—and marvel at how quickly they have grown up and how much food they consume at any one sitting and yet continually graze at every other time. I may be away from home frequently and for long periods, but I have learnt that my sons are secure in the knowledge of where I am and that, at least, I am safe.

Absence indeed does make the heart grow fonder, and I am a lucky dad to have two healthy, happy and loving sons who are not too embarrassed to acknowledge their dad in the company of their friends. It reminds me of the unlikely story that Mark Twain is supposed to have written, which reads:

When I was a boy of 14, my father was so ignorant that I could hardly stand to have the old man around. But when I got to be 21, I was astonished at how much the old man had learned in seven years!

Am I like the father in Cat Stevens's song *Father and Son*, which reads:

It's not time to make a change  
Just relax, take it easy  
You're still young, that's your fault  
There's so much you have to know.

Yes, there is this father in me as well—sometimes too quick to advise, hasty in judgment, impatient, unrealistic in expectation and forgetful of what it is like to be young—more aware of the dangers and anxiety than the joy and excitement. I hope my sons do not say as the son says in *Father and Son*:

How can I try to explain?  
When I do he turns away again.  
It's always been the same, same old story.  
From the moment I could walk  
I was ordered to listen.

Now there's a way and I know  
That I have to go away.  
I know I have to go.

Or am I the father extolled by Queen Victoria, who said:

None of you can ever be proud enough of being the child of such a father who has not his equal in the world—so great, so good, so faultless ... Try therefore, to be like him in some points, and you will have acquired a great deal.

When my sons were very young, no doubt I was a living legend but my frailties and weaknesses have been discovered by those who have observed and absorbed me the most. I can only hope that they are charitable in their judgment of me and certainly do not imitate these traits. Still, most scientific evidence suggests they are socially learned rather than genetically programmed, I hope.

Sometimes I feel like an ATM, a people mover, a general store and an all-round labourer. At other times, I feel like a very lucky bloke who gets a kick out of seeing his sons healthy, happy, busy and still contented to be at home. Finally, I would like to say thanks to my dad, Max Langford-Sidebottom, who now lives in Kempsey, New South Wales. I have not told him often enough but I love him very much and I miss him.

**McPhedran, Mr Colin**

**Mrs GASH (Gilmore)** (9.59 a.m.)—During the autumn sitting of parliament, I was privileged to be able to report to this House the publication of a book by a close friend and mentor, Colin McPhedran. Colin's book titled *White Butterflies* tells the story of his exodus from war-torn Burma as a young boy. Let me go back to what I said about this man and his book at the time:

In a way, he could be described as my best friend and mentor and also my teacher. He is someone I can talk to or consult knowing that my thoughts will not be repeated. The solutions or suggestions that he offers are often ones that would not immediately come to mind. Colin offers a different point of view, often lending a guiding hand but never seeking to impose his own will.

Colin's book has now been widely read and has touched many people because it is a story that had to be told. And because the story is a sincere and moving record of one young man's journey, what was a journey in hell, we can all profit by it. I am pleased today to inform the House that the story is to be made into a film. It is a fitting tribute to not only the story but also the telling of the story that in today's preferred medium, a film is the next obvious step to do the story justice.

Scott Hicks from Kino Film Company has signed an options agreement with Pandanus Books, publishers of *White Butterflies*. Scott Hicks is renowned for his film *Shine*, which was a box office sensation, winning Geoffrey Rush an Oscar for best actor. To quote from Pandanus Book's media statement on *White Butterflies*:

It is a dramatic often harrowing story. But it is also the story of one man's triumph against overwhelming odds to make a new life for himself in a new land.

The book is inspirational, and I would suggest, given the track record of the film-maker, the movie could be equally inspiring. I have to say again that Colin McPhedran is a humble man who follows the Buddhist philosophies and, as such, he does feel uncomfortable about the publicity that is being generated. However, it is an experience from which we can learn, so it must be shared and, if the medium is a movie, then so be it. I applaud Scott Hicks for his foresight in seeing the message in this story and for having the faith to want to convert it to a medium for the broader community.

When Colin told me the news, I could sense he was somehow anxious, as he is a man to whom any form of affluence is embarrassing. Yet I could also sense he was excited at the prospect of getting his story and related message to a far broader community. Selfishly, I was delighted, as Colin had always promised he would take me to Burma, the land of his birth, where he wants to live out his days. Now that the story is to be made into a film, hopefully with the shooting on location, I thought I might have the opportunity to hold Colin to his promise. Because, yes, I too want to see where the story was born so I can see, feel and touch the ground and perhaps in some small way begin to understand what Colin's trek might have been like.

Many of us have shared in Colin's later life and have some inkling of the passion underlying his words. This film will be one of Australia's best, for it is a record of human spirit, honest and sincere, a tribute to Colin, his wife, his parents, his children, their wives, partners and children and the many lives he has touched along the way—people such as Mac Cott, a dear friend of his for over 50 years. I cannot begin to describe the joy, the pride and the sense of satisfaction felt by so many people at Colin's latest triumph. It is my sincere hope that we here in parliament will be given the opportunity of an early preview. If you have not read the book, you will now have the chance to see the movie. Although it will be sad for me, I am overjoyed that Colin is almost ready to begin the greatest work of his life: to return to Burma to work for the benefit of his people—our people. Hopefully, we can help him.

**World Trade Organisation: General Agreement on Trade in Services**

**Ms GEORGE (Throsby)** (10.06 a.m.)—I have had recent representations made to me about the negotiations on the WTO General Agreement on Trade in Services. I do not profess to be an expert in this area, but I have indicated to a number of my constituents that I would place their concerns—and, now that I am a bit more familiar with the issue, my concerns—about what is happening in this forum. As you would be aware, the community was locked out of the negotiations on the Multilateral Agreement on Investment, the MAI, some years ago, and my constituents want to ensure that the processes of negotiation are transparent and open. My understanding is that, although some GATS rules apply to all services, many apply only to those services which each government agrees to list in the agreement, and there is pressure on governments to add to the list of services that would fall under the rules of GATS.

Currently, GATS has rules which recognise the right of government to regulate services and to provide and fund public services, and I think the average citizen of Australia would be very thankful that that kind of regulation continues to exist in an increasingly global economic environment. But in the current negotiations, all governments are being asked to increase the range of services which they agreed be covered in the GATS and to make changes to the rules of GATS which could in effect reduce their right to regulate services. From my reading on this matter, there are two proposed rule changes that are of great concern to all Australians. The first is a proposal to reduce the right of government to regulate services by applying what they call a 'least trade restrictive' rule. This would allow these regulations to be challenged by other governments as a barrier to trade. The second proposal being discussed is one to define government funding of public services as 'subsidies' to which corporations might have access through competitive tendering—which, as we know from the Australian experience, is a form of privatisation.

The constituents who have raised these issues with me are concerned about the potential for the kind of regulation that exists in our country to oversight the provision of public services to be diminished. Lest you think they are exaggerating about the current round of negotiations, let me just reveal something of the European Commission's requests to Australia.

These were placed on the Internet back in April. The European Union, representing 15 countries, was asking Australia to remove its limits on foreign shares in strategic industry companies like Telstra or Qantas and to include in the GATS all of our postal items and all modes of delivery 'handled by any type of commercial operator, whether public or private'. The EU was also arguing for the inclusion of water services in the GATS negotiations. Potentially, this would reduce the ability of state and local governments to make decisions about the public ownership and public regulation of water services.

I am not suggesting that the Australian government has agreed to any of this; however, I am flagging the possible dangers in negotiations occurring behind closed doors. There is certainly current pressure to trade off services for gains in other areas, like agriculture. The European Union Trade Commissioner, Pascal Lamy, visited Australia in July. The *Australian Financial Review* of 17 July stated:

Mr Lamy said the EU wanted Australia to lift restrictions on the foreign ownership of Telstra and the sensitive water-distribution industry in return for any concessions from Europe on barriers to agricultural trade.

Most Australians, including farmers, would not want to make this kind of trade-off. There are few public services still left in our regional and rural communities, and access to them is vital for all. It is my contention that the GATS negotiations should be opened up to full public scrutiny and debate. I am raising these concerns so that, like the round of negotiations on the MAI, more Australian citizens are aware of what goes on in international forums.

#### **Kalgoorlie Electorate: China LNG Deal**

**Mr HAASE (Kalgoorlie)** (10.11 a.m.)—I rise today to speak on an issue that is very dear to the hearts of the people of the Pilbara, specifically Dampier and Karratha. There has been much debate in the media about the value of the China LNG deal between Woodside Petroleum and China to supply North West Shelf liquefied natural gas for China's energy needs. That will do marvellous things: it will reduce acid rain, it will increase revenue for Australia and it will improve the quality of life for many Australians.

What it will also do is provide further development on the Burrup Peninsula, which is a unique landform on the Pilbara coast adjacent to Karratha and Dampier. It will increase the pressure for industrial development on that site. The state government, in view of this increased industrial development, have gone public and said that they are going to spend more than \$130 million in infrastructure. Part of the infrastructure is a road along the length of the Burrup Peninsula. You might say, 'What is wrong with that?' I can tell you what is wrong with it. The Burrup Peninsula holds one of the finest and most ancient galleries of petroglyphs in the world. There are many thousands of petroglyphs that have been engraved, some up to 8,000 years ago. They are some of the oldest art treasures in the world. They will be disturbed in their natural environment—if not destroyed. There will certainly not be access to them for the people of the Pilbara and for people around the world once they are surrounded by industrial development.

What ought to happen, and provision has been made for it to happen, is this: some 20 kilometres away, in a very ordinary coastal flat of some 2,000 hectares, is an area of land set aside for industrial development, and it is called the Maitland industrial estate. It is but a spit away. Gas could easily be piped from the Woodside installation to this location. Developers would find that this option would cost a fraction of what it would cost to develop the Burrup Peninsula, which is a very rocky and difficult site to develop. Much money could be saved by those developers in the long term if they were developing on the Maitland estate. Presently there is

no infrastructure on that site at all because various state governments have not had the foresight to provide that infrastructure.

We are told that \$130 million is about to be spent on infrastructure. Why not on the Maitland industrial estate? Why ruin this international gallery of petroglyphs for the generations of the future when the state government could so easily direct that \$130 million to providing the necessary infrastructure of water, power and roads on the Maitland industrial estate? There is no reason except that the proposed industrial developments have proceeded for some time with a view to developing land on the Burrup Peninsula.

It is true that two major sites that may be occupied have been disturbed in the past by previous development and have been thoroughly revegetated. However, the fact that those sites have been disturbed is no justification for reoccupying them and then for having further industrial development cluster around those additional developments. There is no rational explanation for disturbing further the unique environment of the Burrup Peninsula. There is an ever-increasing population in the area. There is a never-ending sameness in many, many parts of the Pilbara, including the Pilbara coast. However, the Burrup Peninsula is absolutely unique, as it has been, I am sure, for millions of years. It ought to be preserved for at least the foreseeable generations. The state government is entrenched in doing nothing when it ought to be spending its \$130 million on the Maitland industrial estate.

#### **Burke Electorate: Shortages of Medical Practitioners**

**Mr BRENDAN O'CONNOR (Burke)** (10.16 a.m.)—This morning I rise to make reference to the shortage of doctors in the electorate of Burke. Recently, I had the good fortune to meet with a number of doctors from Sunbury, and only a month ago I met with three medical practitioners from the community of Melton, both places which happen to be within the electorate of Burke. The discussions we had focused upon the shortages of medical practitioners in the outer regions of metropolitan Melbourne.

I think it is fair to say that, with the support of the opposition, the government has looked at issues to mitigate shortages in regional areas. I am not suggesting for a moment that that matter has been resolved, but certainly there have been some efforts by the government to look at that issue. However, in Victoria there has been little effort to focus upon such shortages in areas of outer-metropolitan Melbourne, particularly in the north-west suburbs and outlying regions of Melbourne. If one were to look at the ratio of doctors to patients in Melton, for example, one would find that it is approximately 1:3,500 patients. That is, I think, about four times higher than the ratio in the areas equidistant and to the east of the CBD of Melbourne. So this is a critical problem for Melton and Sunbury.

In discussions with those doctors, I gave a commitment to meet with the minister to discuss these issues. I am happy to indicate that three weeks ago I met with Senator Kay Patterson, when we had a very engaging discussion about those issues and the need to rectify such problems. Indeed, there has been some effort by the government to look at the issue. In contemplating the matter, the minister referred to three methods being considered at the moment to deal with the shortage of doctors in outlying regions of major capital cities.

The first method is a restricted increase in access to Medicare provider numbers to specialist trainees. Under this program, specialist trainees would provide general practitioner services and access Medicare if they work in practices accredited for the program. As an effort to mitigate the shortages, I think that may go some way to helping with this major problem. The second method to which the minister referred was the targeting of GP registrar training places. This would aim at requiring registrars undertaking the general stream of vocational training to

undertake a supervised placement for training in designated outer metropolitan areas—and, again, this is a method to target the problems and shortages in the outer-metropolitan area.

The third area was to increase access to higher Medicare rebates for selected other medical practitioners. Eligible other medical practitioners will be required to complete an alternative pathway program for vocational recognition. This measure aims to increase the supply of doctors working in these areas and improve the quality. I welcome those ideas of the minister. I think they might have some merit and I think they should be applied immediately to the area not only to Melton and Sunbury but also to all areas across the nation that are located in the outlying regions of metropolitan cities where there is a real dearth of doctors.

However, I did propose a few other areas which I think the minister should consider. I raised with her the problem, for example, in Melton, that the amount of women doctors in Melton is extremely low. In fact, I think there are only three medical practitioners of 30, which is a real problem. I think there have to be some efforts to induce and attract women doctors to the region of Melton and to Sunbury. I also believe that there should be some consideration for overseas trained doctors to be under the supervision of practitioners, which occurs now in regional areas. That policy has worked to some extent and I think it should be attempted in the outlying regions of the metropolitan areas. I encourage the minister to continue with these things. I will continue to discuss this matter and hopefully assist the region. *(Time expired)*

#### **Ryan Electorate: Veterans**

**Mr JOHNSON (Ryan)** (10.21 a.m.)—It gives me great pleasure to rise in the parliament today to say a few words about an important group of people in the electorate of Ryan. I refer to those who very strongly, genuinely and passionately advocate the cause of veterans in our community. I would like to take this opportunity of putting on the record some of the people who are heavily involved in the Ryan community in promoting the issues that are very important for the veterans. The parliament has raised this issue previously. It is obviously an important issue not only for my constituency but for the entire nation.

There are, of course, many people involved. I would like to point out some of the people in some of the organisations, particularly the RSL sub-branches in Ryan that are especially involved in promoting these issues for the veterans. The Kenmore-Moggill RSL Sub Branch in particular is one that is very active. Mr Paul Coleman is in his first term as president. He is very dedicated to the cause of promoting the issues that his veterans raise with him. He is certainly not slow in bringing to my attention the very important causes that are raised with him. His secretary, Laurie Hall, and I have also had many discussions. He is very determined to continue the cause of the veterans in the Kenmore-Moggill and the Bellbowrie suburbs of Ryan.

In the Centenary suburbs, the president is Mr Bill Krause. He is a Naval Reserve officer and very strongly promotes the issues for the Centenary residents. His secretary is John McDougall, a retired Air Force serviceman for our country. He is very strongly committed as well. The President of The Gap RSL Sub Branch, Mr Paul Fottrill, and his secretary, Mr Clint Ferndale, are especially dedicated. An example of their dedication was during this year's Anzac service when they very efficiently and movingly put on the Anzac Day service, which I had the great privilege to attend.

The Toowong RSL sub-branch and its president, Mr Mervyn Bunney, and secretary, Mr Bill Esdaile, are equally highly committed to the cause of veterans. The Sherwood-Indooroopilly RSL Sub Branch President, Mr Ron McElwaine, and his secretary, Mr Jeff

Seymour, are very active. I have had the pleasure of getting to know Mr McElwaine in the last eight months in my role as the federal member for Ryan. He is certainly someone who comes to see me quite often.

I will also take this opportunity in the parliament to mention Mr Graeme Loughton, who is honorary chairman and administrator of the Sherwood-Indooroopilly sub-branch. The time that he gives is remarkable. He was very committed to organising the Anzac Day service as well as the 60th anniversary of the Kokoda battle at the Sherwood RSL club which the PNG Consul General, Mr Henry Koaia, attended. I had the privilege of attending that ceremony as the federal member of Ryan, together with the federal member for Moreton and the Minister for Citizenship and Multicultural Affairs, the Hon. Mr Gary Hardgrave. That was a very moving ceremony and remarkably well attended by a younger group of the residents of Ryan. I think it is very important for our country that young people acknowledge and honour the contribution of the veterans of our country. I know that every member of this House, every member in this parliament, is very dedicated to the cause of veterans and genuinely so.

In the months ahead I will be organising several presentations in my electorate for those recipients of the National Service Medal. I very much look forward to doing this. It is going to be a wonderful occasion. I have had many calls from those who will be coming along. They have said that they are looking forward to it and I encourage those who still have to get in their applications for the national service medal to do so. Of course, there will be many opportunities for me to organise presentation ceremonies in the year ahead, but I encourage those in the Ryan community who are eligible for the national service medal to get in their applications. We will certainly do all we can to help them in our office.

I take this opportunity to inform the residents of Ryan and those who are especially involved in the RSL sub-branches that, as the federal member for Ryan, they have my complete support and my genuine enthusiasm to help them in any matter that they feel requires my attention. It is a great privilege to be the federal member for Ryan and to help in the cause of promoting veterans' issues.

**Main Committee adjourned at 10.26 a.m.**

### QUESTIONS ON NOTICE

The following answers to questions were circulated:

#### **Department of Immigration and Multicultural and Indigenous Affairs: Advertising (Question No. 435)**

**Mr Laurie Ferguson** asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 29 May 2002:

- (1) What is the total estimated sum that his Department will spend in 2001-2002 on paid advertising (a) in mainstream metropolitan and national newspapers, (b) in local and rural newspapers, (c) in ethnic newspapers, (d) on mainstream commercial radio, (e) on ethnic commercial radio, (f) on mainstream television, and (g) on ethnic television.
- (2) What proportion of the total advertising referred to in part (1) concerned (a) recruitment of staff, (b) migration program arrangements, (c) citizenship issues, (d) settlement services for migrants, and (e) multiculturalism and community harmony.
- (3) In relation to advertising in ethnic newspapers, what criteria are used by his Department to determine which (a) language groups to target and (b) specific newspapers to use.
- (4) Has his Department entered into any formal sponsorship arrangements with any ethnic or community radio station, or specific programs broadcast on such stations; if so, (a) with how many stations or programs and (b) what is the total sum of sponsorship funds to be provided in 2001-2002.

**Mr Ruddock**—The answer to the honourable member's question is as follows:

- (1) (a) \$627,937.41 spent on advertising in mainstream metropolitan and national newspapers;
- (b) \$122,999.34 for local and rural newspaper advertising;
- (c) \$113,011.90 in ethnic newspaper advertising;
- (d) \$16,596.26 for mainstream commercial radio;
- (e) \$57,106.00 on ethnic commercial radio;
- (f) \$2,890,850.39 on mainstream television; and
- (g) \$113,702.00 on ethnic television advertising.
- (2) (a) \$190,857.70 (4.84%) for staff recruitment;
- (b) \$173,130.47 (4.39%) for migration program arrangements;
- (c) \$3,415,648.09 (86.64%) on citizenship issues;
- (d) \$80,253.41 (2.04%) on settlement services for migrants; and
- (e) \$82,313.63 (2.09%) regarding multiculturalism and community harmony.
- (3) (a) The criteria for advertising in ethnic newspapers is:  
Community Settlement and Services Scheme advertising is based on major community languages in which the priority target groups fall.  
Living in Harmony (grants and general information) targets all Australians.  
Ethnic media advertising for the 2001 Australian citizenship promotion targeted main campaign language groups.
- (b) The criteria for specific newspapers is:  
Community Settlement and Services Scheme - The specific newspapers used are those that print in main community languages that are being targeted.  
Living in Harmony (grants and general information)  
-major newspapers,  
-regional and rural newspapers,  
-major ethnic and indigenous newspapers.  
The Australian Citizenship Promotion Campaign – Languages were selected in accordance with advice from the consultant contracted to assist with communicating to people from non-English speaking backgrounds. Based on these languages, Mitchell & Partners, the Commonwealth Government's master media planning and placement agency for campaign ad-

vertising, prepared a media plan that was approved by the Ministerial Committee on Government Communications.

- (4) (a) The Department has entered into one formal arrangement with an ethnic radio station namely a campaign on SBS radio to promote settlement information placed on the internet for newly arrived refugees and migrants.
- (b) The total sum of sponsorship funds to be spent in 2001-2002 is \$95,000.

**Immigration: Detention Centres**  
**(Question No. 551)**

**Ms Vamvakinou** asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 18 June 2002:

What are the details of capital improvements, including painting, renovations, extra security measures and construction of new facilities, in each detention centre in Australia and the date, cost and description of each capital and minor improvement.

**Mr Ruddock**—The answer to the honourable member's question is as follows:

The Department has undertaken the following capital improvements, including painting, renovations and security measures at the Maribyrnong Immigration Detention Centre in the past 2 years:

Capital Works (Department of Finance and Administration)

Installation of an integrated perimeter security fence, and associated security and perimeter lighting system	\$1,163,899.00	Practical completion 21 December 2001
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Other (Department of Immigration and Multicultural and Indigenous Affairs)

Refurbishment:

New carpet	\$6,740.00	Jan 2002
Upgrading of ablutions	\$17,041.20	March – April 2002
Installation of shade sails	\$450.00	Feb 2002

Security:

Installation of steel door and metal plating	\$4,697.00	Dec 2001
Installation of magnetic locks	\$1,670.00	2000
Installation of CCTV	\$1,410.00	Mid 2000

**Detention Centres: Guards**  
**(Question No. 552)**

**Ms Vamvakinou** asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 18 June 2002:

What, if any, cultural awareness training are guards employed in detention centres required to fulfil or offered in their employment under Australian Correctional Management.

**Mr Ruddock**—The answer to the honourable member's question is as follows:

Pre service training

As part of their pre service training ACM operational staff receive approximately 30 hours on cultural diversity issues. This is currently covered by ACM's pre service training "Module 6: Multicultural Awareness". A number of organisations are involved in delivering the module, including The Victorian Foundation for Survivors of Torture Inc. Its services include providing torture and trauma counselling and early health services to refugees who have survived torture and trauma.

Refresher training

ACM refresher training on cultural awareness includes relevant sessions within the framework of the Communication Skills and Immigration Detention Standards lessons. The learning objectives from pre service training are reinforced with actual workplace experiences. As required, support material is included for new cultural groups encountered in the workplace.

#### Induction training

All ACM staff who commence work at an Immigration Detention Facility receive induction training. This includes a two hour topic titled "Multicultural Understanding". The learning objective for this is that "participants should be able to understand how to deal most effectively with those who may be of a different cultural and linguistic background". This training addresses communication skills, cultural values (including facial expressions, gender roles, touching, greetings, food/diet), barriers to communication, prejudice, racial humour, stereotyping, privacy, effective communication strategies and use of interpreters.

#### Ongoing assessment

Ongoing assessment of ACM staff for the cultural competencies of the Certificate III may take a number of forms, including on the job training and performance monitoring. The trainee is partnered with an experienced officer who guides the trainee and provides feed back.