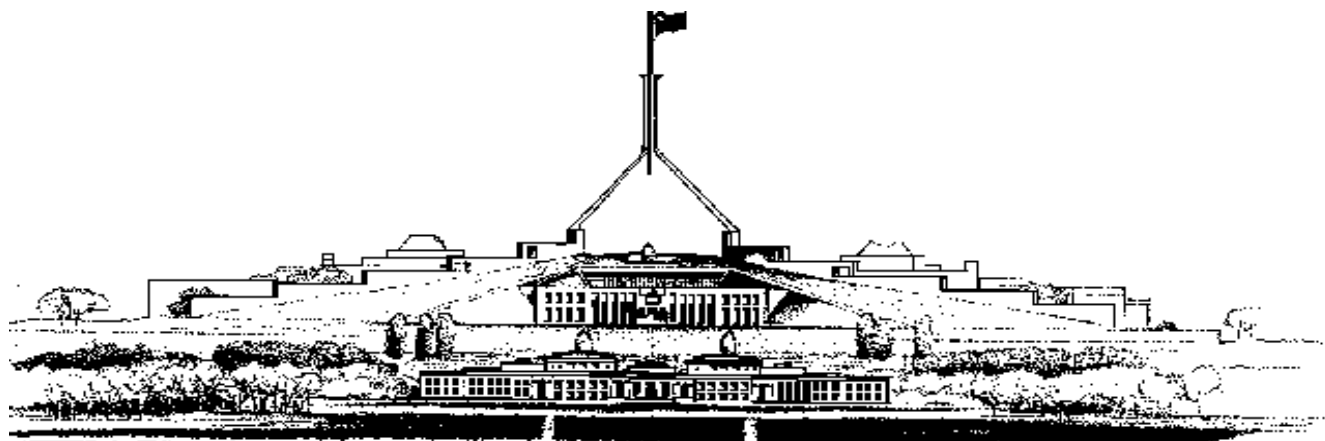




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF  
REPRESENTATIVES**

**Official Hansard**

**No. 1, 2002  
14 FEBRUARY 2002**

FORTIETH PARLIAMENT  
FIRST SESSION—FIRST 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>MELBOURNE</i>	1026 AM
<i>ADELAIDE</i>	972 AM
<i>PERTH</i>	585 AM
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*Thursday, 14 February 2002*

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

**TAXATION LAWS AMENDMENT  
(FILM INCENTIVES) BILL 2002**

**First Reading**

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

**Second Reading**

**Mr McGAURAN (Gippsland—Minister for Science)** (9.31 a.m.)—I move:

That this bill be now read a second time.

It is with the greatest professional and personal pleasure that I move the second reading, knowing that the **Taxation Laws Amendment (Film Incentives) Bill 2002** is a landmark bill both for the film sector and taxation law. It creates a range of precedents and is unique in Australian taxation and film history for the scope of the incentives it provides to that sector for investment in Australian productions, creating great work for our technicians and our actors as well as the flow-on cultural effects. The bill creates a refundable tax offset for film production in Australia. This was announced by the government on 4 September 2001 as part of its 'Integrated Film Package'.

These measures are designed to give effect to the government's strategy to provide an incentive to attract expenditure on large budget film productions to Australia. This is aimed at providing increased opportunities for Australian casts, crew, post-production and other services to participate in large budget productions, and to showcase Australian talent, with flow-on benefits for employment and skills transfer.

The incentive has a number of eligibility criteria, which are specifically aimed at large budget film productions that have significant production expenditure in Australia. In particular, films will have to meet a minimum requirement of at least \$15 million in qualifying Australian expenditure to be eligible. Films with at least \$15 million but less than \$50 million in qualifying Australian expenditure will have to spend 70 per cent of their total expenditure in Australia. Films with

qualifying Australian production expenditure of \$50 million or over will not have to meet the 70 per cent requirement.

The provision of a refundable tax offset will allow Australia to compete internationally for large budget film productions. The refundable tax offset is to be applied at a rate of 12½ per cent to qualifying Australian expenditure of a film project. This incentive is expected to amount to approximately 10 per cent of a film's cost of production, varying as qualifying Australian expenditure is more or less of the total production expenditure.

Eligible films must have been completed on or after 4 September 2001. The refundable tax offset for film production expenditure in Australia is effective from the announcement date and can be claimed from the income year ended 30 June 2002.

Since the government announced its plan to provide a refundable tax offset for film production in Australia, consultation has occurred with domestic and international large film studios, film producers and film industry peak bodies. On balance, the government considers the consultation process involved with this measure to have been extensive, positive and worth while. I would like to thank all those involved in that process for their effort in contributing to the development of this bill.

Too often the effort invested by everybody with an interest, directly or indirectly, is taken for granted in revolutionary or reformist legislation of this kind. As Minister for the Arts and the Centenary of Federation in the previous ministry of this government, I have some knowledge of the work, effort and dedication that so many people brought to this legislation. There are a great many people to thank. It is extraordinary just how many people have an interest in this legislation and how many people have worked to translate what was a simple principle—to attract foreign productions to Australia for the obvious reasons already touched upon—into credible, transparent and effective tax legislation. It is a long journey from agreeing on a principle to presenting a bill such as this in the parliament.

I would like to thank the industry, in all of its diversity, for involving itself in the process. I know that Senator Alston, as the Minister for Communications, Information Technology and the Arts, was the driving force behind the legislation—the ‘leader of the band’, so to speak. I also thank his staff, who brought so much of their expertise and patience to the process. In that, they were skillfully aided by the Department of Communications, Information Technology and the Arts. A very competent team, led by Megan Morris, has now seen this potentially complex legislation reduced to an easily understandable formula which will provide the necessary incentive to continue big foreign productions in Australia. I also wish to thank Catherine Murphy from the Prime Minister’s office, who was a rallying point for all of us and a major entry point to the government for the industry.

The initial success of the film tax offset will depend to a large degree on the clarity and certainty offered by the administrative processes and on ensuring that a time frame which is appropriate for the film industry is built into the mechanisms for dealing with applications to receive the offset. It is vital in this context that those agencies responsible for the offset’s administration work together to embrace these principles to ensure that the greatest possible benefit for the film industry accrues from the offset.

It is very timely that the bill is introduced into the parliament, when a number of Australian actors and others associated with the making of films have been nominated for Academy Awards. We do not rely on foreign production to build our domestic or indigenous industries. We know that, for all intents and purposes, they are separate entities—except for the skills transfer between the two, especially by technicians—but we know that the two can coexist and there is some potential, if not real, flow-on benefit to the domestic industry by having these foreign productions. We certainly know that the skills base is greatly expanded and enhanced by the foreign film production taking place in Australia.

On behalf of the parliament, I wish to congratulate the Australian nominees for the

Academy Awards. We wish them all the very best. They have tasted success at the Academy Awards previously, and I have little doubt that we will again see an Australian come away with an Academy Award.

Full details of the measures in the bill are contained in the explanatory memorandum, which will be circulated to members and which I now table. I commend the bill, in all of its goodness, to the House.

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

**RADIOCOMMUNICATIONS  
(TRANSMITTER LICENCE TAX)  
AMENDMENT BILL 2002**

**First Reading**

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

**Second Reading**

**Mr McGauran** (*Gippsland—Minister for Science*) (9.40 a.m.)—I move:

That this bill be now read a second time.

The *Radiocommunications (Transmitter Licence Tax) Amendment Bill 2002* seeks to amend the Radiocommunications (Transmitter Licence Tax) Act 1983 to correct an anomaly in that act.

The Radiocommunications (Transmitter Licence Tax) Act 1983 imposes a tax on persons making an application for a transmitter licence, which authorises the use of the radiofrequency spectrum. The spectrum access tax is levied to encourage efficiency in the use of the spectrum and to provide a return to the community for the use of a scarce community resource.

However, not all transmitter users are required to apply for a transmitter licence. Commercial television and radio broadcasters, community broadcasters and the national broadcasters are automatically entitled to transmitter licences under the licensing and digital conversion provisions of the Broadcasting Services Act 1992.

The Radiocommunications (Transmitter Licence Tax) Amendment Bill is a technical measure to clarify the power to impose a tax on the issue of a transmitter licence regardless of whether an application has been made for that licence. The bill also seeks to vali-



date the imposition of the tax on licences that have been affected by the anomaly. As all affected broadcasting licensees have paid the tax, this will not result in any retrospective payment being necessary.

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

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

**MIGRATION LEGISLATION  
AMENDMENT (MIGRATION AGENTS)  
BILL 2002**

**First Reading**

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

**Second Reading**

**Mr HARDGRAVE** (Moreton—Minister for Citizenship and Multicultural Affairs) (9.42 a.m.)—I move:

That this bill be now read a second time.

This bill amends the Migration Act 1958 to improve arrangements for the regulation of migration agents.

The act provides a scheme for regulating the migration advice industry and those who seek to practice as migration agents.

The regulatory framework requires the registration of people who provide various kinds of assistance to visa applicants.

This process of registration is administered by the Migration Agents Registration Authority, the MARA.

The MARA is given power under the act to refuse registration applications and to caution, cancel or suspend the registration of persons who are not people of integrity or otherwise not fit and proper to provide assistance to visa applicants. These applicants are a particularly vulnerable client group.

These decisions are based on a number of factors set out in the legislation including, amongst other things, the person's knowledge of migration procedures, whether they have a criminal record and aspects of their professional and financial history.

The primary aims of this bill are to expand the powers of the MARA to take action on integrity issues and to reduce uncertainty in the registration process for agents.

The expansion of the MARA's powers provided by this bill will allow investigation of complaints against migration agents even if they are no longer registered.

Under the act as it stands, the MARA is forced to abandon this kind of disciplinary action when a person who is the subject of a complaint deregisters or does not reregister.

The consequence of this is that migration agents who have acted improperly can leave the industry with an apparently untarnished reputation.

One agent who deregistered in 1999 was the subject of numerous unresolved complaints, a number of them quite serious.

The agent deregistered when the MARA requested to meet with him in the course of investigating these complaints.

As a result, the MARA was unable to make any findings or take action against the agent.

In fact, the MARA cannot presently reveal anything adverse about a former agent in these circumstances.

These new provisions will prevent such agents from avoiding the disciplinary provisions of the scheme by simply deregistering or allowing their registration to expire.

Using these powers the MARA will be able to bar a former agent from re-entering the industry for up to five years and to make public the reasons for its decision.

These provisions will operate in a similar way to the MARA's current disciplinary and publication powers in relation to registered agents.

The provisions ensure that agents are accorded procedural fairness and have the opportunity to make submissions before the MARA makes a decision barring the person from returning to the industry.

The MARA's decision will also be reviewable on its merits by the Administrative Appeals Tribunal.

Under the regulatory framework, migration agents are required to seek registration each year in order to keep working in the industry.

The MARA currently receives around 2,000 repeat registration applications each year.

Under the carryover provisions of this bill, an agent's existing registration will be taken to continue until the MARA makes a decision on their repeat registration application.

This provision will give certainty to agents going through the process of re-registration.

Currently, if an agent's registration has expired, they are not able to practice until the MARA has approved their repeat registration application.

The bill also provides that, if the MARA has not made a decision within 10 months, the migration agent's registration application will be deemed to have been granted.

These provisions will deal with those situations where some time might elapse before the MARA is able to make a decision on an agent's repeat registration application.

An example of where this might occur is where a previous decision of the MARA to suspend or cancel the agent's registration is the subject of review proceedings, and that decision has been stayed pending a full hearing of the matter.

The deemed registration at 10 months will ensure that the normal cycles of registration and repeat registration are maintained, including compliance with obligations to undertake continuing professional development.

This bill also provides a mechanism to end uncertainty over some kinds of activities that were never intended to be captured by the regulatory scheme.

These amendments will allow regulations to be made setting out specific circumstances in which registration as an agent would not be required when providing advice on visa related issues.

For example, it would be possible to use these powers to clarify the status of employers who provide advice to actual or intending employees on migration matters related to their employment.

Employers who provide this kind of advice to their own employees were never intended to be regulated by this scheme.

In summary, the amendments made by this bill will significantly enhance client protection, as well as improve the regulation of the migration industry.

The professionalism of this industry is a subject of some interest to all members of this place, and I am confident—as is my senior colleague Philip Ruddock—that these measures will enjoy support from both sides.

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

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

### **MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT BILL 2002**

#### **First Reading**

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

#### **Second Reading**

**Mr HARDGRAVE** (*Moreton—Minister for Citizenship and Multicultural Affairs*) (9.48 a.m.)—I move:

That this bill be now read a second time.

The *Migration Agents Registration Application Charge Amendment Bill 2002* amends the Migration Agents Registration Application Charge Act 1997 to increase the amount of the charge limit for registration applications by migration agents.

A migration agent is someone who uses or purports to use his or her knowledge or experience in migration procedure to give immigration assistance to a visa applicant.

Under the Migration Act 1958, such a person must be registered with the Migration Agents Registration Authority.

The Migration Agents Registration Application Charge Act 1997 imposes a charge on an individual who makes a registration application.

However, the amount of charge that is actually payable is set out in the Migration Agents Registration Application Charge Regulations 1998.

The regulations prescribe different charge amounts depending on whether an individual acts on a commercial or non-commercial basis and whether the individual is applying for initial or repeat registration.

At present, some of the charges set out in the regulations are close to the maximum charge limit permitted by the act.

The amendments in this bill will not increase the charge payable—this is done by regulation.

The charges in the regulations are set at a level appropriate to provide adequate resources to the Migration Agents Registration Authority to carry out its important statutory responsibilities.

The Migration Agents Registration Authority is funded by an appropriation equivalent to the sum of registration application fees that have been collected under the charge act and regulations.

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

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

### **THERAPEUTIC GOODS AMENDMENT (MEDICAL DEVICES) BILL 2002**

#### **First Reading**

Bill presented by **Ms Worth**, and read a first time.

#### **Second Reading**

**Ms WORTH** (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing) (9.51 a.m.)—I move:

That this bill be now read a second time.

I am pleased to introduce the **Therapeutic Goods Amendment (Medical Devices) Bill 2002** to this House.

This bill and the **Therapeutic Goods (Charges) Amendment Bill 2001** were first introduced to the parliament on 29 March 2001 and passed by the House of Representatives on 6 August 2001. However, these bills were not debated in the Senate before the parliament was prorogued.

Medical devices include a wide range of products such as lasers, syringes, condoms, contact lenses, X-ray equipment, heart rate monitors, pacemakers, heart valves and baby

incubators. Medical devices are health care products that generally involve advice and intervention from health care professionals and which throughout the world are subject to regulation and controls separate and distinct from consumer goods.

The amendments provided for in this bill are necessary to allow the introduction of a world leading, internationally harmonised framework for the regulation of medical devices in Australia. The legislation adopts the global model developed by the Global Harmonisation Task Force, comprising the regulators of Europe, the USA, Canada, Japan and Australia. The amendments will allow better protection of public health, while also facilitating access to new technologies.

The amendments will benefit consumers through a comprehensive risk management and risk assessment system. Medical devices will be classified on the degree of risk involved in their use. The new system will appropriately identify and manage any risks associated with new and emerging technologies.

Medical device safety will be improved under the new framework. All devices will have to meet substantive requirements for quality, safety and performance for the protection of patients and users. The technical expression of these requirements is ensured by international standards. Manufacturers of all medical devices will need to meet quality management systems requirements. Under the current system only 50 per cent of manufacturers are required to meet these requirements.

Given the sensitivity of certain high-risk devices, this new legislation provides for these devices to be fully assessed by the TGA before they are marketed in Australia. This would exclude such devices from the scope of any mutual recognition agreement Australia may have with other countries. The government considers this to be a particularly important provision given the risks associated with these particular devices.

The scope of lower risk medical devices included in the Australian Register of Therapeutic Goods will also increase, allowing for a more effective post-market monitoring

system that will ensure consumers continue to be protected from unsafe products.

There will also be an increased emphasis on post-market activities, with the requirement for manufacturers and sponsors to report adverse events involving their medical devices to the TGA within specified time-frames. Australia's involvement in an international post-market vigilance system should reduce the likelihood of repeated adverse events and influence the development of safer and more effective technologies.

Australian consumers need, and benefit from, access to a wide range of medical devices, including new technologies. By dollar value, approximately 90 per cent of medical devices used by Australians are imported and the Australian medical devices market is approximately one per cent of the global market. It is therefore imperative that Australia has a regulatory system aligned with world's best practice that ensures a high degree of medical device safety, performance and quality and also allows timely access to new devices.

The new internationally harmonised regulatory requirements will facilitate the operation of the Australia-European Union Mutual Recognition Agreement—MRA—by avoiding unnecessary or unique regulation which make Australian access to international markets less competitive.

Applications for entry on the Australian Register of Therapeutic Goods will be streamlined using a new electronic lodgment process. Low risk devices will be notified to the Therapeutic Goods Administration enabling sponsors to market these products without undue delay.

Transitional arrangements for the new system allow five years for products currently on the register to meet the new requirements and a two-year transition period for some new products not meeting manufacturing standards.

There has been extensive consultation on the proposal since 1988 with consumers, the medical devices industry, professional groups, and the states and territories. There is strong support for the proposed new regulatory reforms amongst all these groups.

There is a provision in this bill to facilitate tracking of implantable devices. This will support the work being undertaken by the Council for Safety and Quality in Health Care, which has been tasked by the state and federal health ministers, to examine a system to track patients with implanted medical devices. The government is awaiting the recommendations of this council.

In summary, the introduction of an internationally harmonised medical device regulatory system for Australia will ensure better protection of public health while facilitating access to new technologies.

This bill is being introduced in conjunction with the [Therapeutic Goods \(Charges\) Amendment Bill 2002](#). I commend the bill to the House and present the explanatory memorandum to the bill. It is also an explanatory memorandum to the [Therapeutic Goods \(Charges\) Amendment Bill 2002](#).

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

### **THERAPEUTIC GOODS (CHARGES) AMENDMENT BILL 2002**

#### **First Reading**

Bill presented by **Ms Worth**, and read a first time.

#### **Second Reading**

**Ms WORTH** (*Adelaide—Parliamentary Secretary to the Minister for Health and Ageing*) (9.58 a.m.)—I move:

That this bill be now read a second time.

Currently the Therapeutic Goods (Charges) Act 1989 allows for annual charges to be payable in respect of 'listing' or 'registration' of therapeutic goods. Under the draft [Therapeutic Goods Amendment \(Medical Devices\) Bill 2002](#), medical devices will be 'included' rather than 'listed' or 'registered' on the Australian Register of Therapeutic Goods. The amendments in the [Therapeutic Goods Amendment \(Medical Devices\) Bill 2002](#) will allow charges to be payable for medical devices that are 'included' on the Australian Register of Therapeutic Goods.

I commend the bill to the House.

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

**MARRIAGE AMENDMENT BILL 2002****First Reading**

Bill presented by **Ms Worth**, for **Mr Williams**, and read a first time.

**Second Reading**

**Ms WORTH** (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing) (9.59 a.m.)—I move:

That this bill be now read a second time.

This bill was first introduced on 27 September last year.

It gives me much pleasure to reintroduce the bill which effects major changes to the marriage celebrants program that performs such an important function in our community.

The **Marriage Amendment Bill 2002** gives effect to the reform of the marriage celebrants program and other technical amendments to the Marriage Act 1961.

And as the Attorney-General stated in this House on 27 September 2001 this bill is the culmination of the four-year process that began in 1997.

The growing demand for civil marriage ceremonies has resulted in a steady increase in the numbers of authorised civil marriage celebrants, and an even greater increase in interest in the profession of celebrancy, with inquiries from people wishing to become a marriage celebrant running at approximately 3,000 per year.

There has also been a steady increase in the number of non-recognised denomination religious marriage celebrants appointed under the program.

However, since the program commenced, the process for authorising civil marriage celebrants in particular has developed in an ad hoc way.

Prior to this government coming into office, civil marriage celebrants were appointed on an electorate by electorate basis.

Labor government members would regularly involve themselves in the authorisation process.

In 1997, the Howard government replaced this system of appointment with one based on regional or special community need.

However, the current system remains far from perfect.

Authorisation based on regional or special need excludes many people who would make excellent celebrants from entering the profession.

The overarching catalyst for reforming the program is to ensure that couples intending to marry have wide access to thoroughly professional marriage celebrants.

This is the philosophy and intent behind the review process. It is a philosophy the government shares with the celebrant community.

The bill has two major focuses.

The first and most significant is to improve the marriage celebrants program through a range of reforms designed primarily to raise the level of professional standards required of celebrants and to capitalise on the unique position of celebrants in the community to encourage and promote pre-marriage and other relationship education services.

These reforms will be given effect by the provisions contained in schedule 1 of the bill and by regulations to be made under the Marriage Act.

The second focus is given effect by amendments in schedule 2 of the bill, which will provide for a series of technical amendments to the Marriage Act.

These changes are primarily in relation to the notice of intended marriage; the introduction of passports as an acceptable means of identification for overseas couples; guidelines concerning the shortening of time between the lodgment of a notice of intended marriage and when a couple can marry; and the removal of redundant provisions in the act.

The development of the reform package for the marriage celebrants program, which culminated in the introduction of this bill to the House on 27 September last year, has been a long and at times difficult process.

Throughout this process the celebrant community has remained engaged and, in the main, very constructive in its approach to what the government had in mind.



The celebrant community has recognised the need for change and has responded appropriately.

The Attorney-General noted when he first introduced this bill that doubts had been expressed when he released the proposals paper in November of 2000 that the government would pay sufficient attention to the concerns of celebrants.

This bill demonstrates that the government has listened and acted upon the concerns expressed by celebrants.

This is evident in the changes made to the package of reforms.

These include the maintenance of lifetime appointments, the removal of the requirement for existing celebrants to satisfy the new core competencies, the introduction of a five-year transitional period for the phasing in of the new appointments system and the removal of the proposal for a fee to be paid in order to be authorised as a marriage celebrant.

By the year 2010, if present trends continue, some 60 per cent of weddings will be performed by civil celebrants under this reformed program.

The government expects that the number of smaller religious groups seeking their own religious expression will continue to increase.

Reform of the program to satisfy the community of the quality and integrity of the program into the future is critical.

The government is of the view that this package of amendments will be fundamental to ensuring this outcome but it will only be with the assistance and cooperation of celebrants that the outcome can be assured.

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

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

## **SEX DISCRIMINATION AMENDMENT (PREGNANCY AND WORK) BILL 2002**

### **First Reading**

Bill presented by **Ms Worth**, for **Mr Williams**, and read a first time.

### **Second Reading**

**Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing)** (10.06 a.m.)—I move:

That this bill be now read a second time.

The **Sex Discrimination Amendment (Pregnancy and Work) Bill 2002** is the same in substance as the **Sex Discrimination Amendment Bill (No. 2) 2001** which the Attorney-General introduced on 27 September 2001.

With the calling of the election, that bill lapsed when the parliament was prorogued.

This bill will clarify a number of provisions of the Sex Discrimination Act 1984 that protect pregnant, potentially pregnant and breastfeeding women from discrimination.

In doing so, the bill addresses important concerns raised by the Human Rights and Equal Opportunity Commission in its report *Pregnant and productive: it's a right not a privilege to work while pregnant*.

The report resulted from the inquiry that the Attorney-General requested the commission to undertake into the rights and responsibilities of employers and employees in relation to pregnancy and work issues.

This was the first ever national inquiry into this important area of antidiscrimination law.

In November 2000, the government announced its acceptance of the majority of the recommendations made in the report.

Three of these recommendations were directed at addressing confusion about those provisions of the act that concern: the asking of questions about pregnancy or potential pregnancy; the use of pregnancy related medical information; and whether breastfeeding is a ground of sex discrimination.

The amendments to the act put forward in this bill will assist in eliminating this confusion.

They will not only help to prevent discrimination against employees, but also greatly assist employers to manage their human resources and to ensure that they comply with their legal obligations.

The amendments to s.27 of the act will make it clear that, where it is unlawful for women to be discriminated against because of their pregnancy or potential pregnancy, it is also unlawful to request information about pregnancy or potential pregnancy—questions that would not be asked of male applicants.

For example, because it is unlawful to refuse to employ a woman because she is pregnant, it is accordingly unlawful to ask a woman in a job interview whether she is pregnant.

It is important to clarify that such questions are unlawful, as they marginalise women, and may be detrimental to their performance in job interviews and their likelihood of success.

Equally as important, the clarification ensures that employers will better understand their obligations and avoid unintentionally breaching the act.

The bill also clarifies s.27(2) of the act, which permits requests for medical information about pregnancy or potential pregnancy, as an exception to the general prohibition in s.27.

The report identified that without clarification the current provision may wrongly imply that it is not unlawful to discriminate in relation to medical examinations of pregnant employees during recruitment.

The addition of a note at the end of s.27(2) clarifies that information about pregnancy or potential pregnancy may be sought only for legitimate reasons, such as for occupational health and safety purposes.

It may not be used by an employer to discriminate unlawfully against a woman in contravention of other provisions of the act.

The report also noted that there is some confusion over whether discrimination on the ground of breastfeeding is covered by the act.

As the government stated in its response to the report, it considers that discrimination on the grounds of breastfeeding is already prohibited by the act.

However, the government recognises the value of a clarifactory amendment.

The amendment to the definition of 'sex discrimination' in s.5 of the act makes it quite clear that breastfeeding is a characteristic that pertains generally to women, and removes any doubt that discrimination against a woman on the basis that she is breastfeeding amounts to unlawful sex discrimination.

In making these amendments, the bill does not expand the operation of the act, but greatly improves, simplifies and clarifies important provisions of the act that provide protection from unlawful discrimination for pregnant, potentially pregnant and breastfeeding women.

Of course, the provisions apply not only in the workplace but also to other areas of public life where the act applies, such as when applying for rental accommodation, purchasing goods or services or applying for a bank loan.

These amendments will clarify the operation of the act in these important areas for women, employers and others in the community.

Once again, practical and concrete steps are being taken by this government to remove sex based workplace discrimination and to improve the lives of working women while assisting employers to understand laws that impact upon their business in important ways.

The bill was prepared in consultation with the commission as well as with the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions.

The bill will have little, if any, financial impact.

It must be remembered, of course, that legislation is only part of the answer in preventing unlawful discrimination.

An important aspect of eliminating discrimination rests with employers and employees themselves, who must work cooperatively to find the best solution for their individual workplaces.

Communication and consultation can go a long way to ensuring that non-discriminatory arrangements are developed between em-

employers and employees that accommodate the particular needs of a business or employee.

Another important aspect of eliminating discrimination is education and increasing awareness of the rights and responsibilities of employers and employees in relation to pregnancy and work issues.

In addition to these amendments, the government will be releasing a pamphlet to raise awareness of pregnancy and work issues, in order to ensure information is available to all workplace participants in relation to their rights and responsibilities regarding pregnancy and potential pregnancy.

The government is strongly committed to raising the awareness and improving the understanding of employers and employees about pregnancy and work issues.

This is fundamental to achieving cultural change and lasting improvements in equal opportunity for women in employment and other areas of public life.

The bill, together with the other government initiatives to assist pregnant, potentially pregnant and breastfeeding women and their employers, are significant steps toward attaining this goal.

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

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

#### **DISABILITY DISCRIMINATION AMENDMENT BILL 2002**

##### **First Reading**

Bill presented by **Ms Worth**, for **Mr Williams**, and read a first time.

##### **Second Reading**

**Ms WORTH** (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing) (10.12 a.m.)—I move:

That this bill be now read a second time.

This bill is the same in substance as the **Disability Discrimination Amendment Bill 2002**, which the Attorney-General introduced on 27 September 2001 and which subsequently lapsed when the parliament was prorogued.

This bill is an important precursor to the formulation of disability standards for acces-

sible public transportation services and facilities.

It is an essential element in ensuring that the standards, when implemented, operate in a fair, balanced and effective manner, both for people with disabilities and for public transport operators and providers of such services.

Under the Disability Discrimination Act 1992, the Attorney-General may formulate disability standards in a range of areas.

Last September, the Attorney-General released for public information a final draft of the Disability Standards for Accessible Public Transport, together with accompanying draft guidelines.

When implemented, these disability standards will greatly assist in breaking down social and economic barriers faced by people with a disability or mobility problem, and their carers and friends.

The standards will also benefit many older Australians and parents with infants in pushers or prams, who need or want to use public transport services and facilities.

A lack of accessible transport services and facilities is a significant barrier for people with disabilities.

People with disabilities are much less likely to be able to drive and are often faced with unreliable or expensive modes of transport.

The disability standards for accessible public transport will be the first of their kind and, as such, they represent this government's strong commitment to improving the lives of people with disabilities.

The development of the standards has been a major initiative, involving extensive consultation over a long period to ensure that a broad range of views were canvassed across the public transport industry, the disability community, government agencies at all levels and other interest groups.

The Attorney-General proposes to formulate and table these disability standards, in accordance with the act, when this bill is passed.

Section 55 of the Disability Discrimination Act currently empowers the Human



Rights and Equal Opportunity Commission to grant temporary exemptions from the operation of provisions of the act.

This power does not currently extend to exemptions from disability standards.

The government is keen to ensure that the disability standards are implemented in a practical and balanced way.

This aim would not be realised if the standards were to give rise to unnecessary uncertainty on the part of transport operators and providers about their compliance obligations.

This is particularly the case where an operator believes that they may not be required to comply with a particular requirement because to do so would cause unjustifiable hardship to the operator.

A mechanism to allow for temporary exemptions from part or all of the standards, where appropriate, will provide the means by which up-front certainty about compliance obligations can be assured.

This bill will therefore amend the act to allow the Human Rights and Equal Opportunity Commission to grant exemptions from disability standards dealing with public transportation services and facilities.

Extending the commission's power to enable it to grant exemptions from these standards is consistent with the commission's current power to grant exemptions from provisions of the Disability Discrimination Act.

The bill also provides that, before granting an exemption from the disability standards, the commission must consult a body prescribed in the regulations.

The body prescribed for that purpose will be the National Transport Secretariat.

The secretariat is jointly funded by all jurisdictions and reports to the Australian Transport Council.

The secretariat will be able to provide the commission with invaluable technical advice in respect of an application for a temporary exemption from a requirement of the disability standards.

The Australian Transport Council has agreed to the secretariat taking on this role.

The commission will also be able to consult with any other body or person it considers appropriate to consult, as is its current practice.

If the commission decides to grant an exemption to an operator or provider where, for example, unjustifiable hardship would be imposed in complying with a requirement of the standards, the exemption will provide protection from a complaint about a breach of that requirement.

Like an exemption from the provisions of the act, an exemption from the disability standards in relation to public transport services can be for a period of up to five years, and an application can be made to the commission for this to be extended.

An exemption may be granted from particular requirements of the disability standards under terms and conditions specified in the exemption instrument.

An exemption might be granted, for example, on condition that an operator meet the targets it has set for itself in an action plan.

The disability standards for accessible public transport will spell out in greater detail rights and obligations under the Disability Discrimination Act.

They will provide transport operators with information to assist them in complying with their obligations under the act.

They will also provide a practical means of working towards meeting a key objective of the act—to eliminate, to the extent possible, discrimination from public transport services, on the ground of a person's disability.

Already, as we go about our daily business, we are becoming more familiar with signage, facilities and infrastructure which remind us about the requirements of people with disabilities.

They also remind us of how important it is to do what we can to facilitate the participation of people with disabilities in community life so that they may enjoy the many opportunities it has to offer.

We can assist by removing some of the barriers that may prevent them from doing this.

That persons with disabilities have the same fundamental rights as the rest of the community is an important principle enshrined within the Disability Discrimination Act.

The disability standards will help to promote increased recognition and acceptance within the community of that principle.

They will also further our standing within the international community as leaders in taking practical steps to reduce discrimination against people with disabilities.

The bill provides for amendments that will help to set in place effective arrangements which represent a sensible and balanced approach to eliminating, as far as possible, discrimination against people with disabilities, while ensuring that industry is not unduly burdened in the process.

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

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

### **APPROPRIATION BILL (No. 3) 2001-02**

Message from the Governor-General transmitting particulars of proposed expenditure and recommending appropriation announced.

#### **First Reading**

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

#### **Second Reading**

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.27 a.m.)—Thank you, Mr Deputy Speaker Causley. I would like to congratulate you on your elevation and I ask that you convey my congratulations to Mr Speaker on his re-election to his high office. I move:

That this bill be now read a second time.

It is with great pleasure that I introduce Appropriation Bill (No.3) 2001-2002 which together with Appropriation Bill (No. 4) and the Appropriation (Parliamentary Departments) Bill (No.2), which I shall introduce shortly, comprise the additional estimates bills for 2001-02.

In the bills, the parliament is asked to appropriate moneys to meet essential and unavoidable expenditures from the consolidated revenue fund. These moneys are additional to the appropriations made in the last budget for 2001-02 in Appropriation Acts (Nos 1 and 2) and the Appropriation (Parliamentary Departments) Act (No. 1).

The bulk of these additional moneys are required to meet forecast increases in costs and to fund capital restructuring. These bills also request agreement to expenditure in 2001-02 on new activities—the greater number of which were announced by the government in its *Mid-year economic and fiscal outlook* document. They also include provision for funding in relation to particular commitments made by the government during the election campaign.

The additional appropriations in these three bills total some \$2,633 million: \$1,458 million is sought in Appropriation Bill (No. 3), \$1,174 million in Appropriation Bill (No. 4) and \$0.5 million in Appropriation (Parliamentary Departments) Bill (No. 2).

These amounts are partly offset by savings that are expected against Appropriation Acts (Nos 1 and 2) and the Appropriation (Parliamentary Departments) Act (No. 1) 2001-2002.

These savings, amounting to some \$63 million in gross terms, are detailed in the document entitled *Statement of savings expected in annual appropriations*, which I will table so that it is available to honourable members.

After allowing for prospective savings, the provisions represent a net increase of \$2,570 million in appropriations in 2001-02—an increase of 5.6 per cent on amounts made available through annual appropriations at the time of the 2001-02 budget.

It should be noted that the additional amounts included in the bills relate only to expenses financed by annual appropriations, which comprise about 30 per cent of total general government expenses and capital appropriations. They do not include revisions to estimates of expenses from special appropriations.

I now turn to the main areas for which the government seeks additional provisions in the Appropriation Bill (No. 3). This bill provides authority for meeting payments or expenses on the ordinary annual services of government. Details of the proposed appropriations are set out in the schedule to the bill.

The bill provides \$351 million to the Department of Defence to fund additional costs associated with operations relating to the war against terrorism, unauthorised boat arrivals and parameter and foreign exchange rate adjustments; \$144 million in the Transport and Regional Services portfolio for a number of programs, including measures in response to the financial crisis experienced by Ansett (\$44.4 million), the Stronger Regions Program (\$16.7 million), transportation costs for the American helitankers *Georgia Peach* and *Incredible Hulk* (\$0.8 million), a further \$1 million contribution to the Christmas 2001 New South Wales Bushfire Appeal and rephasing the Mainline Interstate Rail Track Program (\$37.8 million); an extra \$122 million in resourcing for the Australian Taxation Office; some \$145 million for the Immigration and Multicultural and Indigenous Affairs portfolio to fund the government's strategy to deal with illegal arrivals; and \$60 million in the Attorney-General's portfolio for costs associated with the HIH and building and construction industry royal commissions.

Election commitments which the government is meeting through these bills include \$15 million for the extension to the First Home Owners Scheme, \$7.2 million for the first child tax refund, \$7.5 million for access to superannuation for permanently departing temporary residents and \$6 million further funding for the Australian Tourist Commission. These bills include funding for the Back of Bourke Exhibition (\$1 million), the Fishing Hall of Fame (\$3 million) and the Stockman's Hall of Fame (\$2 million).

The balance of the amount included in Appropriation Bill (No. 3) is made up of minor variations in most departments and agencies.

I table the *Statement of savings expected in annual appropriations*, and I commend the bill to the House.

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

#### **APPROPRIATION BILL (No. 4) 2001-02**

##### **First Reading**

Message from the Governor-General transmitting particulars of proposed expenditure and recommending appropriation announced.

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

##### **Second Reading**

**Mr SLIPPER** (*Fisher—Parliamentary Secretary to the Minister for Finance and Administration*) (10.28 a.m.)—I move:

That this bill be now read a second time.

Appropriation Bill (No. 4) provides additional revenues for agencies to meet expenses in relation to grants to the states under section 96 of the Constitution and for payments to the Northern Territory and the Australian Capital Territory, administered expenses, and equity injections and loans to agencies, as well as administered capital funding.

Additional appropriations totalling \$1,174 million are sought in Appropriation Bill (No. 4) 2001-2002. This is in addition to the appropriations made in Appropriation Act (No. 2) 2001-2002 in the last budget.

The principal factors contributing to the increase are a \$743.6 million equity injection for the Department of Defence for funding the war against terrorism and unauthorised boat arrivals (\$103 million), parameter and foreign exchange adjustments (\$72 million) and provision to Defence of a share of the proceeds from the sale of the Melbourne and Sydney Plazas (\$79 million); the remaining \$489 million being funding to meet costs incurred in 2000-01 and funding for the purchase of specialist military equipment, inventory and other capital requirements; an additional \$195 million in payments to the states and territories under the First Home Owners Scheme; a \$45 million equity injection for the Department of Immigration and

Multicultural and Indigenous Affairs to provide for detention contingency for unauthorised arrivals in Australia; and equity injections of \$22 million for the Stevedoring Industry Finance Committee in relation to compensation payments for asbestos liabilities.

The balance of the amount included in Appropriation Bill (No. 4) is made up of minor variations in the majority of departments and agencies.

I commend the bill to the House.

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

#### **APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 2) 2001-02**

Message from the Governor-General transmitting particulars of proposed expenditure and recommending appropriation announced.

##### **First Reading**

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

##### **Second Reading**

**Mr SLIPPER** (*Fisher—Parliamentary Secretary to the Minister for Finance and Administration*) (10.31 a.m.)—I move:

That this bill be now read a second time.

In Appropriation (Parliamentary Departments) Bill (No. 2) 2001-2002, appropriations totalling half a million dollars additional to those made in the Appropriation (Parliamentary Departments) Act 2001-2002 are sought for recurrent and capital expenditures of the parliamentary departments.

The amount relates solely to increased depreciation and capital use charge expenses arising from a revaluation of the library collection in the Department of the Parliamentary Library.

I commend the bill to the House.

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

#### **COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2002**

##### **First Reading**

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

##### **Second Reading**

**Mr SLIPPER** (*Fisher—Parliamentary Secretary to the Minister for Finance and Administration*) (10.32 a.m.)—I move:

That this bill be now read a second time.

Today I introduce a bill to modernise the conduct of the Commonwealth government securities market.

The bill will put in place reforms to the Commonwealth Inscribed Stock Act 1911 to enable Commonwealth government securities to be cleared and settled electronically alongside a range of financial products under the Corporations Act 2001, as amended by the Financial Services Reform Act 2001.

The bill will remove regulatory barriers to the electronic transfer of title to Commonwealth government securities, including treasury bonds and treasury notes, by overcoming restrictions in the existing legislation that limit transfers of legal title to Commonwealth government securities to paper based means.

Retail investors such as trustees of self-funded superannuation funds have been pressing for improved access to the CGS market. This bill will create the potential for retail investors to gain the same access to the risk-free, secure investment product that Commonwealth government securities represent, that is currently enjoyed by institutional investors.

The Commonwealth Inscribed Stock Amendment Bill will complement current market developments aimed at rationalising the provision of clearing and settlement facilities to create a more efficient business environment for participants in financial markets.

While the Commonwealth Inscribed Stock Act provides for the Treasurer to appoint non-government registrars of stock, in addition to, or instead of, the Reserve Bank, the bill will strengthen the regulatory regime by providing that only clearing and settlement facilities licensed and regulated under the Corporations Act may be appointed as registrars.

However, the bill will not preclude the Reserve Bank from continuing to have a role

as a registrar in providing for the electronic recording and transfer of the ownership of Commonwealth government securities, in addition to its role in the recording of transfers of ownership of Commonwealth government securities in paper form. The Reserve Bank has indicated that it is willing to continue providing registry services to the Commonwealth for Commonwealth government securities.

The bill will enable the Commonwealth to create equitable interests in Commonwealth government securities. The Treasurer will be able to enter into contracts or arrangements or execute deeds of trust for the purpose of issuing Commonwealth government securities to a person, including to a clearing and settlement facility, on trust for other persons. This will include where the clearing and settlement facility is acting in the capacity as a registrar under the Commonwealth Inscribed Stock Act.

The bill will provide for regulations to be made under the Commonwealth Inscribed Stock Act providing for the transfer of legal or equitable interests in Commonwealth government securities in accordance with the provisions of the Commonwealth Inscribed Stock Act, or by applying provisions of the Corporations Act, with or without modifications, to the transfer of interests in Commonwealth government securities under the Commonwealth Inscribed Stock Act.

These reforms will underpin the effectiveness of the legislative framework supporting the Commonwealth government securities market at a time of rapid change in the operation of financial markets.

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

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

#### **MINISTERS OF STATE AMENDMENT BILL 2002**

##### **First Reading**

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

#### **Second Reading**

**Mr SLIPPER** (*Fisher—Parliamentary Secretary to the Minister for Finance and Administration*) (10.37 a.m.)—I move:

That this bill be now read a second time.

Section 66 of the Constitution prescribes the maximum annual pool of funds from which salaries of ministers can be paid, unless the parliament provides otherwise.

The Ministers of State Act 1952 is the mechanism through which parliament adjusts the pool of funds available for this purpose. Amendments to the Ministers of State Act are therefore required from time to time to cover changes in the level of ministerial salaries or in the number of ministers.

Senators' and members' base salaries are determined by a reference point to the principal executive officer band in Remuneration Tribunal Determination 15/1999 (as amended).

In 1999, this government adopted the recommendation of the Remuneration Tribunal that the additional salary of ministers be tied to the principal executive officer band as a percentage of base salary.

On 5 July 2001—with effect from 1 July 2001—the Remuneration Tribunal determined new rates for the principal executive officer band. These new rates have flowed to senators and members and to ministers.

The act currently limits the sum appropriated to \$2.3 million. This sum needs to be increased to \$2.8 million to meet increases in ministers' salaries in this financial year and beyond because of the amending determination of the Remuneration Tribunal increasing the base salaries of senators and members.

I commend the *Ministers of State Amendment Bill 2002* to the House and present the explanatory memorandum to the bill.

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

#### **TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (No. 1) 2002**

##### **First Reading**

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



**Second Reading**

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.39 a.m.)—I move:

That this bill be now read a second time.

The government announced in its A Better Superannuation System statement last year that temporary residents permanently departing Australia would be able to access their superannuation. The taxation arrangements for this measure are set out in *Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002*. There are only a very limited number of situations where people are able to access their superannuation funds before preservation age. Temporary residents who have permanently departed Australia will not be retiring in Australia and often wish to take their superannuation benefits with them to the country in which they live, but are currently unable to do so. The government is proposing amendments to the Superannuation Industry (Supervision) Regulations, which will in future allow such persons to access their superannuation on departing Australia.

However, as the payment will be to a temporary resident who will not be using the payment for retirement in Australia it would not be appropriate for the payment to receive concessional taxation treatment. Accordingly, this bill, in conjunction with the *Income Tax (Superannuation Payments Withholding Tax) Bill 2002*, imposes special rates of taxation on superannuation paid to temporary residents permanently departing Australia and requires funds to withhold taxation from such payments at those rates. These amendments will claw back the taxation concessions on these payments while still allowing temporary residents permanently departing Australia to take their superannuation, rather than requiring them to leave it in Australia until retirement.

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

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

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

**INCOME TAX (SUPERANNUATION PAYMENTS WITHHOLDING TAX) BILL 2002**

**First Reading**

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

**Second Reading**

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.42 a.m.)—I move:

That this bill be now read a second time.

The *Income Tax (Superannuation Payments Withholding Tax) Bill 2002*, in conjunction with the *Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002*, imposes special rates of taxation on superannuation paid to temporary residents permanently departing Australia. Together with proposed amendments to the Superannuation Industry (Supervision) Regulations, these amendments will claw back the taxation concessions on these payments while still allowing temporary residents permanently departing Australia to take their superannuation, rather than requiring them to leave it in Australia until retirement.

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

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

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

**STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2002**

**First Reading**

Bill presented by **Dr Nelson**, and read a first time.

**Second Reading**

**Dr NELSON** (Bradfield—Minister for Education, Science and Training) (10.44 a.m.)—I move:

That this bill be now read a second time.

On 7 December 2000 this parliament passed the States Grants (Primary and Secondary Education Assistance) Act 2000 which, among other things, introduced the new so-

cioeconomic status (SES) funding arrangements for non-government schools.

This historic reform provided a more transparent, objective and equitable approach to funding non-government schools. Under the new arrangements, recurrent funding of non-government schools is distributed according to need and schools serving the neediest communities receive the greatest financial support.

That act also introduced establishment grants which are provided to assist new non-government schools with costs incurred in their formative years and to enable them to be more competitive with existing non-government schools.

The legislation containing both the SES funding arrangements and the introduction of establishment grants was passed unamended by the opposition in 2000.

Since then it has become apparent that the act appropriated insufficient funds to pay establishment grant entitlements for all eligible schools. On two occasions the government has introduced amendments to the act to provide additional funds for establishment grants. Both times the opposition has failed to pass these amendments.

As a result of these amendments being rejected, 49 schools which have a valid entitlement to establishment grants have only been paid around 50 per cent of their entitlement for 2001 and nine have received around 25 per cent of their 2001 entitlements. About 4,900 students attend the schools at which the funding shortfalls have occurred. Failure to pass this amendment will exacerbate the situation for these schools in 2002 and beyond. It will continue to cause them financial difficulties and adversely affect the quality of their educational provision.

This amendment is framed differently from the two previous attempts to amend the act. Those amendments sought to increase the total amount available under the act for establishment grants by amending schedule 7 of the act.

This amendment establishes eligibility for and payment of establishment grants in a way which is consistent with eligibility and

payment of general recurrent grants under the act. The amendment specifies per capita rates for establishment grants within the legislation. Previously these amounts were set by ministerial determination. The amendment also sets out the circumstances in which eligibility for establishment grants arises for new schools and the method of calculation of that entitlement. As a result the amendment repeals schedule 7 of the act. The appropriation for establishment grants will become a standing appropriation rather than a special appropriation.

The amendment allows for amounts already advanced to schools in 2001 and 2002 to be deducted from their entitlements calculated as a result of the amendment, providing that schools will not receive less than they have already been paid.

The amendment sets the per capita rates for establishment grants at \$500 per full-time equivalent student (FTE) in the first year of the school's operation and at \$250 per FTE student in the second year of operation. These amounts will not be supplemented in line with changes in average government school recurrent costs, or AGSRC.

It is estimated that the increased funding available under the act as a result of the bill will be \$6.9 million. This will bring the total amount provided by the government for establishment grant assistance to non-government schools to \$11.9 million for the 2001-04 funding period.

In passing the original act the opposition signalled its support for the policy of paying establishment grants to new non-government schools. It should therefore not oppose this bill which effectively codifies the eligibility and entitlement for each new school to these grants.

If all new schools are to be treated fairly and the quality of their educational provision not compromised, speedy passage of the bill is necessary. It further represents an opportunity for the opposition to consider the extent to which it is prepared to support the educational aspirations of low income earning families throughout this country; in fact, 60 per cent of the schools that we are seeking

funding for represent the poorest socioeconomic suburbs throughout the country.

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

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

### **HIGHER EDUCATION LEGISLATION AMENDMENT BILL (No. 1) 2002**

#### **First Reading**

Bill presented by **Dr Nelson**, and read a first time.

#### **Second Reading**

**Dr NELSON** (Bradfield—Minister for Education, Science and Training) (10.49 a.m.)—I move:

That this bill be now read a second time.

In the May 2001-02 budget, the government announced the establishment of an interest-free loan scheme designed to expand opportunities for overseas-trained professionals to meet the formal recognition requirements of their professions in Australia. The purpose of this bill is to establish this loan scheme, called the Bridging for Overseas-Trained Professionals Loan Scheme (BOTPLS) to assist overseas-trained professionals to cover the costs of bridging training.

Australia attracts a significant number of overseas-trained professionals, most of whom intend to work in their profession in Australia. Many professions have regulations associated with employment, some of which are legal while others are a matter of employment practice. All such professions require the assessment of qualifications, and in some cases an examination is required. For many overseas-trained professionals, bridging courses are recommended, either as preparation for the examination or to make up knowledge gaps that have been identified through the assessment process. For example, a dentist or medical practitioner might take a clinical bridging course to prepare for the examination while an overseas-trained lawyer or an accountant might be required to take a unit in Australian taxation law.

Governments have long recognised the value to the community of assisting overseas-trained professionals to undertake bridging courses and the Commonwealth

government took over responsibility for funding such courses from the state governments in the early 1990s. While the current program has benefited approximately 500 people per year, the demand for bridging courses has exceeded the supply because the number of places has been limited by the program budget. Some course providers have restricted their offerings in line with the availability of government-funded places. It is expected that the new program will make it possible for more people to take advantage of bridging courses and providers may respond by making the courses more accessible.

The purpose of this bill is to expand the opportunities for overseas-trained professionals to undertake such bridging courses without increasing the burden on Australian taxpayers. To be eligible for the loan, the applicant must hold professional qualifications that have been awarded in another country. In effect this means that these people will be postgraduate students and it is in line with current trends in higher education funding that students pay full fees for postgraduate courses. Last year, in order to improve Australia's skills base, the Postgraduate Education Loan Scheme, or PELS as it is commonly known, was introduced to give postgraduates access to the same sort of financial assistance that is available to undergraduates who defer their education costs through the Higher Education Contribution Scheme, or HECS.

The proposed bridging loan scheme will provide similar assistance to overseas-trained professionals who enrol in bridging courses. As the courses are limited to non-award courses of no more than one year's full-time study, these people are likely to enter the work force and begin repaying their loans more quickly than either HECS or PELS recipients. Participants repay their loan through the taxation system once their income reaches the minimum threshold for compulsory repayment.

Australian permanent residents who hold a Centrelink concession card will still have access to the Assessment Fee Subsidy for Overseas Trained Australian Residents



(ASDOT) program, which will not be affected by this bill.

It is expected that implementation of the bridging loan scheme will provide overseas trained professionals with a cost-effective pathway to recognition. Under the new scheme, clients will not be prevented from enrolling in bridging courses due to limitations on the number of government funded places, nor will they be dissuaded from pursuing training because they are unable to pay course costs at the time of enrolment.

To be eligible for the new scheme, applicants will require an assessment statement from the relevant gazetted assessing authority and this will specify the nature of the additional training that is required.

Based on the numbers who have participated in the current bridging programs and predicting an increase over time, it is estimated that the loans provided under the proposed scheme will amount to some \$12 million over the next five years and will assist in the order of 3,000 participants to enter their profession in Australia.

It is the government's intention that the new bridging loan scheme will commence on 1 July 2002. The bill allows for transition arrangements for participants who started their bridging course in the first semester of 2002.

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

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

#### **STUDENT ASSISTANCE AMENDMENT BILL 2002**

##### **First Reading**

Bill presented by **Dr Nelson**, and read a first time.

##### **Second Reading**

**Dr NELSON** (Bradfield—Minister for Education, Science and Training) (10.55 a.m.)—I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Student Assistance Act 1973. The Abstudy and Assistance for Isolated Children (AIC) schemes are non-statutory or executive

schemes funded through the appropriation acts. The Student Assistance Act 1973 provides the statutory mechanism in relation to debt recovery and administrative appeals for these schemes.

The first amendment is to permit social security, veterans and family assistance legislation overpayments to be offset against benefits payable under the AIC scheme and the Abstudy scheme, as had previously been permitted until 1998.

The second amendment is a minor change to update the definitions in the act to reflect that the Aboriginal Overseas Study Assistance Scheme no longer exists.

The third and final amendment is to increase the seven-day notification period within which students are obliged to notify of certain prescribed events in section 48 and related sections of the act to a 14-day period. This amendment will align section 48 of the act with section 344 of the act, which relates to the notification period for a change of address. It will also provide a consistent approach to the administration of the AIC and Abstudy schemes and other Commonwealth programs administered by Centrelink.

These proposed amendments will ensure greater consistency in arrangements between the Student Assistance Act and the Social Security Act in terms of permitting the recovery of overpayments and also the required notification period.

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

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

#### **AIRPORTS AMENDMENT BILL 2002**

##### **First Reading**

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

##### **Second Reading**

**Mr TUCKEY** (O'Connor—Minister for Regional Services, Territories and Local Government) (10.57 a.m.)—I move:

That this bill be now read a second time.

The **Airports Amendment Bill 2002** will amend Australia's existing legislation governing the airline ownership rules at leased

federal general aviation airports. It will also make a number of minor technical amendments to the act to streamline the drafting of regulations created under the act.

The most important amendment in this bill is the insertion of an application provision. This provision will apply the airline ownership restrictions of the act to airport operator companies for core regulated airports and airports specified in the regulations. The practical effect of this amendment will permit airlines or associates of airlines to take a greater than five per cent stake in airport operator companies for certain federal airports.

In light of the current economic challenges facing the airline and airport industries flowing from both Ansett's demise and the September 11 terrorist attacks, the government decided to relax certain aspects of the regulatory arrangements governing general aviation airports. Consequently, regulations were made pursuant to clause 9(1)(c) of the schedule to the act to exempt airport operator companies for privatised general aviation airports from the airline ownership provisions of the act. The government's intention was twofold.

Firstly, the new regulations removed an unnecessary restriction on the operation of general aviation airports and, in doing so, increased the scope for investment in airport operator companies for general aviation airports.

Secondly, in an attempt to maintain competition within the aviation industry, these regulations were part of the government's response to the final proposal that the Tesna consortium put to the government in support of its bid for Ansett Australia. Linfox, one of the joint venture partners in the Tesna consortium, is the joint owner of the company that leases Essendon airport, a privatised federal general aviation airport.

The airline ownership provisions of the act were designed to prevent actual or perceived anticompetitive behaviour or collusion between airports and airlines. This is particularly important at Sydney Airport for example where, due to physical constraints associated with the limited size of the site, options for future facilities development may

conceivably have differential impacts on individual airline users. A lesser but similar concern applies at other major airports where regular public transport services form the greater part of the aviation related business of the airport. However, there is no convincing rationale for continuing to apply the airline ownership provisions to the general aviation airports which do not operate the same scope of aviation related services. The risk of anticompetitive behaviour by major airlines at any of the general aviation airports is very low.

The purpose of the proposed key amendment to the act is to clarify the government's reviewed policy on airline ownership so as to provide more legal certainty to general aviation airport lessee companies on the regulatory arrangements under which they are required to operate, and to strengthen the government's commitment to provide the Tesna consortium with every opportunity for success without adversely affecting its competitors.

This amendment will also have the effect of excluding Bankstown, Camden and Hoxton Park airports from the airline ownership provisions of the act. However, this arrangement will be reviewed during the privatisation process for the Sydney basin airports. The timetable for privatisation is yet to be finalised. The amendment will also exempt airport operator companies for Tennant Creek Airport and Mount Isa Airport which are regular passenger transport airports from the airline ownership restrictions. However, regulations will be made to address this anomaly. The decision was to remove the restriction from general aviation airports, not regular passenger transport airports.

The policy of exempting general aviation airports from the airline ownership restrictions is intended to apply provided that federal general aviation airports do not fundamentally change their operational character. For example, the government does not intend to exempt general aviation airports which make major regular scheduled passenger transport services the basis of their aviation related activities. The government has therefore reserved the right to prescribe any federal general aviation airport to be subject to

the airline ownership restrictions should an airport not comply with the above operational restrictions.

Finally, as mentioned earlier, a number of minor technical amendments are proposed to simplify the drafting of regulations under the act. These include an amendment to make terms used in the ownership provisions internally consistent; the insertion of a provision to enable a person to be declared by the regulations not to be an associate of another person for the purposes of the ownership rules; and the insertion of a provision to enable the regulations to refer to certain documents as being in force or existing from time to time.

I commend the bill to the House and present a signed copy of the explanatory memorandum.

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

**ROAD TRANSPORT CHARGES  
(AUSTRALIAN CAPITAL TERRITORY)  
AMENDMENT BILL 2002**

**First Reading**

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

**Second Reading**

**Mr TUCKEY (O'Connor—Minister for Regional Services, Territories and Local Government)** (11.04 a.m.)—I move:

That this bill be now read a second time.

I am introducing here the **Road Transport Charges (Australian Capital Territory) Amendment Bill 2000**. The bill provides for automatic annual adjustments to the level of registration charges in the Australian Capital Territory (ACT), for vehicles over 4.5 tonnes, based upon a formula that accounts for changes in road expenditure modified by changes in road use by heavy vehicles.

This bill forms part of the national road transport reform agenda in Australia, which is conducted by a cooperative process involving the Commonwealth, states and territories. The National Road Transport Commission (NRTC) facilitates this reform process. Under the Heads of Government Heavy Vehicles Agreement, which is a schedule to the National Road Transport Commission

Act 1991, the Commonwealth enacts nationally approved road transport legislation on behalf of the ACT, subject to its agreement. Other jurisdictions then either reference or adopt the substance of the ACT legislation in their own legislation.

This bill will therefore provide a model for nationally consistent charges, by amending the Road Transport Charges (Australian Capital Territory) Act 1993 (the principal act). The Australian Transport Council comprising Commonwealth, state and territory transport ministers has voted unanimously to support the bill. The Victorian, South Australian and Northern Territory governments reference the principal act in their own legislation. Other states and the Commonwealth reproduce the system and level of charges in their own legislation.

Nationally consistent heavy vehicle charges are an essential component of the road transport reform agenda being put in place by the Commonwealth, state and territory governments and the NRTC. Major differences in charges between states and territories put a straitjacket on efficiency and distort competition in the road transport industry, a vital sector of the economy. This was one of the key issues that governments recognised needed to be fixed through the cooperative road transport reform process.

The Commonwealth, states and territories first implemented national registration charges between mid 1995 and late 1996 based on the first charges determination developed by the NRTC. A second charges determination was implemented in 2000 and a third charges determination is planned for 2003-04. Charges determinations involve detailed consideration of methodology and are not feasible to conduct every year.

Since the national charges were first calculated, levels of both road use and road expenditure have changed and the understanding of the relationship between road use and road wear has improved. This has given rise to the opportunity to implement an annual adjustment process that reflects road costs attributed to heavy vehicle use. The annual adjustment procedure takes into account rolling averages of changes in road expenditure and expected changes in road use. This

enables jurisdictions to recover costs and provides for graduated increases in registration charges, rather than accumulated increases at intervals of several years.

Transport ministers agreed to the application of the annual adjustment formula in May 2001. As there was insufficient time to implement this in legislation in 2001, results derived from the adjustment formula were applied on a one-off basis by all states and territories and the Commonwealth between October 2001 and December 2001.

As I have indicated, passage of the bill will give the ACT government the ability to adopt, from 1 July 2002, the automatic adjustment procedure for national registration charges and will provide other jurisdictions with a model to ensure national consistency. Subject to legislative and administrative processes, the states and the Northern Territory are targeting 1 July 2002 as an implementation date for the first automatic annual adjustment. A related bill, the [Interstate Road Transport Charge Amendment Bill 2002](#), will implement the adjustment procedure for federally registered vehicles from 1 July 2002.

The principal act deals with the level of registration charges for heavy vehicles, which are calculated according to the type of vehicle, number of axles and mass of the vehicle. The bill applies an adjustment to the annual charges for heavy vehicles to ensure that heavy vehicles continue to meet their share of the costs of using Australia's roads. The adjustment formula is moderated to reduce the effects of any large fluctuations in road expenditure by applying rolling averages to the data. Further moderation is applied by a 'floor' of zero and a 'ceiling' based upon movements in the consumer price index, averaged over four quarters in a year compared to the four quarters in the previous year. The NRTC is required to publish the details of its calculations of the adjustment factor each year.

The fact that heavy vehicles pay fuel excise is recognised by the NRTC in calculating the level of registration charges. A portion of the fuel excise is nominally recognised as representing a contribution towards the cost of heavy vehicle road use. The up-

dated charges assume this contribution to be 20c per litre. This excise component is not the subject of this legislation. It has no impact on the price of fuel at the pump or on road funding.

The charges are logical and based on the principles set out in the NRTC's legislation. The charges, when combined with the nominal excise component, will achieve full cost recovery in total and for most vehicle classes.

There is a financial effect for the states and territories in that increases in the level of charges in any given year will reflect any increases in expenditure on provision and maintenance of road infrastructure for heavy vehicles. The increases in charges in July 2002 will represent a relatively small change in the costs of operating vehicles (typically less than two per cent of total operating costs).

The road transport industry supports the concept, encapsulated in these updated charges, of paying a fair charge for their road use. The NRTC consulted extensively with industry about the proposal.

In conclusion, I commend this bill and the work of the NRTC in developing the annual adjustment process. It has widespread support and provides a transparent, consistent and fair updating mechanism for the national heavy vehicle charging regime. I present the explanatory memorandum.

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

### **INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2002**

#### **First Reading**

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

#### **Second Reading**

**Mr TUCKEY** (O'Connor—Minister for Regional Services, Territories and Local Government) (11.12 a.m.)—I move:

That this bill be now read a second time.

I take pleasure in introducing the cognate [Interstate Road Transport Charge Amendment Bill 2002](#), which provides for automatic annual adjustments to the level of charges for vehicles registered under the

Federal Interstate Registration Scheme (FIRS). The bill does this by reference to the adjustment amount determined in a bill introduced earlier—the **Road Transport Charges (Australian Capital Territory) Amendment Bill 2002**. The bill ensures that charges for FIRS vehicles will be identical to those applied in the states and territories and agreed by all transport ministers. It is intended that the adjusted charges will apply from 1 July 2002, which is the nationally agreed target date for implementation in the states and territories.

FIRS is an alternative to state or territory based registration for heavy vehicles engaged solely in interstate trade and commerce. The states and territories administer FIRS on behalf of the Commonwealth. It is worth noting that the Commonwealth retains no revenue from FIRS registration charges. All revenue is returned to the state and territory governments through an agreed formula that reflects the road wear attributable to FIRS vehicles.

Formerly, a regulation making power allowed for increases or decreases in registration charges of up to five per cent to be made each year. The power to increase charges by regulation has been removed, ensuring that any charge under FIRS cannot exceed the agreed national maximum applicable charge.

As I stated when introducing the Road Transport Charges (Australian Capital Territory) Amendment Bill, this automatic annual adjustment of nationally agreed heavy vehicle charges has widespread support and provides a transparent consistent and fair updating mechanism to the national heavy vehicle charging regime.

The explanatory memorandum already provided covers both bills. I commend the bill to the House.

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

#### **GOVERNOR-GENERAL'S SPEECH**

##### **Address-in-Reply**

Debate resumed from 13 February, on motion by **Ms Ley**.

That the address be agreed to.

**The DEPUTY SPEAKER (Hon. IR Causley)**—Order! Before I call Mr Windsor, I remind honourable members that this is his first speech. I therefore ask that the usual courtesies be extended to him.

**Mr WINDSOR (New England)** (11.14 a.m.)—Thank you, Mr Deputy Speaker Causley. I must congratulate you. It is a privilege to deliver this first address before you, seeing we were both in the New South Wales state chamber for a period of years. I must say I have a very high regard for your capacity in relation to natural resource issues and hope to share some similar concerns with you in my period in this parliament.

It is an honour to be elected as the member for New England. New England is a very exciting electorate. I have grown up in that electorate; I was educated in a little place called Werris Creek near where I have a property. I was also educated at Farrer agricultural high school near Tamworth, which is in the electorate, and went to university at the regional University of New England. My family have had a long relationship with that particular part of the world.

I also served for 10 years as the state member for Tamworth as an Independent, and I am delighted to see my fellow Independents in the chamber: the member for Calare and the member for Kennedy. I do congratulate them on their rise to this high office, and I hope to share with them many of the issues that we have in common in relation to our country constituents.

Canberra is not a place that is unknown to me. I have many fond memories of Canberra, and in fact the very first airline trip that I took was as a 10-year-old, as a Legacy ward. From Tamworth, I flew down in a DC3, with a regional airline that is now defunct. That is one of the issues that I intend to raise in my time in parliament and will raise this morning. It was a very worthwhile experience for me at that age. Interestingly enough my youngest son, Tom, actually turned 10 yesterday and was in this building, so there was a little bit of *deja vu* there.

As I said, I have other contacts with Canberra. I was very involved during the mid-eighties with the two Canberra farmer rallies

that took place and was instrumental in organising some of the transportation from the north of the state to the Canberra rallies. They were very emotional occasions for those people who were there; I can quite understand how people rise to the occasion in war, because there was a very real feeling of camaraderie on those particular occasions.

I was also involved during the eighties with the National Farmers Federation and the New South Wales Farmers Association in various lobbying trips to Canberra. One of the most amusing ones that I recall was when a group of five of us were down here for a week. One night we were visiting the then Senator George Georges, whom some of you would know, and we thought we were making amazing progress in relation to the issues of flystrike in sheep and the culling of kangaroos, when Georges eyes tended to glaze over. We thought: 'Well, we've lost him; he's not understanding what we're talking about.' Then he brightened, and said to us, 'You must come back tomorrow. It's very important that I talk to you some more, but the *Yes, Minister* program is now on and I will have to leave you'! It was that period of time. That was in Old Parliament House. I will always remember that, as we followed Senator Georges out, most of the members of parliament were also going into the television room to watch this particular educational program.

I thank firstly the voters of New England for giving me the opportunity to serve them, and I pledge to work very hard for all of my constituents. It is a very broad electorate. I recognise the service of the previous member, Stuart St Clair, and the member before him, who served for 36 years in this place and is a former Speaker of this House, Ian Sinclair. I recognise the contribution that both those men have made to that electorate.

I particularly thank at the start my campaign chairmen, Stephen Hall from Tamworth and Peter Pardy from the city of Armidale, and also particularly recognise Helen Tickle and Graham Nuttall, who is with me today in the parliament. I thank all the people who worked tirelessly in my campaign—I think we had something like 900 to 1,000 people. We had a tremendous team of people

that actually wanted to generate change and prove that no seat can be taken for granted by any party. I think that is one of the things that is happening at the moment, particularly in regional Australia: there is a growing understanding by regional and country people that they can influence the political process if in fact they want to become involved in the issues and in the process itself. It is very important that, as country representatives—and I mean the people on both sides of the parliament as well as the Independents who are country representatives—we do unite on those issues of common importance to our constituency.

I would say at the start of this delivery that one of the things that has always fascinated me in relation to country representation is that, even though we have 30 per cent of the population in terms of the vote, most of that vote historically has been taken for granted by one side of the parliament. We are in a unique situation politically, and have been for the last decade, in my view, where the basic policy framework that the nation is operating under has been by way of agreement by both sides of the parliament. We have had the Labor Party, the Liberal Party and the National Party agreeing with a basic policy framework. I take issue with that agreement taking place over this last decade, and take issue with some of the patchy benefits of that economic framework, particularly, but not only, for country people. I will elaborate on some of those issues in a moment.

I also take the opportunity to thank my campaign director for the three state campaigns that I won in the New South Wales parliament, Peter Pulley. He has been a great strength to me over the years in bouncing off ideas on the sorts of things where you need some counsel from time to time. To my staff at the state level—and I am very proud to say that the same staff that I had at the state level will be coming over into the federal office; we have worked well together for many years—and to my family, particularly my wife, Lyn, who is not here today but was here yesterday; my two sons, Andrew and Tom; and my daughter, Kate: the efforts that they have put in over many years in relation



to parliamentary participation have been outstanding, and I thank them.

I also recognise my mother. She ran a property after my father died when I was eight years of age. He thought he was bullet-proof—and he was not—and did not leave a will. Back in those days many of you would understand the impact that would have on the widow and the children. Trying to operate a property in that particular circumstance was difficult from time to time. I do appreciate the guidance that my mother has given me over many years. In relation to the political process, she has been a great strength in that as a child growing up there was never any demarcation of class in our family. It was not really until I was at university that I came to the recognition that some people thought they were more important than others. I had a family background that did not pursue that in any way at all, and I hope that is reflected in the way in which I represent the electorate.

Some people have asked, ‘Why make the move from state to federal politics?’—I had the safest seat in New South Wales—‘Why take a risk and move into federal politics?’ I have been in state politics for 10 years. One of the things—and I mentioned this earlier—that I had continually noticed in a whole range of issues was that the policy framework in which the states were working—and partly through the Council of Australian Governments arrangements and a whole range of intergovernmental arrangements—was determined at a federal level. In my view, to overcome some of the very patchy and even negative effects on country towns we have to make changes in policy at the federal level. That can be done, and I believe country people can lead the charge on that.

It is disappointing that, particularly in recent years, there has not been an impetus from country people in this place to recognise the lack of flexibility in policy—that also applies to other marginalised groups. I encourage and challenge country people to take advantage of the political process. There is always talk of the balance of power situation. With 30 per cent of the vote, country Australia has the potential to have the balance of power—irrespective of who is in

power in this chamber—and influence the political process far more than it has in the past. There has been a lack of flexibility. The only way to influence that is through the federal chamber.

As I mentioned earlier, we have this unique environment where all the major parties have decided to back a framework which will have very little regard for distance, remoteness, smallness or social equity. Some of the rules applying to competition policy, with its economic rationalist approach on many of these issues, have no flexibility in regard to smallness, distance and remoteness. The very policies that are emanating from this place, whether they be fuel policy or aged care policy—even policies relating to country doctors, or the lack thereof—are emanating from that basic policy framework, which has not delivered equity to country constituents in particular.

There are a number of issues that I will briefly run through that I believe are important. They were part of my campaign and I consider that the electorate has endorsed the issues that I ran with. It was very strongly based around the need to have greater flexibility in relation to the economic framework that impacts on a very large nation. I happen to believe that with a low population and large land mass we do not necessarily have to follow policy mixes that are determined in other parts of the world. That is not to say that I am antiglobalisation—I am not. I think we would be hiding our heads in the sand if we tried to remove ourselves from the world. But there does have to be greater flexibility in relation to some of the policies that emanate from this place.

Competition policy, as I have mentioned, has absolutely no regard for distance. Fred Hilmer did not put it in the equation; it is not there. Smallness is not there. The message that the policy sends to country communities is to proceed to your nearest major regional centre, go to the coast, go to Sydney or go to buggery. That is the message that both sides of the parliament are sending to country constituents. It is pointless saying to country people at election time that there are people in here that genuinely represent their aspirations when the government drives a policy

mix that is sending that message back through to them. It is a very short-term outlook for the larger regional centres to presume that they will have a short-term benefit through the sponge effect, because the very policy that is eroding the smaller communities now—and I am talking about smaller communities of 6,000 and 8,000 people, not just villages of 400 or 500—is having a disastrous effect. If that policy is not changed to recognise distance, smallness, remoteness and some degree of social equity, you will continue to see a shrinkage of regional Australia, something which should be abhorred.

I believe there is a solution to the country doctor issue. I do not think there has been leadership displayed in this place to address that issue. I think it can be done through the Medicare provider numbers. We should look at the geographic provision of Medicare provider numbers. When you break up the funding arrangements—that is, the proportion of the Medicare dollar, which is taxpayer funded money, that is spent in the health industry—there is a basic inequity that needs to be addressed. If you are a city patient, you are getting about \$149 per year spent on you. If you are a country patient, you are getting \$61. That partly reflects not only the lack of doctors and the difficulty in getting to see a doctor in some communities but also some overservicing in some of the major metropolitan areas. There is half a billion dollars of inequity annually in relation to that issue. People say, 'There isn't any money to try and remedy this with incentives to assist doctors to get into country towns,' but there is. There is half a billion dollars worth of inequity.

Telstra is a very important issue and unless my electorate has a sudden change of heart I will not be supporting any full sale of Telstra. If senators are concerned about the impact of policy in the long term and not just about some short-term gain in terms of the competitive aspects of commercialisation of Telstra, I urge them to really consider this issue because of the importance of communications. You cannot expect a fully commercialised operation to deliver equity to people who have distance and remoteness to work with. It just will not happen. It never

has in the past and it will not happen in the future.

The aged care debate is one that I believe in very strongly. If you come from a small community, why shouldn't you be able to retire and live in the community? People are making decisions in their forties to move away from country towns because they know they will not be able to see out their dying days in that community, so there needs to be more flexibility in that area.

I think there have been 51 inquiries into the fuel issue over the years. It is a classic case: we raise \$12.5 billion from fuel; we put \$1.6 billion back into roads and think that is great. I think it is disgraceful. The fact is that we raise 48c a litre from tax on fuel in a nation of this magnitude—with its distances, remoteness, all those things—and then say to the export sector that it has to go out and fight on the world market. I am fully aware that there is a state component of that tax through the GST—and I am pleased to see the Minister for Trade is here—but to have a 48c in the dollar tax and then expect the community to go out and bargain on a level playing field is quite ridiculous. The matter needs to be addressed.

I think I was one of the few politicians that went to an election saying that he would increase taxation. I think we do need an environmental fund to activate some of the remedial work. With a review of the competition policy rules, particularly in relation to property rights, there does need to be adequate funding and it should not be tied to the sale of assets. A dollar a week from every member of the Australian community raises a billion dollars in a year. That is the magnitude of the fundraising capacity that we have, but there has to be transparency.

I also believe, particularly given the insurance debacle of recent months, that we need a disaster fund to be set up and run by government. It would impact not only on the farming community when there were exceptional circumstances but also on the Newcastle earthquakes, the Cyclone Tracys—those sorts of events. It should be a transparent fund in which there is money and its use is triggered when needed.



**Mr Katter**— Hear, hear!

**Mr WINDSOR**—Thank you to the member for Kennedy. Zonal taxation is another area that I think the government has had a look at. The National Farmers Federation, the Institute of Chartered Accountants and the Local Government Association et cetera have backed it. It is very important that those sorts of issues be reinvigorated in this parliament.

I think we need a population plan. The process that we are going through at the moment with the *Tampa* is a disgrace. Locking people up for two or three years indicates to me that the process is not working. That does not mean we open the borders up to everybody but we have to develop a different process that does have a more compassionate approach to it.

I support the minister, Joe Hockey, in relation to the insurance issue and I think this parliament really has to get behind that. It is an issue that is going to destroy Australia and it will destroy the smaller country communities first if we do not do something about it.

There are a couple of local electorate issues that I would urge the ministers involved to take up. One is in the city of Tamworth where we are embracing a national equine centre. Australia does not have a national equine centre where events of international significance can be put on. Currently the Tamworth community has raised \$10.5 million to go towards the \$14 million project and requires \$3.5 million from the federal government. I am sure the Minister for Transport and Regional Services will look on that favourably.

The learning centre at Glen Innes is also an area that does need to be addressed. The University of New England is another. I was very pleased yesterday to hear the Minister for Education, Science and Training talk about some flexible approaches in relation to regional universities. I would offer my assistance in any particular way to help him.

The challenge is to country people in the political arena. We do have opportunities to have far more influence in this particular forum. I am delighted to be one of three In-

dependents who are going to take that challenge on and try and do as much as we can for our constituencies.

**The DEPUTY SPEAKER (Mr Jenkins)**—Order! Before I call Mr John Cobb, I remind honourable members that this is his first speech. I therefore ask that the usual courtesies be extended to him.

**Mr JOHN COBB (Parkes)** (11.35 a.m.)—My congratulations to the Speaker, you, Mr Deputy Speaker Jenkins, and the member for Page on your election. It is a tremendous honour to be representing the seat of Parkes in the federal parliament of Australia. In taking up that position I must acknowledge the people of our electorate who have given me an obvious and awesome responsibility.

I am not going to attempt to name all of those who have made it possible for me to be here. The major thanks to them will be in the effort and the results that we make in the years ahead. I do, however, have to make mention of my wife, Gai, and all my daughters. The reason I mention them is not just for the support and the help and the sacrifice they have made but that, despite knowing the effect of public life on private life, Gai has gone into this with me totally.

There are two people, however, to whom I am in debt above all else. They are Lee and Mary Cobb, my parents, who have made everything possible. Neither of them are now with us and obviously had nothing to do with the November election, but they were both returned service people who volunteered five years of their lives and never once did I hear them say that Australia, or anyone, owed them anything.

I am also very proud not only to be the member of federal parliament for Parkes but also to be part of a very old and distinguished party. We are not perfect and sometimes all parties and all governments must look at what they do and at their approach. But when we really assess Australian politics, with its concentration of people in the capital cities, we need the National Party. The people of Parkes have confidence in the National Party and in the government in times of emergency and in times of crisis. We as a party have to be equally convincing and give the same kind of confidence, and

that is what has happened in the last few years, in less exciting times as well.

Parkes is, of course, named after the person who was considered to be the Father of Federation, Sir Henry Parkes. What could be more appropriate than to be the new member for Parkes giving a maiden speech just after Australia Day? It is not the day which most Australians recognise sentimentally—that is Anzac Day. Anzac Day is when we recall our pride in our nation and our pride in our forebears—our pride in Australia. Australia Day, on the other hand, is about what we are doing now and what we will do in the future, and it is when we remember that we are not just a collection of states, a collection of disparate groups. It is very easy to forget just how stable and fortunate we are. When we have a government we do not want, we do not start a revolution. When we do not get the economic situation that we personally want, most of us do not look for a radical solution. We do not go on hunger strikes when we do not get our own way, nor do we use our children as weapons to achieve our aims. We buckle down and work harder—or harass the nearest politician.

Australians need to remember that, unless we allow it, these values will not change—and they must not change. Our electorate is over one-third of the most populous and productive state in the nation. It is rich in agriculture, mining and tourism and offers a wealth of opportunities and natural wonders. As the intersection of the nation's transport route, it plays a huge role in industry and travel. It has a rich history and indigenous heritage and provides a very colourful background and a hugely varied population.

I come to this parliament as a person without any higher education or tertiary degrees. But I do bring to it experience in life and in representing country people and perhaps, more importantly, in surviving as a small businessman. Small business is our country's barometer for its economic climate and community morale. In short, it is its heart and soul—it certainly is in the seat of Parkes. My profession is a farmer. By and large farmers are regarded as people from a physical environment, and they certainly have a reputation for being blunt.

I am told it is common on this occasion to talk about the people you have admired and whom you see as examples for public life. The first people I ever wanted to emulate were probably Lew Hoad and Norm O'Neil—and in terms of lifestyle that still sounds pretty good. But in public life, as in business or social life, we have to be doers, and the people that I have always really wanted to emulate were doers. Doug Anthony was a doer, and so was Black Jack. The most successful businessman that I know in our electorate—very much a self-made man—has a saying that we should all heed: there is no such word as 'can't'; there is only 'won't'. The most frustrating thing that we strike as individuals, as lobbyists, as representatives, as business people—and I suspect as members of parliament—is that process seems to be more important than outcome. I suspect that leaving this place known as a person who is outcome oriented is probably as good as it gets.

Our community in the Parkes electorate has a larger proportion of Aboriginal people than most other electorates. I am not standing here to say that I know the answers to their social and health problems. In the coming months I want to work with Aboriginal communities to determine which programs are working and which ones we have to change. The circumstances under which the worst affected Aboriginal families live in terms of health and housing are totally unacceptable. But the amount of money that has been spent, with all the best intentions, is not acceptable in terms of the results that have generally been achieved. Very recently I attended the reburial of a person who probably died 400 to 500 years ago and whose remains were found on a farm. The farmer was understandably terrified that, if word got out, he could lose control of part or all of his farm. But that did not happen mainly because he went and talked directly to the local community. That raises a point: where people of goodwill do talk directly, generally there is not much of a problem. We have to accept that on both sides of any equation there has to be goodwill and good intention. It is like giving up smoking. Unless you really want to quit, you will not.

The people of my electorate, along with many other country Australians, are suffering the consequences of the biggest rip-off in Australia—the environmental correctness forced on country people and farming families by extreme groups and governments purporting to act on the community's behalf. Country people practise sustainable development and conservation. We believe in it; we need it. The current virtual ban on sustainable development is devastating farm families' primary assets and selling the community short in terms of jobs, aspirations, and regional prosperity. This is conservation being practised on behalf of Sydney, Melbourne and Brisbane, in their image but being paid for by us.

The New South Wales government claims to be unable to afford to pay for its environmental correctness. So, if the whole community cannot afford to pay, how can a few thousand farmers and the country people who depend upon them as their major industry afford to? For any government to ask agriculture to bear the total cost of conservation on behalf of the people of Sydney, Melbourne and Brisbane is untenable. Without urgent serious compensation, this outrage to country communities will continue.

Quality education is, of course, a priority, as is parents' right to choices as provided by the private system. In the same way, aged care facilities and carers are also a priority, partly because of the unique budgetary circumstances that some have in areas where personal assets do not match the values people bring out of the city.

In the past few years the telecommunications revolution that has happened in my region has been just absolutely incredible. However, communications in the Parkes electorate and elsewhere in country areas should set the standard and not just forever play catch-up to what is happening for communications in the major areas. The real truth is that vital country services will never be profitable and like with health, education and defence the federal government must always underwrite that shortfall.

Parkes suffers badly from a shortage of health professionals. A number of very promising short-term measures have been

introduced but the only long-term solution—and it is happening—is to train our own young kids to become doctors and nurses. The health education system became elitist, and the elite have failed us. Under federal pressure some universities are addressing the trend, but the clear and only answer is an enormous increase in the intake of country students into medical schools and an increase in the number of country facilities. The scholarships and grants introduced by this government are incredible steps forward, but once again the current education procedures for registered nurses discriminate very badly against country students.

Transport is the lifeblood of my electorate, whether it be by road, rail or air. I have to applaud the Hon. John Anderson and this government for the Roads to Recovery program, which has put \$37 million into my electorate. Sending it straight to local government for immediate use was a godsend. But it has reawakened local communities to the incredible need and it has also reawakened them to the state neglect. We need to go beyond the four-year program to adequately address what is a unanimous issue in my electorate. Fuel pricing—and the lack of competition in a region that is unable to avoid high fuel usage—and a total lack of public transport still remain ours to resolve.

On the social front, drug abuse is the silent scourge in the region despite the best efforts of everyone. While heroin remains a silent scourge, less notorious substances like cannabis continue to affect youth suicide. A related state responsibility that cannot be ignored in my region is law and order. However, I do not think of it as law and order; I think of it as the desire of individuals to feel safe and their desire that their families also feel safe. We deserve that in this country. Our federal responsibility is to build on the successes of the Tough on Drugs strategy to deal with drug and social problems at the source, but I think it is also our federal responsibility to make law and order a national issue if the states continually prove to be unable to deal with it.

I have two cities in my electorate 800 kilometres apart. One of them, Broken Hill, is probably the most famous city in regional

Australia. It is a city that was an Australian and world leader in mining, a city that lost 811 lives in the development of this country. It is a city that, like the merino sheep, has been responsible for the standard of living that we have achieved today. But it has a decline in mining activity; therefore, its community has a huge task in reworking its economic base. There is an awful lot being done by and for the Broken Hill community to enhance those prospects.

At the other end of the electorate we have the city of Dubbo, which is without doubt the most progressive, most modern and most capable regional city in Australia. It stands in readiness, along with its sister towns in the electorate and the new towns in the south of the electorate, to go full bore into development and to carry the load and provide the resources that Australia will always require of its inland. The problem is that we have so many man-made barriers to sustainable development, whether they be in mining, agriculture, tourism or simply in developing the potential of the citizens out there. But first we need the resources and the capital to do two things. The first is to fully realise the potential that the population of country Australia possesses, and the second is to continue to provide the resources that Australia and many parts of the world require of us.

I find it difficult to believe those who say Australia has reached or surpassed its population limit. There is a long way to go—millions—especially in country Australia. And holding back will not just do our legacy an incredible disservice; we will be condemning our kids to an ordinary future. We have to look at people who want to come into Australia, who have resources and ideas and who have already proved themselves and want to do it here. Without this resource, in terms of capital and in terms of human investment, we are not going to realise that potential. As we have been forced to look beyond Australia for doctors for country areas so, short term, we will be forced to look beyond Australia for investment for country Australia.

When I travel country Australia—and I have, quite a lot—all I see is the ability and the need to develop sustainably. But the fact is that we have had governments around

Australia, and in New South Wales in particular, who have thrived on environmental and political correctness and the creation of committees to avoid decision making—in short, they desire to focus on process rather than outcome. Let us show them federal leadership that uses commonsense and direction and encourages private investment. The government has given a lot of leadership but we still have a long way to go.

Development does not mean, and should not mean, a wearing down of resources, taking advantage of people, overlooking their needs or creating any wastelands—rather, the reverse. Let us never say that it is too hard, too risky or that we cannot afford it. Let us work together and turn country Australia into the powerhouse that it has been, that it will be and, in many areas, is now.

We need to be backed, not hindered. We need resources, not reasons to let opportunities pass by. I believe the electorate of Parkes offers the greatest example of what country Australia has been, and what it will be.

**Mrs IRWIN (Fowler)** (11.54 a.m.)—The Governor-General's speech traditionally outlines the government's program for the coming term of the parliament. We could hope that the speech would give us some vision or some direction for our nation. We might hope that we could see how this government would face the many challenges which face our nation. We might expect to see an agenda or policy direction with some sort of forward plan—some goals that we might strive to achieve as a nation. But this is a government whose only concern is its own survival. Its plan for the future is limited to ensuring its succession.

We only have to look back over the last year to see that this government will do whatever it takes to hold onto office. It will spend like a drunken sailor to keep supporters on side and it will stoop to the lowest levels to drive a wedge between the people of Australia. As we have seen in reports in the last few days, the claims made during the campaign that asylum seekers threw their children overboard were false. As today's *Daily Telegraph* states:

The claim that boat people threw their children overboard played a crucial role in the election campaign.

And in big headlines it says:

We now know it never happened.

What the immigration minister described as 'some of the most disturbing practices' by asylum seekers and what the Prime Minister described as 'a sorry reflection on their attitude of mind', was based on a lie. This government will say anything, and do anything, to stay in office—except come up with some real policy to lead our nation.

One of the most memorable moments of the campaign came during the leaders' debate. When asked about the government's education policy the Prime Minister answered:

We've got a GST.

The response to that was:

That's not a policy, that's a tax!

It is much the same in just about every other policy area. If you need an example of this kind of approach, you only have to look at recent comments by the Minister for Immigration and Multicultural and Indigenous Affairs. Writing in the *Sydney Morning Herald* on the subject of whether Australia should have a population policy, the minister said:

The fact is the government doesn't need a population policy to tell it what Australia's population future will be. We already have an informed and clear vision of Australia's population future.

So the government does not need a policy. It does not need to plan for the future because it thinks that everything will just continue to be the way it is. No successful business could operate like that. No business could assume that nothing will change, that the world will continue along the same path—but that seems to be the style of this government.

Instead of a government with a vision and plans for Australia's future we have a government which can only make knee-jerk reactions when situations change. Nowhere is that knee-jerk approach to government more apparent than its dealing with asylum seekers. Without a broad plan, without a strategy to deal with this worldwide issue, we have

seen this government blunder from one crisis to the next. Each time it makes a decision it paints itself further and further into a corner. And each time it gets more and more desperate.

It is worth looking at this issue in some detail as a case which not only shows the incompetence of this government but also shows how a government can lose sight of humane values when it puts domestic political considerations ahead of responsible decision making. At every step in this sorry tale we can see a government prepared to punish individuals to serve its own agenda. But what sort of government locks up children behind razor wire, that locks up mothers with those children, that locks up families in the most remote parts of this planet?

Like the armchair generals of the First World War, this government cares nothing for the individuals caught up in this campaign. It sticks to a strategy that is yet to produce results—a strategy which is more about sending messages to the Australian electorate than to people smugglers. But this is not a campaign that enlists volunteers. The cannon fodder in this campaign includes young children. It includes mothers and families. It includes people whose only mistake was to want a better future for their children.

To get a better picture of what is involved in the government's policy of mandatory detention, it is worth looking at the reports in relation to the detention of children and compliance with United Nations conventions. A year ago, Phillip Flood AO reported to the minister on immigration detention procedures. The report stated that there were 256 children held in detention centres with all but eight from the three countries—Afghanistan, Iran and Iraq. In presenting the report to the parliament, the minister told the House:

Claims that a 'veil of secrecy' surrounds immigration detention are simply not true. There are multiple avenues of independent inquiry—the Human Rights and Equal Opportunity Commission, the Commonwealth Ombudsman and the Joint Standing Committee on Migration.

And he added:

The media has visited the Woomera and Port Hedland centres.

You do not need a veil of secrecy when you have three metres of razor wire and when you arrest journalists who even approach the outer limits. As a member of the Joint Standing Committee on Migration in the last parliament, I have visited a number of detention centres. As for the avenue of independent inquiry, the committee faced one important restriction—we could not speak to detainees. We could of course smell the fresh paint and disinfectant, but that was about as close as we could get.

That leaves us with the Human Rights and Equal Opportunity Commission. The statements last week of Dr Sev Ozdowski, the Human Rights and Equal Opportunity Commissioner, show that he at least has been able to get past the veil of secrecy. Dr Ozdowski's conclusion that Australia was in breach of the United Nations Convention on the Rights of the Child followed his inquiry into the treatment of children at the Woomera Detention Centre. The commission's staff had at least had the opportunity to actually speak to children detained at Woomera. The Human Rights and Equal Opportunity Commission found that at Woomera nine children had been detained for more than one year and 70 children for more than six months. Article 37 (b) of the Convention on Rights of the Child states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of children shall be in conformity with the law and shall only be used as a measure of last resort and for the shortest appropriate period of time.

A system of mandatory detention of children could never be described as a 'measure of last resort' and detention of children for six months, let alone more than a year, could hardly be described as 'the shortest appropriate period of time'. If these were merely technical breaches and the places of detention were of the highest standard, we might excuse the minister for dismissing the breaches. But they are not just technical breaches, and the evidence is mounting that the practice of detaining children is causing real harm.

The commissioner found what he called 'a culture of despair at Woomera' and some of the statements collected by the commission's officers make chilling reading. For example, a 12-year-old girl said, 'There is no solution for me; I just have to commit suicide; there is no choice.' The despair and depression led to physical illness, as was recently described in a report of the detained children's project at the Jesuit Refugee Service. As a nation we cannot simply shrug off those reports. We cannot dismiss them as lightly as the Minister for Immigration and Multicultural and Indigenous Affairs has. Nor can we dismiss the proposed visit to Woomera by an envoy for the UN High Commissioner for Human Rights, Mary Robinson. Being found in breach of a United Nations covenant is no badge of honour that the Prime Minister seems to think it is. It is a cause for shame and is to be borne by all Australian citizens.

What then is needed to be done? One approach would be to improve conditions at detention centres. The Flood report noted:

It is important to provide an attractive and stimulating environment for children and in this respect both Curtin and Port Hedland centres have high quality playground equipment and areas for sport. Woomera's deficiencies in this area are quite stark and there is a lack of outdoor space for children.

The situation at Woomera was described in the *Sydney Daily Telegraph* last week in an article by Lucy Clark. She tells the story of a 20-month-old girl who has already spent half of her life in a detention centre. The girl has no memory of ever seeing a blade of grass. While walking with her mother she sees a weed growing outside the fence. She tries to touch it but she cannot. The mother reaches through the fence and pulls out the weed and hands it to the girl, who is mesmerised and enthralled by it. But the need is not just for a stimulating environment. Even if you built a Disneyland inside Woomera, the problem of despair and depression would not go away. Only a full review of the policy of mandatory detention can address the problem. And then we can answer the question of why it is not possible for children, for mothers or for families to live in the wider community while their applications are processed.

Lucy Clark also described the case of a 15-year-old orphaned girl sent by her grandparents with her 11-year-old brother with people smugglers to Australia. Every morning for six months she dresses in her good clothes and sits in a chair in the compound waiting to be called for a second interview with the immigration department. When a visiting female lawyer with a daughter the same age reaches out to her, the girl melts sobbing into her arms—no-one has touched her for six months.

What horrific crime did this orphan girl commit to deserve to be subjected to such inhumane punishment? What message does this send to the world? The movie-maker Sam Goldwyn once dismissed the lack of social commentary in his pictures by saying that, if he wanted to send a message, he would definitely use Western Union. What kind of government uses the suffering of children to send a message? In the 21st century why can't this government find a more humane way to send its messages?

So far, I have referred to conditions at Woomera but, of course, that is only part of the government's strategy of deterrence. We also have the Pacific solution. Last year the Prime Minister painted himself into a political corner when he declared that the *Tampa* asylum seekers would not land in Australia and then the Pacific solution was dreamed up. Find a barren atoll in the Pacific with a bankrupt government and you have got a location almost as good as Woomera. And because it is outside Australia, not even the Human Rights and Equal Opportunity Commission will be able to investigate conditions there. It is a costly solution but it is an effective one if it keeps you in government.

From reports of hunger strikes and violent protests at Pacific detention centres, we could imagine that conditions on Nauru and in PNG are very similar to those at Woomera, as the reported quote last week from the Deputy Premier of Manus Province suggested. He is quoted as saying:

We support what John Howard is doing at Woomera.

So we can expect conditions on Nauru and Manus to be no better than those at Woomera.

Indeed, the immigration minister only last week complained that asylum seekers living on Pacific islands have better living conditions than the locals. So the minister sets the standards of accommodation for detainees at Third World levels—living in shipping containers with primitive health and other amenities. Nothing is too good for asylum seekers! But the Pacific solution is not widely accepted in the region. Last October the PNG foreign minister was sacked after expressing opposition to an increase in the number of asylum seekers being sent to Manus. Even troubled Fiji was asked to accept asylum seekers. As the *Australian* newspaper correspondent, Mary-Louise O'Callaghan, put it:

What is more difficult to understand is why Canberra would even consider making such a request to a small developing country battling to re-knit its social fabric in the wake of last year's racially motivated coup.

That is how desperate this government has become to find places for asylum seekers. This desperate call to Fiji alarmed groups, including the Pacific Congress of Churches, which said:

We are also concerned that accepting the Australian aid deals will make Pacific Island Governments part of the process that solicits money and profits out of trade in human trafficking.

They continue:

We ... refuse to see the Pacific region continuously becoming a dumping ground for the benefit of industrialised nations.

We now see arrangements being made for keeping asylum seekers in Nauru and PNG for more than a year. It may turn out to be many years before they can be settled. This is a disgraceful state of affairs.

Other members of this House may be able to turn their eyes away from the plight of people held in detention centres—the thousands of human beings locked away out of sight in the middle of the desert at Woomera, in the remote areas of Western Australia and in the Pacific. But what they fail to understand is that the great majority of these people—more than 90 per cent, in fact—will be granted at least temporary protection visas. They will be allowed to settle in the community. I doubt that many of them can afford to



live in the electorate of the Prime Minister or the electorate of the immigration minister. But I do know this: many come to live in electorates like mine of Fowler.

After a year or more in detention, after being driven to despair, after receiving the most callous welcome imaginable, we invite them to become temporary citizens of our nation. What extra resources will this government give my local schools, which will receive these traumatised children who have missed years of their education? What additional health resources will we get to deal with the problems caused by detention? Communities like the electorate of Fowler are left to pick up the pieces. Volunteer groups help refugees to find accommodation and employment. They provide English classes and help to get recognition for overseas qualifications. They have a huge job to undo the damage done to these people by the months and years of detention by this heartless government. But, as any visitor to the Fowler electorate can see, people who have come to Australia as refugees over the past 50 years have made it one of the most dynamic communities in Australia.

My greatest fear is that to justify its policy of mandatory detention of asylum seekers this government and irresponsible elements in the media will tear apart the multicultural fabric of our community. I hear some comments creeping into this debate referring to that un-named racial group as 'they' or 'them'. We all know who 'they' are: the ones who throw their children overboard or sew their children's lips together, the ones we do not want here. They are never individuals, only stereotypes—the ones we cannot talk to in detention centres.

Whilst this debate is conducted in those terms it will affect not only how we deal with asylum seekers but also how we deal with diversity in our communities. The Fowler electorate is the most diverse electorate in Australia. The people of Fowler have worked over the years to build a tolerant and harmonious multicultural community. Our building a multicultural society was recently described as a social miracle, but what we have achieved is very fragile. Comments by governments or media can easily turn one

group against another and lead to a breakdown of communities, as we have seen too often overseas.

*Mr Hardgrave interjecting—*

**Mrs IRWIN**—It must not be allowed to happen, Minister. You have recently been in my electorate and you know the type of electorate I have. The issue of asylum seekers dominated the last election campaign. It will, I am sure, take up much of this session of the parliament. It cannot be allowed to further divide our community. We must debate the issue in terms of the administration of immigration policy. (*Time expired*)

**Mr BALDWIN (Paterson)** (12.14 p.m.)—Mr Deputy Speaker Jenkins, I ask that you convey my congratulations to Deputy Speaker Causley and the Speaker on their appointment to their esteemed positions.

At the outset I want to acknowledge the great thrill and pride with which I stand here again as the member for Paterson. I wish to thank the people of Paterson, who have invested their vote and confidence in me. Since 1998 I have found a greater emotional and intellectual strength than I could have thought possible, and I have to say it came from my renewed faith and belief in God. The support I have received from like-minded Christians has also been one of the greatest gifts I could have asked for. These people and my faith in God undoubtedly gave me the strength I needed to win Paterson, because at times I wondered about my decision to run again and the choice I had made.

This is not the first time I have stood here and, as such, I know and understand the challenges that lie ahead for the Howard government and Australia over the next three years. I know the sacrifices all members of parliament make, and I embrace the challenge willingly. My desire to see Paterson and Australia reach a greater potential to increase Australia's prosperity is unchanged. My affection for my electorate is unchanged, even as the electorate changes gradually with the times. Since my first speech in 1996 the Howard government has delivered on promises to improve roads, to deliver health services such as Medicare claims facilities, to



introduce technological facilities such as telecentres, to improve communications by funding television and mobile phone black spot projects in Paterson and to reduce unemployment by creating opportunities for new and established industries in Paterson.

When I stood in this chamber before I raised the important issues of regional unemployment, better services for rural and remote areas, better roads to reduce the number of lives we lose each year in road carnage, and greater industry development. These are issues I outlined as my objectives in 1996 and they are the bread-and-butter issues I will continue to pursue because they are important to livelihoods of the people of Paterson and the future of regional Australia.

But today, in my first speech of this 40th Parliament, I want to raise another important matter—constitutional reform. In early 1998 Australia had a Constitutional Convention with elected and appointed representatives, and the question of our head of state was discussed. In November 1999 that question was put to the people of Australia and was rejected. I believe the question failed because many Australians believe there are more important issues about the Constitution that ought to be asked and discussed first. Simply put, the republicans focused on the head of state issue, whereas the people thought about the problems they face daily.

Over the past 101 years since Federation, Australia has amended the Constitution only eight times out of 45 referenda. Thankfully, the Australian people have supported the changes which were right and proper, including recognition of Aboriginal people in the census and giving them franchise. But over the same 101 years Australia and the rest of the world have undergone remarkable technological and social changes which make some of the provisions of the Constitution anachronistic. Over the past 101 years we have seen the development of air travel as the common mode of transport, cars have replaced horses and trains no longer need coal shovelled into a furnace. We have seen the evolution of a computer from the size of this chamber to something which fits nicely in our hand. We have seen the phone come off the wall and into our pockets. Over the

past 20 years we have seen the introduction and the development of the Internet from an academic's tool for storing information to a facility which makes many services more accessible to people who are otherwise housebound or unable to get there in person.

Technology is very important to the people of Paterson and to any debate about the Constitution. People ask me, 'Does our structure of government provide us with an efficient distribution of services? Do we have too much government in the wrong places now that we have all this technology?' I am not advocating the complete removal of the states of Australia—that is a radical idea that the people of Australia are not quite ready for, although it is something we should consider as a realistic proposition down the track. The same could be said for the future of the Senate and the states' upper houses, but I think the Australian people are ready to talk about section 51 of the Constitution.

In light of the developments occurring in Australia over the last century, it is vitally important that we, as representatives of the people, encourage and, if need be, initiate the discussions. Section 51 lists the areas in which the Commonwealth has the power to legislate. Under our Constitution, unless the Commonwealth is specifically granted power to act in a particular area, the power to enact legislation falls to the states. Section 51 was largely drafted out of the desire of smaller states at the time of Federation to limit the power of the Commonwealth to affect their lives. Whatever the justification for section 51, the problem is that it was drafted to reflect the issues facing Australia over a century ago. For instance, section 51 seems to recognise the benefits that would flow from a national standard rail system, yet still gives the states power to decide whether they will be a part of this system. This is what created the gauge problem that is only now being resolved. Section 51 operates in such a way that the responsibility of insurance and banking is split between the states and the Commonwealth.

Section 51 gives the Commonwealth responsibility for marriage. In the 1890s when the Constitution was drafted, divorce was virtually unheard of. Today, sadly, over 40

per cent of marriages end in divorce. This would not have been foreseen by the framers of our Constitution. Consider the common situation of a family breakdown, remarriage and the new parent seeking to adopt the child or children from the original marriage. This is clearly a family law matter but, because of the structure of our Constitution, adoption laws are a state responsibility.

Duplication and overlapping of responsibilities between the three layers of government are a frustration to the Australian community and a waste of extremely valuable resources. Take, for instance, the important area of health. The Australian public should be able to have confidence in the fact that every dollar spent in the area of health is properly utilised. Under our Constitution, health is largely a state responsibility. Each state and territory has a health department, and these bureaucracies are independent. Yet it is also necessary that there be a Commonwealth department of health. So we have nine departments of health for 20 million people. The city of New York, with a similar sized population, has just one department of health. When it comes to health policy development, this is unnecessary duplication. How many departments do you need to develop heart disease reduction policies or women's health policies across Australia?

In another example we need to look at industrial relations because in each state workers compensation is different. The level of injury needed to make a claim is different and the premiums and responsibilities for employers are different. In each state professionals are either required by law—or not—to take out professional indemnity. Each state has a different level of mandatory cover. Each state has a different set of rules for who can witness a statutory declaration. In education, each state has a different starting age, different school holidays, different leaving requirements and different curricula. Moving interstate in the middle of your child's education will ensure they are ahead in some subjects, behind in others and older or younger than their classmates. For businesses, payroll tax is different from state to state. The laws and tax-free thresholds are different. Businesses with operations in Syd-

ney and Brisbane need accounting specialists who are fully au fait with the different requirements for each state.

A lot of the duplication we are now experiencing has been a result of the development of the external affairs power within section 51. In recent years, through the external affairs power, the High Court has effectively recognised the power of the Commonwealth to legislate in areas previously thought to be the exclusive domain of the states. This has come about because of the real need for Australia to have an effective voice on the world stage. The challenges that we as a nation now face are not how best to encourage the states to federate. This tremendous act was achieved over a century ago. The challenge we all now face is how to develop a Constitution that arms the Commonwealth with the power to best operate in a global environment. This cannot be achieved if the Constitution is allowed to continue in its current form.

Unnecessary duplication and complication is an obvious burden on our export industries. The requirement that our industries comply with different regulations for each state in which they have operations is a bar to their development. These industries should be free to look outward at how best to promote their industry and Australia to the world. As our Constitution stands, the burden falls on each state to continually modify and amend the laws in complex areas of technological and social change. This has led to frustration that the advent of the Internet and mobile telecommunications, something that should further unite the people of our nation, has led to a centralisation of power and services in the cities.

Prior to entering this parliament in 1996 I worked for a state government authority and, lately, I have been a representative of Port Stephens Council. During those stints I found that many people felt a greater link to their local area than to their state or capital city. As a councillor for Port Stephens, I was also made acutely aware of the changes which local government has borne due to the continual shift of responsibilities from the states to local government.

The final report of the Constitutional Commission in 1988 recommended that local government be recognised in the Commonwealth Constitution. Recognising local government in the Constitution would remove the mechanism that currently exists whereby councils can be dismissed arbitrarily and at the whim of the relevant state minister. It would force greater local representation at the federal level, in particular when it comes to funding and grants. Local government needs to be defined at the federal level to stop the continual shift of responsibility down from the state. Over the past seven years, the New South Wales government has shifted more and more responsibility to local governments, without shifting the funds needed to staff the extra work. Laws have been passed requiring councils to take responsibility for reducing the pollution in catchments and waterways. New littering laws are set by state representatives but are upheld by health officers at the local government level. These laws are generally passed without even so much as consulting with local government authorities. State government can do this because local government is recognised only in the state constitution, and its roles and responsibilities are not clearly defined. We need to define the responsibilities of local government clearly and at a federal level. Clearly defining the role of local government is the means by which the Commonwealth may more easily assume roles previously performed by state governments.

Any discussion of local government would have to include discussion as to its size. Would we be better off having a system of boroughs rather than states? As I said earlier, this is a radical concept and not one the Australian people are ready to embrace—yet. The original framers of the Australian Constitution were motivated by similar concerns to the ones I have expressed here. They were also inquisitive and outward looking. However, because the Constitution was drafted over a century ago, being outward looking meant looking to nationhood. Being outward looking now involves giving the Commonwealth the power to look to the world. The original framers of the Constitution were concerned that tariffs between the states

would hinder trade and eventually centralise prosperity in the more fertile regions. Now we should be concerned that the powers that the Constitution reserves for the states hinder the development of our nation.

And just as tariffs caused rifts and rivalry between the states, does this now apply to daylight saving, which is causing the same problems? The Constitution specifically sets out a range of obligations and responsibilities which were relevant at the time, but the times have changed. I ask you: is it now time to work through the Constitution to identify the duplication of resources from state to state, and from state to Commonwealth, and discuss the issue? And should we be asking the Australian people what they think?

I have identified duplication, confusion and waste as the reasons I believe we need to dissect and discuss the Constitution at length and in the forum of regular constitutional conventions. I believe that discussion, opening up a forum for new ideas, will help overcome many Australians' natural resistance to change and will eventually result in referenda which are successful.

Four-year terms is another issue which needs to be addressed urgently in Australia. The Queensland and Commonwealth governments in Australia are the only governments in Australia with a three-year unfixed term. And we all know what they say about Queensland. The average duration of a term of government is just over two years. This is not long enough to develop and, more importantly, implement long-term policies and reforms. Things like tax reform, probably the most significant policy initiative of the Howard government in 2000 and in this nation over the past few decades, had to be developed and implemented within three years. There is a definite need for a four-year term.

These are questions which I do not believe should be left to the assumptions of a 101-year-old Constitution which has only changed eight times out of 45 referenda. Contrary to popular belief, the Australian Constitution was not handed down from Mount Sinai on two stone tablets. It was discussed with varying degrees of enthusiasm over a period of 10 years. But it is also generally recognised that the Constitution, in

almost the exact form that it exists today, was drafted by about five people over a two-day journey by houseboat to the first constitutional convention.

I do not mean to diminish this achievement in any way. It is true that the people involved in this drafting session were people with tremendous legal minds who went on to play very important roles in our early Commonwealth. It should be pointed out, though, that these people approached the drafting of the Constitution partly from the point of view of how to best entice all of the states to federate. That motivation has now well and truly passed. We have had a federated Commonwealth for well over 100 years. Our central motivation should now be how the Constitution can best serve the needs of contemporary and future Australians. This must involve a consideration of the roles of the states and of whether we should look at the benefits of adopting a truly republican constitutional model. It should also be pointed out that the framers of Australia's Constitution drew heavily from the British Westminster system—probably the best export ever from Great Britain—and the American Washington system. At the time such 'borrowing' from successful democracies was appropriate. Simply drafting a constitution that achieved the federation of the states was a tremendous accomplishment. It was something that was dependent upon all Australians discussing and being genuinely excited by the prospect of adopting the Constitution.

The problem is that this Constitution has only been amended eight times over the past 101 years. Australia's people have moved with the times, adopted technology and even driven the development of it in the rest of the world. Did our inspiration as a nation die with the federation of the Australian states? Can we not muster the same level of enthusiasm for the prospect of having a constitution that reflects the beliefs and aspirations of our nation as it exists today? If we had taken the same attitude to technology as has been taken to the document which sets out how Australia is governed, our children would still be learning to write on slates with chalk, we would still be amputating arms rather

than developing surgical techniques to keep people whole and it would still take eight hours to drive from Raymond Terrace to Sydney. I am not demanding change for change's sake. I am suggesting that regular constitutional conventions would make our already good system even better.

Regular constitutional conventions would create a more modern and more responsive system of government. We can tinker at the edge of our Constitution and toy with the idea of changing a head of state, but Australia's system of government needs real reform. What I say to those who argue against my examples is that I am merely asking questions which I am being asked and which obviously need to be discussed. These are questions which I am asked by the people of Paterson and I believe they should be put to the Australian people to discuss and decide. My ultimate goal is to represent the people of Paterson honestly, fairly and with vigour. I look forward to the challenge over the next three years.

**Honourable members**—Hear, hear!

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

#### LEAVE OF ABSENCE

**Mr ABBOTT** (Warringah—Leader of the House) (12.34 p.m.)—I move:

That leave of absence from 1 April to 18 August 2002 be given to Jackie Kelly for maternity purposes.

Question agreed to.

#### COMMITTEES

##### Foreign Affairs, Defence and Trade Committee

##### Appointment

**Mr ABBOTT** (Warringah—Leader of the House) (12.35 p.m.)—I move:

- (1) (a) That a Joint Standing Committee on Foreign Affairs, Defence and Trade be appointed to consider and report on such matters relating to foreign affairs, defence and trade as may be referred to it by:
  - (i) either House of the Parliament;
  - (ii) the Minister for Foreign Affairs;
  - (iii) the Minister for Defence; or
  - (iv) the Minister for Trade.

- (b) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:
- (i) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
  - (ii) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.
- (2) That the committee consist of 32 members, 12 Members of the House of Representatives to be nominated by the Government Whip or Whips, 8 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 5 Senators to be nominated by the Leader of the Government in the Senate, 5 Senators to be nominated by the Leader of the Opposition in the Senate and 2 Senators to be nominated by any minority group or groups or independent Senator or independent Senators.
  - (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
  - (4) That the members of the committee hold office as a joint committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (5) That the committee elect a Government member as its chair.
  - (6) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
  - (7) That in the event of an equality of voting, the chair, or the deputy chair when acting as chair, shall have a casting vote.
  - (8) That 6 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (10) That, in addition to the members appointed pursuant to paragraph (9), the chair and deputy chair of the committee be ex officio members of each subcommittee appointed.
  - (11) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (12) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (14) That the committee or any subcommittee have power to send for persons, papers and records.
  - (15) That the committee or any subcommittee have power to move from place to place.
  - (16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (17) That the committee have leave to report from time to time.
  - (18) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on Foreign Affairs and Defence and Foreign Affairs, Defence and Trade appointed during previous Parliaments.
  - (19) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

- (20) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Question agreed to.

### **National Capital and External Territories Committee**

#### **Appointment**

**Mr ABBOTT** (Warringah—Leader of the House) (12.35 p.m.)—I move:

- (1) That a Joint Standing Committee on the National Capital and External Territories be appointed to inquire into and report on:
  - (a) matters coming within the terms of section 5 of the Parliament Act 1974 as may be referred to it by:
    - (i) either House of the Parliament; or
    - (ii) the Minister responsible for administering the Parliament Act 1974; or
    - (iii) the President of the Senate and the Speaker of the House of Representatives;
  - (b) such other matters relating to the parliamentary zone as may be referred to it by the President of the Senate and the Speaker of the House of Representatives;
  - (c) such amendments to the National Capital Plan as are referred to it by a Minister responsible for administering the Australian Capital Territory (Planning and Land Management) Act 1988;
  - (d) such other matters relating to the National Capital as may be referred to it by:
    - (i) either House of the Parliament; or
    - (ii) the Minister responsible for administering the Australian Capital Territory (Self-Government) Act 1988; and
  - (e) such matters relating to Australia's territories as may be referred to it by:
    - (i) either House of the Parliament; or
    - (ii) the Minister responsible for the administration of the Territory of Cocos (Keeling) Islands; the Territory of Christmas Island; the Coral Sea Islands Territory; the Territory of Ashmore and Cartier Islands; the Australian Antarctic Territory, and the Territory of Heard Island and McDonald Islands, and of Commonwealth responsibilities on Norfolk Island.
- (2) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:
  - (a) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
  - (b) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.
- (3) That the committee consist of 12 members, the Deputy Speaker, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, the Deputy President and Chairman of Committees, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (4) That every nomination of a member of the committee be forthwith notified in writing to the Speaker of the House of Representatives and the President of the Senate.
- (5) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
- (6) That the committee elect a Government member as its chair.
- (7) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (8) That, in the event of an equality of voting, the chair or the deputy chair when acting as chair, shall have a casting vote.
- (9) That 3 members of the committee (of whom one is the Deputy President or the Deputy Speaker when matters affecting the parlia-

- mentary zone are under consideration) constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (10) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (11) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
- (12) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (13) That members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (14) That the committee or any subcommittee have power to send for persons, papers and records.
- (15) That the committee or any subcommittee have power to move from place to place.
- (16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (17) That the committee have leave to report from time to time.
- (18) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Standing Committees on the National Capital and External Territories, the Joint Committees on the Australian Capital Territory, the Joint Standing Committees on the New Parliament House, the Joint Standing Committee on the Parliamentary Zone and the Joint Committee on the National Capital appointed during previous Parliaments and of the House of Representatives and Senate Standing Committees on Transport, Communications and Infrastructure when sitting as a joint committee on matters relating to the Australian Capital Territory.
- (19) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (20) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Question agreed to.
- Migration Committee**
- Appointment**
- Mr ABBOTT** (Warringah—Leader of the House) (12.36 p.m.)—I move:
- (1) (a) That a Joint Standing Committee on Migration be appointed to inquire into and report upon:
- (i) regulations made or proposed to be made under the Migration Act 1958;
  - (ii) all proposed changes to the Migration Act 1958 and any related acts; and
  - (iii) such other matters relating to migration as may be referred to it by the Minister for Immigration and Multicultural and Indigenous Affairs.
- (b) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:
- (i) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
  - (ii) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.
- (2) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 3 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 1 Senator to be nominated by the Leader of the

- Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
  - (4) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (5) That the committee elect a Government member as its chair.
  - (6) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
  - (7) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, shall have a casting vote.
  - (8) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (10) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (11) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (12) That members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (13) That the committee or any subcommittee have power to send for persons, papers and records.
  - (14) That the committee or any subcommittee have power to move from place to place.
  - (15) That the committee have leave to report from time to time.
  - (16) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on Migration Regulations and the Joint Standing Committees on Migration appointed in previous Parliaments.
  - (17) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
  - (18) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Question agreed to.
- Electoral Matters Committee**  
**Appointment**
- Mr ABBOTT** (Warringah—Leader of the House) (12.36 p.m.)—I move:
- (1) That a Joint Standing Committee on Electoral Matters be appointed to inquire into and report on such matters relating to electoral laws and practices and their administration as may be referred to it by either House of the Parliament or a Minister.  
Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:
    - (a) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
    - (b) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.
  - (2) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition



- Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 1 Senator to be nominated by the Leader of the Opposition in the Senate and 2 Senators to be nominated by any minority group or groups or independent Senator or independent Senators.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
  - (4) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (5) That the committee elect a Government member as its chair.
  - (6) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
  - (7) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, shall have a casting vote.
  - (8) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (10) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (11) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (12) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (13) That the committee or any subcommittee have power to send for persons, papers and records.
  - (14) That the committee or any subcommittee have power to move from place to place.
  - (15) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (16) That the committee have leave to report from time to time.
  - (17) That the committee or any subcommittee have power to consider and make use of:
    - (a) submissions lodged with the Clerk of the Senate in response to public advertisements placed in accordance with the resolution of the Senate of 26 November 1981 relating to a proposed Joint Select Committee on the Electoral System, and
    - (b) the evidence and records of the Joint Committees on Electoral Reform and Electoral Matters appointed during previous Parliaments.
  - (18) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
  - (19) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Question agreed to.

**Corporations and Securities Committee  
Appointment**

**Mr ABBOTT** (Warringah—Leader of the House) (12.36 p.m.)—I move:

- (1) That, in accordance with section 242 of the Australian Securities Commission Act 1989, matters relating to the powers and proceedings of the Parliamentary Joint Committee on Corporations and Securities shall be as follows:
  - (a) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2

Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority groups or independent Senators.

- (b) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a member nominated by the Government Whips or the Leader of the Government in the Senate as its chair.
- (d) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (e) That, in the event of the votes on a question before the committee being equally divided, the chair, or the deputy chair when acting as chair, have a casting vote.
- (f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (h) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of a subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
- (i) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 member of either House of the Government parties

and 1 member of either House of the non-Government parties.

- (j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (k) That the committee and any subcommittee have power to send for persons, papers and records.
  - (l) That the committee and any subcommittee have power to move from place to place.
  - (m) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (n) That the committee have leave to report from time to time.
  - (o) That the committee have power to consider and make use of the evidence and records of the Joint Committee on Corporations and Securities appointed during previous Parliaments.
  - (p) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Question agreed to.

### **Treaties Committee**

#### **Appointment**

**Mr ABBOTT** (Warringah—Leader of the House) (12.37 p.m.)—I move:

- (1) That a Joint Standing Committee on Treaties be appointed to inquire into and report upon:
  - (a) matters arising from treaties and related National Interest Analyses and proposed treaty actions presented or deemed to be presented to the Parliament;
  - (b) any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by:
    - (i) either House of the Parliament, or
    - (ii) a Minister; and
  - (c) such other matters as may be referred to the committee by the Minister for For-

- eign Affairs and on such conditions as the Minister may prescribe.
- (2) That the committee consist of 16 members, 6 Members of the House of Representatives to be nominated by the Government Whip or Whips, 3 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 3 Senators to be nominated by the Leader of the Government in the Senate, 3 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
  - (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
  - (4) That the members of the committee hold office as a joint committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (5) That the committee elect a Government member as its chair.
  - (6) That the committee elect a non-Government member as its deputy chair to act as chair of the committee at any time when the chair is not present at a meeting of the committee and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
  - (7) That in the event of an equality of voting, the chair, or the deputy chair when acting as chair, shall have a casting vote.
  - (8) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (9) That the committee have power to appoint not more than 3 subcommittees each consisting of 3 or more of its members, and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (10) That, in addition to the members appointed pursuant to paragraph (9), the chair and deputy chair of the committee be *ex officio* members of each subcommittee appointed.
  - (11) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (12) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
  - (13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (14) That the committee or any subcommittee have power to send for persons, papers and records.
  - (15) That the committee or any subcommittee have power to move from place to place.
  - (16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (17) That the committee have leave to report from time to time.
  - (18) That the committee have power to consider and make use of the evidence and records of the Joint Standing Committees on Treaties appointed during previous Parliaments.
  - (19) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
  - (20) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Question agreed to.
- National Crime Authority Committee**  
**Appointment**
- Mr ABBOTT** (Warringah—Leader of the House) (12.37 p.m.)—I move:
- (1) That, in accordance with section 54 of the National Crime Authority Act 1984, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the National Crime Authority shall be as follows:
    - (a) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be

- nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (b) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a Government member as its chair.
- (d) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (e) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.
- (f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (h) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
- (i) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (k) That the committee or any subcommittee have power to send for persons, papers and records.
- (l) That the committee or any subcommittee have power to move from place to place.
- (m) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (n) That the committee have leave to report from time to time.
- (o) That the committee or any subcommittee have power to consider and make use of the evidence and records of the committee appointed during previous Parliaments.
- (p) That, in carrying out its duties, the committee or any subcommittee, ensure that the operational methods and results of investigations of law enforcement agencies, as far as possible, be protected from disclosure where that would be against the public interest.
- (q) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Question agreed to.

**Native Title and the Aboriginal and Torres Strait Islander Land Fund Committee**

**Appointment**

**Mr ABBOTT** (Warringah—Leader of the House) (12.38 p.m.)—I move:

- (1) That, in accordance with section 204 of the Native Title Act 1993, matters relating to the powers and proceedings of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund shall be as follows:
- (a) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Gov-

- ernment Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority groups or independent Senators.
- (b) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a Government member as its chair.
- (d) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (e) That, in the event of the votes on a question before the committee being equally divided, the chair, or the deputy chair when acting as chair, have a casting vote.
- (f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (h) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of a subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
- (i) That the quorum of a subcommittee be 2 members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (k) That the committee and any subcommittee have power to send for persons, papers and records.
- (l) That the committee have power to examine and report on such annual and related reports as may be referred to it by the President of the Senate or the Speaker of the House of Representatives.
- (m) That the committee and any subcommittee have power to move from place to place.
- (n) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (o) That the committee have leave to report from time to time.
- (p) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Question agreed to.

### GOVERNOR-GENERAL'S SPEECH

#### Address-in-Reply

Debate resumed.

**Dr MARTIN (Cunningham)** (12.38 p.m.)—Thank you, Mr Deputy Speaker Causley. May I too offer my congratulations in a formal way to you, to Mr Speaker, and to Mr Jenkins on his assumption of the role of Second Deputy Speaker for the third parliament continuously. The Governor-General's speech, which was delivered on 12 February 2002 on behalf of the government and written in the Prime Minister's office and department, will, I think, be remembered more for what it does not say than what it does say. In the light of revelations in Aus-

tralia over the last couple of days, that speaks volumes about this government. It tells the Australian people what I think many people already understood before the election; that is, as Paul Keating once described the Prime Minister as being mean and sneaky, the government has become tricky and sneaky in the way in which it has concealed from the Australian people many, many things.

The Governor-General's speech made much of the issue of security. It made much of this government's commitment to the war on terrorism. It made much about Australia's commitment to an Australian Defence Force that was able to play its part in the world in ensuring peace and security for Australia. Unfortunately, what it did not say was that, in trying to achieve all of those very laudable things, the government has been disingenuous, that the Prime Minister, the Minister for Immigration and Multicultural and Indigenous Affairs and the now disgraced and replaced former Minister for Defence have, on more than one occasion, at best misled the Australian people, at worst deliberately lied to them, in the lead-up to a federal election.

There are a couple of issues that arise out of the Governor-General's speech that I want to make some comment on under that broad concept of security. Firstly, I want to talk about it in terms of the election context, because there is a reasonable amount of revision of history being written at the moment by some people, and it is important to make sure that people have an understanding of what the facts were at the time. We all remember the dreadful events of September 11. This parliament and the nation as a whole, as reflected by the members in the parliament at the time, could not but feel affected by an overwhelming sense of despair about what had happened in the United States. It was right and it was proper that the government of the day, on behalf of the Australian parliament and the Australian people, indicate to the United States and, indeed, the world that a decisive stand needed to be taken in the war against terrorism and that Australia remained committed to do that. I had the honour of being the shadow minister for defence in the last parliament, and naturally I was reasonably well informed about the circum-

stances of what Australia's response might be. But what I found disturbing—and interestingly only today in the *Australian* Greg Sheridan talks about it—is the politicisation of Australia's Defence Force that came to the fore in the election campaign.

I remind people of, and ask them to reflect upon, these facts: how many times in the election campaign did we hear the Prime Minister say, 'It won't be long now, but we will certainly be asked to go and participate in the war against terrorism in Afghanistan'? How many times were we told, 'It won't be long now, but our troops will actually be going there'? How many times did we see the Minister for Defence or one of his surrogates hurry off somewhere with media camera crew in tow to say farewell to a group of individuals who appeared to be going to this war on terrorism when, in fact, on a couple of occasions they were doing nothing more than going on exercises off the Western Australian coast? Yet all of this was sold as some form of an Australia at war. It was sold through the media by this government, with spin doctoring, that in some way this was Australia's major contribution of massive numbers of forces to the war on terrorism, when the reality was very much a different thing. The reality was, for example, in terms of the Gulf, that we simply were asked to do what we had already been doing—that is, retain a frigate on patrol duty to intercept, as part of the blockade, suspect vessels that might have been ferrying contraband cargo out of Iraq. We did that, but that was in some way drummed up as some huge commitment that we made.

We made a commitment for the HMAS *Kanimbla* to also be part of that, as if it was going to be some major troop-carrying edifice that would sail between Australia and the Indian Ocean as a platform for Australian troops and aircraft and anything else that we could get our hands on to launch some sort of an attack on Afghanistan. Clearly, that was not the case; clearly, that did not happen. The *Kanimbla* was there; it sailed along. It is a terrific facility—a facility which the government bagged out when Kim Beazley agreed that we would purchase it and have it refitted. Now it is one of the Navy's show-

case pieces of military equipment. Yet the impression given was again something that was not in fact real.

The commitment we made about an SAS unit going into Afghanistan was real—there was no doubt about that. But in the election campaign there was the almost frantic image of the Prime Minister waiting for the phone to ring in Canberra from the Oval Office, where President Bush was going to say, ‘Yes, Prime Minister, all systems go—we now do want the Australians in Afghanistan.’ Almost on a daily, frantic basis, the Prime Minister was out there in the media saying, ‘It won’t be long now. We’re going to make this huge commitment to the war,’ when in fact it did not happen.

Australia played its role in the war on terrorism—a role in concert with the capability that we possess, and an appropriate role. We on this side of the House supported it then and we support it now. Greg Sheridan has referred to the politicisation of Australia’s Defence Force, and it is instructive to see the way that, in that element of the lead-up to the last election, the government manipulated the Australian Defence Force for its own cheap political aims.

Over the last couple of days, we have also heard much about the so-called ‘children being thrown overboard’ scandal. We have heard much about the *Tampa* issue. People in the Australian community know full well that the debate about asylum seekers will continue for some time in Australia. We know full well that there is a need to consider how we are to deal with this problem in order to achieve a long-term solution. But did we see any of that in the Governor-General’s speech, written by the Prime Minister? No, we did not. What we know from the Treasurer, who spoke about this here yesterday, is that we have spent about \$400 million already on a reverse-colonialism policy. Australia was founded on the back of colonialism from Britain. What we have now is a reverse-colonialism policy where Australia is going out into the Asia-Pacific region and coercing island nations to take people that Australia will not accept for processing. This is an absolute disgrace.

**Mr Slipper**—Not coercing.

**Dr MARTIN**—The parliamentary secretary says that it is not coercion. Well, my friend, you go to some of these island nations and have a look at the conditions which unfortunately they enjoy at the present moment. If you come along with a big fat chequebook and say, ‘We’re going to give you these couple of hundred million dollars,’ what are they going to say? Do not tell me that it is not coercion.

One of the other issues associated with that is the whole question about what happened with the *Tampa*, which again was part of media manipulation by this government. The *Tampa* sailed in and the government decided, ‘This is it: this is the 213th ship that has come here. Don’t worry about the 212 that came beforehand; we’re not a bit interested in that. Three months out from the election, we’re really concerned about the 213th ship, so what are we going to do? We’ll send one-third of the Navy to Christmas Island to stop the ship. And not only will we send one-third of the Navy, we’ll send the SAS regiment.’ If that is not going to grab a headline, I do not know what is: sending the most elite, highly trained regiment—located in Western Australia, not far from the electorate of my friend here at the table, Mr Edwards—to land out of helicopters on the *Tampa*, television crews filming away. What sort of a signal does that send? The SAS is landing on a vessel because they have picked up some asylum seekers because their boat sank and they want to bring them to Australian territory, Christmas Island.

After the event, a myth was perpetrated by the government that in some way the blockade that was kept off Christmas Island was being conducted by the SAS and major ships of the Royal Australian Navy. In fact, the truth is that the government said to the Navy in Cairns, ‘We want you to take the brand-new, newly commissioned hydrographic ships, paint them grey instead of the white colour that they are, stick a couple of cannons on the front of them and send them up as a de facto coastguard to sail around Christmas Island to protect us from the poor people sailing in leaky boats who might get there.’ What a sensational strategy and way to deal with an issue that requires a regional

and international solution! So, again, we see the nonsense of the way in which this government attacked this issue.

Then, when it came to who was taking control on Christmas Island, on the ship itself and on any other ship that might have come around, there was still a myth that the SAS troops were in charge. This might come as a bit of a shock to some people, but they were not. Engineers from Robertson Barracks in Darwin were actually in charge. How do I know? Because I was up there one day when they were being retrained in how to shoot hand pistols and Steyr rifles and trained in hand-to-hand combat in case some of those women and children got a bit violent on Christmas Island! That is what was going on—not SAS troops, but engineers from Robertson Barracks in Darwin, who were put on the island to look after those terribly aggressive women and children that were seeking asylum in Australia! Good on you: what a bunch of champions the government are! What a bunch of champions of media manipulation, sending out messages to confuse an already confused and frightened Australian society, caught in a time when we had ministers running around on the back of September 11 saying, 'You never know: there could be a terrorist amongst the asylum seekers. We can't have them coming to Australian soil. Let's find all that money with this Pacific solution and do anything we can to keep them away from Australia.'

Did we see any of that in the Governor-General's speech on Tuesday? Did we see anything being proposed on that by the government? Not one word, and yet the Treasurer came into this place yesterday and said, 'It could have been a lot worse, of course—instead of spending \$400 million, we might have spent \$600 million.' Yet what we are hearing about this Pacific solution is that the government is prepared to put another \$200 million per year over the next four years into continuing that process. That is a lot of money. It is a lot of money that I would like to see in my electorate of Cunningham in Wollongong to go some way towards repairing the damage caused by the bushfires over Christmas and the flooding that occurs periodically down my way, where we need to

have genuine flood mitigation works put in place. It would go a long way towards seeing some of the hospitals in my electorate receive appropriate funding so that the most modern equipment could be installed. It would go a long way towards doing something about the educational establishments in my electorate that could do with a little bit more security and some more computers. It would certainly go a long way towards fixing up the dreadful circumstances there where thousands of people are waiting for their telephones to be fixed because of the unseasonal weather conditions at the present moment. Telstra cannot do it; in fact, Telstra has been out sacking workers. Instead of projects such as these, we see multimillion dollars in a failed solution that is providing nothing for the future when it comes to refugees and asylum seekers wanting to reach Australia. We see money that could be used to help people in this country simply being used to buy time for the government because they cannot work out a solution.

Equally, in this Governor-General's speech I thought the white flag was being run up when it comes to trade. In the role that I now have in the Australian Labor Party as its shadow minister for trade and tourism, I have to say that I was absolutely flabbergasted and disappointed when I read, on page 7, one paragraph on trade. This is a government that has been out talking for six years about free trade agreements around the world and the region. This is a government that has promised much and delivered nothing when it comes to free trade agreements.

The 'Dairy Duo'—the Prime Minister and the Minister for Trade—went to the United States in the last couple of weeks. They went over there and they got together businesspeople from Australia and the United States. They spoke to congressmen; they spoke to O'Neill from the Treasury. They spoke to a whole raft of people. They spoke to the trade representative. What did we get out of it? Did we get any closer to a free trade agreement with the United States? Not a word. What we see in the Governor-General's speech is:



The government will continue to explore the prospects of achieving a free trade agreement with the United States.

And here is the clanger:

This will be very difficult but, if such an outcome can be realised, the benefits for Australia will be significant.

Whoopy-do! We all know that the benefits for Australia would be significant, but we also know that the government seems to have run the white flag up about pursuing it any further. Why is it that after six years and after all the negotiations between Australia and the United States, the best we can do is to come in here and get two lines in a paragraph on page 7 of the Governor-General's speech talking about the free trade agreement with the United States that says, 'Well, it's going to be hard and we're not sure if we're going to get there, but six years down the track we're still going to continue to explore the prospect of achieving it'? Six years down the track!

The other issue related to trade which I think is absolutely vital—and I commend the Minister for Trade for his answer in the parliament yesterday—is in respect of steel exports to the United States. My electorate borders the electorate of Throsby in which the Port Kembla steelworks are located, and many workers in my electorate actually work there. We should not understate the problems that will emerge in this country for the steel industry, for jobs and for future exports, if the United States imposes the punitive 40 per cent tariff regime that it is contemplating on the import of steel into that nation. The minister gave a comprehensive answer to a question on that yesterday and, as I said, I compliment him for that. I know he has been working diligently to try to do something about it to get an outcome for Australia.

I am not so convinced about the Prime Minister, because when questioned about this he said, 'I wrote to George Bush.' Again, I would have thought an opportunity could have been taken while he was there to do a little bit more than simply write to George Bush about this as an issue. It is of critical concern to Australia in terms of industry policy, in terms of the trade outcomes that we want and certainly in terms of the issues

associated with the continuance of a free trade arrangement between Australia and the United States. Under World Trade Organisation rules I understood that is what we were trying to achieve, but it seems that a letter to the President of the United States from our Prime Minister is about the best that we can expect in terms of how he is going to approach it.

The final thing I want to comment on is something which was glaringly missing from the Governor-General's speech, and that is any reference to how this government is going to look after institutions in this nation. I think there can be no greater institution—and even the Prime Minister admits this—than the institution of the captain of the Australian cricket team. What an absolute disgrace: how Stephen Waugh has been treated by these selectors; the way he was given the message that he was being dropped as a player, let alone the captain, of Australia's one-day cricket team for the coming trip to South Africa! Have a look at the batting averages in the Australian one-day side for this summer. Stephen Waugh has not done that badly, yet for some reason these guys reckon that they know best: they are going to 'look to the future' and Waugh is the bunny that is going to go first of all. 'It is to prolong his life as the test captain,' they say. I hope they are right on that.

I have to tell you that he is one sportsman that I admire. He is an individual that I admire, not only because of his abilities as Australia's cricket captain and as a superb athlete but because of the way in which he uses that facility to promote international understanding. Most members would know something about the work that he has done in India and in poorer communities. As an individual I do not think you could go much further to find someone who has a genuine commitment to the underprivileged in other parts of the world.

You see him treated in this way, yet did you see the way he handled that disappointment? Can you imagine sitting through the Allan Border Medal ceremony the other night knowing that you have been given the flick and not telling anyone about it, yet going out and doing the job of the Australian

captain? Stephen Waugh, I think you will get back in that Australian one-day side. I certainly hope you do; you are a champion. In terms of the rest of this Governor-General's speech: bad luck! (*Time expired*)

**Mrs ELSON (Forde)** (12.58 p.m.)—It is indeed a great privilege to once again speak in this chamber as a member of the re-elected Howard government. I can genuinely say that my own personal satisfaction at winning a third term is far outweighed by the sense of responsibility and dedication I feel as a member of a team that is committed to delivering a better future for all Australians, and that is what this is really all about.

To be the member for Forde is a great privilege, but to be part of the Howard government is truly the most constructive honour. We are very fortunate to be led by a man of great strength and character, a man who has over the years withstood enormous pressure and at times even ridicule. It is in the face of these extraordinary circumstances, both at home and abroad, that he has always done what is in Australia's national interest. I take this opportunity to congratulate the Prime Minister on the re-election of our government and also to thank him for the great judgment and character that he has shown over the last six years and in particular the last six months.

When I delivered my first speech in this place in April 1996 we were, as a nation, suffering the aftershocks of the dreadful Port Arthur massacre. At that time the Prime Minister acted swiftly to introduce national gun control laws to help make our community an even safer place. As this parliament gathers, the world is still coming to terms with the events of September 11 last year and the implications for all free nations, Australia included. Once again, the Prime Minister has acted decisively to ensure we have a leading role in the worldwide effort to defeat terrorism and to help create a safer, more stable future for Australia and the world. These are indeed difficult and challenging times. As a government I know we will work hard to repay the trust that the Australian people placed in us on 10 November.

I do not intend to give a commentary on the election results. We seem to have a pleth-

ora of media experts who have drawn their own conclusions. Many of them in my opinion are way off the mark. But, as we have seen, media opinion is not always representative of reality, nor does it necessarily reflect the views of the great mainstream of Australia. Some media analysts are even grudgingly accepting this fact, which gives me a little hope that in time they may give up their constant negativity and the talking down of this great country and its people. I remain hopeful, though I certainly will not be holding my breath.

It seems that words like 'shame' and 'bigot' are in mandatory usage for some sections of the national media but I guess conflict is the basis of most entertainment. Sadly, even most news media have become more focused on entertaining rather than providing people with an accurate portrayal of events.

But I do not want to waste time today discussing the shortcomings of our city-centric national media. But I do make the point that I am talking about our national media. I know there are some great local and regional news services that are committed to free and fair press. Indeed, I have several wonderful community based newspapers throughout my electorate. They do a terrific job and play a very important role in community building and informing our local residents. But today I want to take this opportunity to reaffirm my commitment to representing the people of Forde and to continue fighting for a better deal for our region.

**Mr Slipper**—You do it well.

**Mrs ELSON**—Thank you. There are no doubt some experienced ministers back in their suites collectively groaning right now because they know that I have the tenacity to keep at them and to argue the case for my electorate and the things that we need.

**Mr Slipper**—They are hiding from you.

**Mrs ELSON**—To all the new ministers, you will know how they feel in due course. Seriously, that is what I regard as my job: to fight for the people who sent me here and do the right thing by our nation. Fortunately, as I represent a wonderful electorate of hard-working people who live in suburbs, regional

towns and rural townships, what is right for my constituents is generally spot on for most Australians.

Having lived in our local area for over 24 years and having worked closely with our community, both before and after entering parliament, I have a very deep commitment to our special corner of south-east Queensland, and I am very pleased that over the last six years many ministers have come to visit and talk with our local residents and listen to their concerns and their ideas. It has been a hallmark of this government that we have never taken our position for granted. We have made conscious decisions to remain in touch and to take a hands-on approach, rather than leaving the decision making to public servants. We have not forgotten the lesson of Labor's 13 years—how out of touch they became with the real Australian people and how they lost sight of the hopes and aspirations of the battlers they had previously claimed to represent.

In contrast, the Howard government has kept faith with the mainstream Australians that we represent. Perhaps it is partly due to the large number of new coalition members who came to this place after 13 years in opposition—the class of '96. Collectively, we believe in getting out there, being part of a community and listening to and working with local residents. We have a real community based approach to politics, an approach that Labor had either forgotten or abandoned.

I am delighted that we have so many new faces on the government benches in this parliament. Our class of 2001 will no doubt bring renewed energy and enthusiasm and help strengthen our connections as a government with the Australian community. I take this opportunity to congratulate and welcome our new members and wish each and every one of them well. A special welcome to our Queensland members Michael Johnson, Peter Dutton and Steve Ciobo. I look forward to working with them as a team to ensure that a strong voice is heard for Queensland on the national agenda.

**Mr Slipper**—We got a great result from Queensland.

**Mrs ELSON**—We got an excellent result, as the member for Fisher said; I agree. As I said at the outset, I reaffirm my very strong personal commitment to the people of Forde. I intend over the next three years to continue my ongoing process of community consultation through my regular newsletters, through my regular office days, where I take my office on the road, through community meetings, surveys and via my web site. I know that local residents have appreciated being kept up to date and being asked for input and advice. It is an ongoing process and one that I remain extremely committed to. I reaffirm my priorities for helping to create a safer community, supporting businesses to create more jobs and making our local roads a lot safer. I will also work to secure more Work for the Dole projects, a better deal for local schools, improved local transport and roads, even more local apprenticeships and better public health services.

On that last note, I am dismayed and baffled at Queensland Health's recent decision to remove obstetrics and specialist services from the Beaudesert Hospital. Beaudesert is a growing regional centre. Services ought to be expanding in this area and not contracting. I will work with local residents over the coming months to make the state Labor government realise that centralising health services at Logan Hospital or, even worse, at the Princess Alexandra Hospital in Brisbane is not satisfactory. Logan Hospital, also in my electorate, is a great facility with dedicated, hardworking staff. It also faces ongoing demands from a local population that continues to grow.

I will take a few moments here today to ask a few questions of the Queensland Labor Premier, Peter Beattie, on behalf of a very concerned community. It is sad that I have to ask them here. There was a public meeting held in my electorate, called by the community, to get some answers to the lack of health services in my area. Five hundred people attended, including me. There was no Premier Peter Beattie; there was no-one from the Premier's office; there was no Labor state health minister, Wendy Edmonds; there was no-one from Wendy Edmonds's office. No-one from the Labor state government took

the time to come to that public meeting, which was well advertised, to hear the concerns of our regional community about the lack of interest from the state government in providing quality health care services.

**Mr Slipper**—They were hiding from the people.

**Mrs ELSON**—They were. But the people have asked me to ask these questions so they can get some answers. What are you doing, Premier Beattie, to replace the superintendent of the Beaudesert Hospital who was forced to take 40 weeks accumulative recreation leave? They knew that months and months before, but they took no steps to have a superintendent there. When the superintendent went, the services went. We want to know: when are these services going to be returned? Women have to travel three-quarters of an hour to have their babies delivered, when there is a hospital in town, so we need those services back pretty quickly.

I was also requested to ask: what is Premier Beattie doing to replace the special care director at Logan Hospital? They have known for 12 months that this special care director was leaving. She was providing for and ensuring that the intensive care unit remained fully operational. What is Premier Beattie going to do to provide the funds needed to employ intensive care unit nurses for the existing six beds in the intensive care unit? Only two beds are ever used at one time because of a lack of staff.

Premier Beattie, when are you going to provide the funds that are needed to staff the 30 vacant general nursing beds and the eight fully equipped special care beds that are not being used in the Logan Hospital? The nurses want work, but they will not expand the funds to make sure that these nurses can provide the health services needed. The final question is this: when are you, Premier Beattie, going to provide real health services to this very large catchment area?

I will be carefully monitoring the situation between the Logan and Beaudesert hospitals and I put the state government on notice that they should not think that they can get away with short-changing our region in any way. Queensland has fared very well from the

health agreement with the Commonwealth. The Brisbane-Gold Coast corridor is one of the most rapidly growing areas in the state. Beaudesert Hospital should not be downgraded in any way, and I will be doing all I can to see that the people of Beaudesert are not ignored by the Labor government in the future.

Over the next few months I will also look forward to seeing the Bethania to Beaudesert heritage steam train operating, which will provide a boost to our local tourist area and help to create more jobs. I was delighted that the Howard government provided \$5 million last year to make this project a reality. I now want to see the state government fulfil their end of the bargain. There have been many obstacles put in the way of this project but, thanks to the tenacity of the local heritage rail committee, all have been overcome so far. I congratulate Jim and his committee members, some of whom have been dedicated to this project for many years.

Over the next three years I will also continue to pursue my campaign for seatbelts on school buses. The safety of our children should be the most pressing concern for any government—state, federal or local. I do not believe we can afford to wait for a tragedy to occur before we at least make the fitting of seatbelts mandatory for all new buses. If we do not make at least this change to ensure that buses being built are fitted with seatbelts, we will still be having this debate in this House in 20 years time. I have a very dedicated group of mums in my electorate who are passionate about this cause. I thank and congratulate them for their work so far. I share their concerns and I assure them that I will continue to do all I can to help make school buses safer.

There is another priority that I intend to work towards over the next three years. It is one in which I have a very personal interest. As a government and as a community we need to take the fight against drugs even further. I have an enormous pride in being part of a government that has dedicated itself to tackling this problem through the Tough on Drugs campaign. Previous governments have put the problem in the too-hard basket. Our three-pronged approach to education,

enforcement and treatment makes sense and is a positive step in the right direction. The Prime Minister's strong stand against heroin trials and legalised injection rooms is also a very positive step forward.

It is important that we send our children a clear message that drugs are not simply a lifestyle choice. Drugs are illegal and they are dangerous. Using illicit drugs is not only against the law but also a serious illness that has massive repercussions for the entire community. Of course, while the Tough on Drugs strategy is a great step in the right direction, more needs to be done and more options need to be explored. Mandatory diversion, designed to give children the option of treatment rather than going through the criminal system when they are convicted of a drug related offence, is only as good as their fear of the justice system. I have had countless cases recounted to me, as well as my own experience, that indicate that seriously addicted offenders know exactly how to manipulate the court system and have no fear whatsoever of the legal process. To many of them, courts are a roundabout to be played on. Meanwhile, their families and loved ones watch helplessly as these people become totally lost to them.

We need to have a better support system for the many thousands of families who are suffering in silence. We need to find a way of reaching these addicts whose addiction prevents them from reaching out to help themselves. Drugs make them feel invincible. They feel that it is society that has the problem, not them. As a society, we have to stop the message that illicit drugs are part of a lifestyle choice, just another one of life's options to be explored. We have to stop the permissiveness that downgrades the real and dangerous effects of drugs like marijuana. I noted last week that yet another study is to be released that has found a clear link between regular marijuana use and mental illness.

We simply cannot afford to keep having an ambiguous approach to drug use. In my view, zero tolerance is the best option; it is the best way to send a message to our children not to start using drugs. We have to make sure that the policy of zero tolerance is

reflected in our laws, the court system and the powers that our police have. We need to be prepared to put up the dollars needed to enforce zero tolerance and to get people effective treatment and the support they urgently need. We know that up to 80 per cent of our crime is drug related, so the benefits to the community in getting people off drugs would be enormous. Of course, it will take enormous cooperation between the state and federal governments, as most of these matters, the police and the court system, are under state jurisdiction.

But over the next three years I will be pushing for, and working with, my local community—and, hopefully, other communities throughout the nation—to help find more effective and ongoing solutions to take the Tough on Drugs strategy one step further and get even tougher on drugs. It is about community safety; it is about the social cost of drug dependency; it is about the families who have lost loved ones; and it is about the many people whose lives and relationships are being damaged everyday by the insidious nature of drugs. It is something that I do not pretend can be fixed overnight, but it is something that I am very committed to working to improve over the coming term and beyond.

I have outlined just a few of my many priorities. I would like to take the time that is left to thank the many people who have helped to ensure that I could return here to keep this fight up. First, I thank the voters of Forde for their confidence in me, and I assure them that I will continue to work hard to repay their trust. While this job certainly has its demands, it is very satisfying to be able to work with the many different communities in the Forde electorate and with some very remarkable people—community and business leaders, mums, dads, senior citizens, veterans, students and some great volunteer workers. From the rural townships of Boonah, Beaudesert and Rathdowney and the absolutely gorgeous areas of Tamborine Mountain and Kooralbyn to the Gold Coast hinterland, the growing semi-rural suburbs of Jimboomba and Logan Village and the suburban areas of Eagleby, Loganlea, Beenleigh and Bethania, where I live—I apologise to

the many areas that I have missed but there are over 400 localities in the seat of Forde, so I do not have time to name them all—we truly have a unique and very diverse region which I am very proud to represent.

I was extremely heartened by the many offers of help and support that I received from local residents throughout the campaign, some of whom are party supporters and some of whom are not. To my huge army of volunteers who worked on polling day in the pouring rain at 47 different polling booths—once again, there are too many people to mention—I thank them, each and every one, sincerely. A very heartfelt thanks to my campaign committee—Andrea, Colonel Rainer and others who have been with me through many campaigns, including Bert, Tom, Ken and the ever-reliable John Wallerstein. I was fortunate to have a remarkable group of office volunteers who helped my staff in a huge variety of ways. Again, there are too many to mention here, but every day of the campaign Barry, John and Gwendolyn were ever ready and did a vital job. I thank these three special people and all of my other volunteers most sincerely. There are others too—like Lloyd, Reg, Deluane, Eve, Olwyn, Ken and Nuala and, of course, our veteran volunteer, Shirley, who has been with me from day one and who is irreplaceable. I register my special thanks to her here today.

I want to thank and acknowledge my staff, all of whom do a great job for me every day of the week and on weekends. To Selma, Maureen, Nikki, Tracey and Julie, who have each been lending a helping hand for many years, thank you for all of the extra effort, thoughtfulness and support you displayed during the campaign. To Selma, my campaign director and daughter, and to her husband, Andrew, I say that I am who I am because of your advice and your support. You are the best, and I love you. Of course, to the state Liberal campaign team under the direction of Brendan Cooper and to Lynton and his team at campaign headquarters in Melbourne, I say congratulations; it was a great team effort. To the many local residents and small business people who helped support my campaign and to those who called to provide encouragement along the way, I say that

to be standing here today is the result of a huge team effort, and I really thank every member of my team.

Of course, my closest campaign team and greatest cheer squad is my very special family. It is getting to the point that I need 20 minutes just to name each of them, but I am going to give it a go: Selma and Andrew, Kellie and Stuart, Bill and Tracey, Eddie and Samantha, George and Kristie, Johlleen and Nev, Talena and Heath, and my absolutely wonderful grandchildren—Jasmine, Nicholas, Caitlyn, Jesse, Jillian, Georgia, Clancy, Alissa and Ryan—including the two latest wonderful ones born since the campaign, Emily and Jordan. You are my inspiration. I also thank my rock, my future and my best mate—my husband, David. It is a great honour to speak in this debate today, and once again I welcome and congratulate the new members of this House. I look forward to a productive and positive new parliament.

**Mr HATTON (Blaxland)** (1.18 p.m.)—May I first say congratulations, Deputy Speaker Jenkins, on your elevation to the position you now hold. The address delivered by the Governor-General on the occasion of the opening of the 40th Parliament forms a flimsy document. It was four months in the making but it is as light and vacuous as the air through which it was spoken. This is a document without substance—bedevilled by the coalition's preoccupations and fetishisms—and it betrays the hollow core of this government's third-term agenda. The document is also indicative of the hesitant, tired nature of the Howard coalition government.

The only third-term agenda—apart from a litany of things to do in the same manner as they have been done before—is an agenda for divisiveness and confrontation. The usual gloss is there—the overblown phraseology, the ideological mantras, the reverent genuflections to Liberal Party pietisms, the homilies on the nature of civil society, the importance of choice and individualism, the central role of the family, the need to boost the private health sector and the ever-present call for reforms and reviews of government programs.

Interlarded with all of the above stock concerns are the current preoccupations with

security issues, the international war on terrorism, Australia's symbiotic relationship with the United States and all the usual pats on the back the government gives itself for its economic management. But when this address was delivered by the Governor-General, the flimsiness of it was apparent to all who were in the Senate chamber—even, I think, to members of the government. That is why many of them have struggled in the address-in-reply to cover many of the matters that were dealt with. Maybe they thought it was a better approach to just bypass that and deal with all the other sorts of things you can deal with in the general nature of an address-in-reply.

I would like to go to a number of the points that were made in the address and to look at their substance. The government has had more than four months to come up with this document, which is meant to set the tone for the whole of the third-term agenda for the coalition. But it betrays the fact that, throughout those four months, the government came up with but one new idea. That idea was to have a minister for ageing instead of a minister for aged care and that there was a need to set long-term policy in place to take account of Australia's ageing population.

The only solution that is presaged within this document is to get older people back into the work force. That is the only thing it has provided for—nothing else. But when we go to the foundation stone of this address—to the fact that there was an election on 10 November and that the government was re-elected to manage the nation's affairs—it is very interesting to see the government's rationale for what they thought the Australian people were doing. The government says that the Australian people:

endorsed a wide-ranging program of continued reform, disciplined fiscal management and the implementation of policies underpinned by the characteristic values of the Australian nation.

It was a very interesting way to put it: 'a wide-ranging program of continued reform', rather than 'a wide-ranging program of continued reforms that were posited prior to the election'. So the government has taken the reform programs it adopted in the previous

two parliaments—the 39th and the 38th—as a given.

If you read through the rest of the document, almost all of it is a genuflection to bits and pieces of what they have done in the past and a reiteration of the fact that they have been working solidly—as they think—on a range of different issues, some with more activity and more determination than others: 'But this is what governments have to do. It is what we have been doing for six years, and we will get back to that.' Of course, they have to mention disciplined fiscal management. It is not the Governor-General's fault—he is only speaking on behalf of the Prime Minister, the Treasurer and the government—but you wonder how they could have the temerity four months after the election to speak about disciplined fiscal management.

Up until the start of 2001, they might have been able to make a reasonable case in terms of what they set out to do. There was the Charter of Budget Honesty—not just a flimsy document but an obscure one with no transparency and which attempted to hide what was actually in the document papers—but at least they set out a set of goals in terms of fiscal management. The government prided themselves on the surpluses they had been able to provide and argued against having deficit budgets and so on. But in February 2001 the government was in total panic and disarray. The Prime Minister was under immense pressure because the polling at that time was trending very strongly against the government. The key to winning the last election is found in what happened after February 2001: the fact that the government spent in the order of \$20,000 million to buy back sections of the electorate. Disciplined fiscal management was not just thrown out the window of this parliament but given a holiday for the rest of the year.

When this budget is prepared for this year, it will have to take account of the profligacy of what was done last year to buy the government's way back into the favour of certain sections of the population. We know how much they spent on superannuants. We know how aggrieved superannuants were with this government and how determined they were



to vote against them. We know how aggrieved people in rural Australia were. I spent three years as chairman of our Industry, Infrastructure, Rural and Regional Development Committee, travelling to different parts of Australia, and in doing so it was utterly palpable—even with mayors who were in fact members of the Liberal Party—that people in regional Australia had had enough of this crew. What the government did in their profligacy, in their desire to reconstitute themselves and give themselves a fair crack at the election, was do away with everything that they had held sacred in the previous five years or so and try to buy their way back into government. That provided them with a platform.

**Mr Edwards**—To buy and lie their way back in.

**Mr HATTON**—Exactly. That platform allowed them to take advantage of their rending of the fabric of this community—and they have been very practised in it—through what they did with the *Tampa* and the **Border Protection Bill**. I may return to that later, when I deal with some of the other elements of these issues. The last part of that quote is extremely interesting:

... the implementation of policies underpinned by the characteristic values of the Australian nation.

It is a question of hubris, of pride in one sense of ideological correctness that this coalition government is embedded with, that they could argue that the characteristic values of the Australian nation are embodied in the policies and programs that they have put into place since 1996. I reject that utterly. The community has two great parties that have provided government over the last 100 years: the Labor and the anti-Labor parties—the Liberals, of course, having gone under a number of names in the past. The characteristic values of the Australian nation are not owned by one particular party; they are not owned by one series of programs. This is in here in an attempt at a justification to say that the coalition was elected on the basis of what they did in their rending of the social fabric prior to the election. We will take a very long time to knit back that fabric of the Australian society into one full piece because of the damage that has been done. The gov-

ernment then goes on in the first page of the speech to say:

The government will take early steps to implement the specific policy commitments it made during the recent election campaign.

All of the candidates for the coalition, and indeed all of the candidates for the Labor Party, would be utterly aware that that would not take very long because there were not very many specific commitments made by the coalition prior to the last election. It was reminiscent of their campaign in 1996—in different circumstances, but reminiscent. In 1996, they did not have any policies; they only had headland speeches. When they wandered up to the election, what they promised in terms of policies was to do exactly what the Labor government was doing—nothing different whatsoever.

In 1998, I will grant, they were a bit inventive: they put up a GST. They ran an election campaign and they won it. It was their policy; it was not ours, but at least they put a set of policies up, and that was the core of what they wanted. As for specific policy commitments in this campaign—I am sorry, I was paying attention and I do not think I missed them—we actually did not have a specific set of grounded policy commitments.

That is probably why it has taken more than four months to get us back into this place. It is probably why the government have got one new idea. They have finally woken up to the fact that we have got an ageing population and we need to do something about it. They have got another proposition that is addressed here that you could argue was a new idea: that the government has to put into place long-term programs, or at least the foundations for them, for dealing with Australia's environmental sustainability problems. But I would not take that as a new idea because basically they indicated that they realised that was the case in the 39th Parliament. They spent most of the 39th Parliament just having a look at it and having a talk to the states and trying to come up with some kind of program, but it was a bit much for them at the time and they have decided to have another go at it in the 40th Parliament.

The problems of salinity and the problems of land degradation and the associated environmental problems are extremely important in terms of requiring a sustained government focus and developing programs towards sustainable environmental practices across the board. But note the context within which this is put under the Natural Heritage Act and the argument that this is the greatest thing since sliced bread when it comes to policy in the environmental area. I would remind members of the House that when the Natural Heritage Act came in it was a rebadging of Labor's prior programs. The only extra money added to the rebadged programs was, in fact, \$84 million a year—year on year—whereas they presented it as a \$1.2 billion program that was so generous and had not been seen previously. In setting the framework for what they are doing, you can see the vacuousness of what has been presented by the government. They have no true foundation for this and they have in fact misrepresented the situation, because they argued they had a whole series of deliberate, thought out and determined policies that they had prior to the election that they needed to legislate. We have very little legislation before us so far. It has taken them four months to actually start.

If we move beyond what they are proposing and look at some of the things that they have argued, apart from Australia's population and some environmental matters, we come to two key determinates. The real third term agenda of this government—given that they have displayed nothing else except having an idea about ageing policy—is to go to the core of Australia's arrangements in the workplace. As they did in the general social area, in trying to rip the fabric of Australian society apart by what they did with their refugee policy, they aim to have a dedicated program to rip Australian unionism to pieces, to destroy its fundamental foundations and to sunder the links between the unions and the Australian Labor Party.

Under the laughable heading of 'flexibility and reward' in the workplace, the government said this—and this is the real tenor of what they are about in this parliament, and it is an indication of the elevation of the minister for employment to the position he has as

Leader of the House and chief ideologue that he had these bills before this House already:

In the first weeks of parliament, the government will introduce bills ... to ban compulsory union fees, ensure secret ballots before strikes, prevent one-size-fits-all industry bargaining and establish fair dismissal procedures.

Mr Deputy Speaker Jenkins, given that you have arrived in the chamber, I would like to congratulate you on your re-election to the deputy speakership. I just note that I dictated this speech using Dragon Naturally Speaking, Version 6, and sometimes computer programs can actually tell the truth because when I dictated it the words came out as 'establish unfair dismissal procedures' rather than 'fair dismissal procedures', and I had to do quite a bit of work to actually correct it. As was pointed out by the Leader of the Opposition yesterday, this is a real utilisation of Orwellian newspeak to turn unfair dismissal procedures into fair dismissal procedures. It indicates and underlines the approach of the minister for employment to these matters and the fact that this is (1) essentially ideologically driven and (2) entirely deceptive. The government further said:

The Autumn sittings will also include the introduction of bills to ensure more Democratic and accountable unions and employer organisations and give workers a say on workplace safety issues.

I would have thought that one of the most democratic sets of organisations in the country is in fact our unions, which have had more than 100 years of practice at involving their memberships in decisions and elections. Apart from some outrageous examples where that whole situation has been corrupted, by and large the fundamental democratic nature of Australian unionism has been established over the last 100 years. I do not know about our employer organisations, and I do not think the government will be trying too hard to have more accountable and more democratic employer organisations.

I also note that the government has not added here that they might go to Australia's great businesses and argue that they should be more accountable, that they should be more democratic in the way they operate and that there should be a consideration of the

part that they play in the political process. One of the things that drives the government and some of their members spare, including the minister for employment, is the fact that there is a close correlation between the Australian Labor Party and the union movement and that—it is a dreadful thing—the unions actually provide donations to the Australian Labor Party.

What they are trying to do here is break that nexus and make it impossible for the unions to monetarily support the Australian Labor Party. There is no provision in here whatsoever which shows the government thinking in terms of bringing in legislation to forbid Australian companies providing donations to the Australian Labor Party or to the Liberal Party or to the National Party. As long as this government are in office, I doubt that they will ever bring such legislation before this House, because their focus is just on the broad run of Australian workers. Their focus is not on the people who provide the bulk of their funding in the millions and tens of millions of dollars.

So this is a divisive approach directed towards what the minister for employment, as their chief ideologue in-house, sees as the core social campaign for this government in this 40th Parliament. That is their real third-term agenda: to drive a wedge between the Australian Labor Party and the unions and to force the unions into a new position. Over the past 100 years, the unions have been successfully able to negotiate with employers in a range of ways but have also been able to use the facilities of the Industrial Relations Commission to either negotiate their way through with employers or have the commission arbitrate disputes. If the government succeed in pushing this legislation through this House and the other, they will create a situation where the relationship between unions and employers—a relationship which was built on a very good and strong foundation during our last period in government, through the Accord—will be effectively sundered and we will be in a situation where we will not be able to resolve industrial disputes positively and sensibly, because this system will have been broken.

So we have a government re-elected, but re-elected promising a program that they never put before the Australian parliament, promising to just do what they did before. The only new idea they have is that Australia has an ageing population. They want to crack down on the unions and have a campaign run for three years to whip up a social issue before the Australian people, as they whipped up the issue of the refugees prior to that. They had no answer whatsoever in terms of refugee policy. Over a period of 5½ years under this coalition government, approximately 65,000 refugees came into this country—and guess what? If they are here for another 5½ years, there will be another 65,000. (*Time expired*)

**Mr PEARCE (Aston)** (1.38 p.m.)—Mr Deputy Speaker Jenkins, can I begin by congratulating you and the honourable members for Wakefield and Page on your election to your respective roles in this House. I trust that you will all serve the parliament well during your terms. On 10 November last year, Australians chose a government which had laid the foundations and had a clear plan for our future over an opposition which flip-flopped over policy in an attempt to tell the people what they believe they wanted to hear. The reality is that the choice was clearer than it had been for many years.

In the post-election environment, it has been interesting to watch sections of the community, including our political opponents and some media commentators, seek to delegitimise the coalition's victory. They have claimed that the election outcome can be solely attributed to the issue of illegal arrivals. That is an interesting view, given that the opposition of that time claimed to support the government's position—I can recall on many occasions hearing the term 'we are as one with the government'—and an even more interesting view, given that the majority of people in Aston chose to support the Howard government only four months earlier and well before the immigration debate began to dominate the political landscape.

In fact, it is interesting to look back at the political landscape at that time, which many people often forget. Many of Australia's leading political commentators had much to

say about the Aston by-election and the supposed inevitability of a Labor victory in the forthcoming general election. Members may remember that, even in defeat, Labor thought that they were home and hosed. A senior ALP official said that the defeat put Labor 'right on track to win the next general election'. The then opposition leader talked about having a 32-seat majority! What is now clear is that Australians did not appreciate an opposition that was taking their vote for granted.

As members will be aware, I faced two elections last year. In Aston, the same theme dominated both elections, and that theme was that the community expected its elected leaders to provide real solutions and real plans, not empty rhetoric or irresponsible promises. In 2001 the Australian public again put its trust in a government delivering a practical plan over an opposition with no real plan for the future. The coalition was re-elected because it listens to and understands the concerns of Australian families and businesses. More importantly, it was re-elected because it has a deep commitment to principles and beliefs shared within our community—principles and beliefs that provide the path to a better Australia, not just for today but for tomorrow and, most importantly, for our future generations.

The people of Aston, like all people in Australia, had a clear choice on 10 November: the choice between a government committed to supporting choice in health and education and an opposition which sought to introduce the spectre of class warfare into this debate; between a government which is economically responsible and balances what the community receives with what they give back and an opposition addicted to spending, without considering the outcomes and long-term consequences of its actions; between a government which supports a sense of family, community and national pride and an opposition which has no clear vision for Australia's future; and between a government committed to encouraging job creation by reducing business regulation and an opposition tied to the apron strings of the union movement. Australians voted for the Howard

government because of its track record and its clear plan for the future.

It is without doubt that Australia is a prosperous nation. While many Australians have prospered, some Australians still feel that their opportunities are limited—limited by circumstance or limited, maybe, by bureaucracy. Governments have a responsibility to help those in need, but governments should not succumb to the temptation, albeit well-meaning, to interfere in the daily lives of Australians. Our struggle to build a better Australia is a battle of values. Our principles of responsibility, compassion and character are the fundamental determinants of our future. Our commitment to these principles is the way, I believe, to shared accomplishment within our country and our community. I am reminded of George W Bush's remarks in his inauguration speech. He stated:

If we do not turn the hearts of children toward knowledge and character, we will lose their gifts and undermine their idealism.

He went on to state:

If we permit our economy to drift and decline, the vulnerable will suffer most.

If we are to create a better community for future generations we must all commit to these common principles: responsibility, compassion and character. Every child must be taught them, and every citizen encouraged to uphold them, but it must be made as a free choice. Australians should be encouraged to choose community over self and trust over cynicism. We need to continue to reform government and welfare to spare people from the struggles that we have the power to prevent. Responsibility lies with all of us. As a group of elected leaders, we have a responsibility to solve problems now, not leave them for future generations. Those problems must be solved now. It is an important point for all of us to remember that government must govern and it must be allowed to do so, so that we can solve today's problems now.

Australian families also have a responsibility to balance those things that they receive with their contribution back to the community. Last year was the International Year of Volunteers and we saw many thousands of examples of people giving back to the community. That is an underlying princi-

ple of this government's mutual obligation policy. I, for one, am very optimistic about the challenges that we face in this great country. I am concerned that people are becoming too reliant on government at all levels to provide all of the answers to community concerns. Governments are not a panacea, nor should they be considered one. Governments do have an important role to play, but it must be in concert with the community and the business sector. I believe it is this trifecta of community, business and government which together is the most powerful and direct way to achieve real results. This government is committed to this trifecta. It is committed to delivering real benefits to all Australians and to working together with the community, business and all levels of government to achieve actual results.

I am concerned about the future of the family. The family can provide the best of all social safety nets, and best instil values in our children. Sadly, however, an increasing number of children are being brought up in homes without a strong family structure. This structure can be so important in the development of their character and, indeed, our communities. I am concerned about our children: I worry that too many young people are wasting their God-given potential through not achieving to their fullest and getting caught in traps such as crime and substance abuse.

I believe it is important for governments to strive to be proactive in their policy development and implementation. This coalition government understands the benefits of a proactive approach to policy making and implementation. From a social perspective, surely prevention is better than cure. From an economic perspective, dealing with an issue before it escalates can deliver significant savings. I am confident that we can meet our challenges and build a stronger and more prosperous future for all, but there is more to be done.

This government has undertaken significant reforms to Australia's tax system and I support its endeavours to further reform our tax system. I believe that the government should continue to cut tax rates and reduce the number of income brackets so that hard-

working Australians can keep more of what they earn. That is why the proper management of our economy is such a high priority for this government. It is vital that the process of tax reform continues so that individuals and business continue to be encouraged to contribute to the community—from not just an economic perspective but also a social perspective. We need businesses to actively contribute to their local community. That is why this coalition government is committed to further changes and improvements in the tax system.

I believe that governments have a tremendous potential to deliver real social and behavioural outcomes through a more targeted tax system which both rewards and motivates. A prime example of this is the government's introduction of the 30 per cent private health insurance rebate scheme. We have an obligation to retire debt and not to leave it for future generations. Our problems of today must not become our legacy of tomorrow. It is staggering to think that, before the Howard government was elected in 1996, government debt had blown out to \$96 billion. An additional \$4 billion was being spent on paying the interest bill on this debt—an additional \$4 billion. The coalition has already repaid \$50 billion since coming to office, meaning that more money that was once being paid to service this debt can now be directed and invested in delivering real benefits for our community.

It is important to remember that at the end of the day the government's ambition is to deliver tangible benefits to the people of Australia. One of this government's greatest achievements has been the management of our economy and the subsequent reduction of mortgage interest rates. Mortgage interest rates peaked at 17 per cent under Labor. Today they are around six per cent. This means that home ownership—the great Australian dream—has become a reality for many more thousands of Australians. It seems to me that we often forget about these enormous achievements that help so many across the community, and this is precisely what this government is all about.

Education must also be at the core of what we do. We often hear the term, 'lifelong

learning' but what does it really mean? We need to continue to ensure that all children meet the literacy and numeracy standards they need as a basis for their ongoing education. For young adults, we need to continue to provide clear educational pathways for school leavers, including university, TAFE and vocational trade opportunities. Education must be practical. Our children must leave school with the necessary skills to make a meaningful and productive contribution to our community. We need to provide greater education for middle-aged Australians who may be facing increasing difficulties re-entering the work force. We must also maintain a minimum standard of education for our children in all schools across the country, minimum standards not only in literacy and numeracy but also in facilities and infrastructure.

I believe that Australian governments need to continue to provide greater choice for parents in their children's education and, indeed, to encourage parents to invest more themselves. Our students in universities should also have a choice: the choice of whether to join their student union or not. Voluntary student unionism should be a fundamental right of all Australian students. No Australian should be compelled to join a union, whether on a campus or in the workplace.

As a relatively new member of parliament, I welcome the current debate on parliamentary reform, but I do fear that a key point may be missed by some on the other side of the House. Reform of our system of rules and regulations will not deliver the greatest change. The parliament works best when all of its members, particularly the opposition—whoever that may be—commit themselves to genuine and constructive debate. We must remember that 150 members of this House travel to this place from all over Australia to debate, to review and to make decisions. The opportunity for real debate is too often squandered by some and therefore the efficiency of this House is compromised. I join with my government colleagues in issuing a challenge to those across the House to commit themselves to true attitudinal reform.

In the increasing global community, there is an increasing push for consistency in public policy in organisations such as the European Union, for example. In our case, Australia is a federated state united by common principles and values. As Australians travel freely around our nation, they are subjected to varying laws and regulations. While it is important for federal, state and local governments to maintain the ability to continue to tailor specific policies and programs to local communities, there are areas—ranging from such things as vehicle registration and driver licensing to public liability insurance and criminal offences—where our nation, in my view, would benefit from the introduction of uniform policies across the nation.

The allocation of responsibility for policy areas between our three tiers of government is also unclear to many Australians and Australian businesses. I believe we need to address this issue. Australians deserve a clear and transparent delineation of responsibilities across our three levels of government. There are many examples where governments, particularly in the states, seek to trade politically on the confusion in our community. To solve this problem, we need a cooperative approach between the Commonwealth and the states. The coalition government has begun this process by reforming federal-state financial relations through tax reforms under the new tax system.

I started by saying that I was a relatively new member of this House, and I would like to take this opportunity to thank the people of Aston. As I mentioned, Aston had two elections last year, so the people of Aston were subjected to voting on two occasions. The issues that dominated the Aston by-election remained and continued. I will continue to support the people of Aston on those major issues, such as the building of the Scoresby Freeway and the Knox Public Hospital—two major infrastructure projects that to date the Victorian government still has not committed to.

As we begin the 40th Parliament of the Commonwealth of Australia in a new millennium, we do have a unique opportunity to reform our nation for the future. I have no

doubt that we can achieve great things but we must not squander our chance. If we do, our children and grandchildren will shoulder the burden of this legacy. It is a responsibility that we all have, each and every one of us, in this very special place.

**Mr MURPHY (Lowe)** (1.58 p.m.)—It is timely that the Prime Minister is walking into the chamber now because I would like to go straight to cross-media ownership rules and draw the Prime Minister's attention to question No. 11 on yesterday's *Notice Paper*.

**The SPEAKER**—Is the member for Lowe seeking to participate in the debate?

**Mr MURPHY**—Yes, Mr Speaker, in the address-in-reply; it is not two o'clock yet.

**The SPEAKER**—I am not interrupting you. You can understand why I was mystified, particularly as your opening was an unusual way to deal with an address-in-reply.

**Mr MURPHY**—I want to make the Prime Minister aware of just how much influence and power the Packer and Murdoch families have in the Australian media today. The government are on record stating that they want to change the media laws and there is sophistry coming from Senator Alston, who is saying, 'If you want to get access to information on the war effort in Afghanistan, you can have a look at some international pay television site or Internet site.' How much information are you going to get from federal parliament on the questions that the Leader of the Opposition is going to ask the Prime Minister today? Most of the information comes from the commercial media proprietors and people do not get access from looking at the international sites.

**The SPEAKER**—Order!

**Mr MURPHY**—I would like my question answered.

**The SPEAKER**—The member for Lowe! It being 2 p.m., the debate is interrupted in accordance with standing order 101A. The debate may be resumed at a later hour and the member will have leave to continue speaking when the debate is resumed.

## QUESTIONS WITHOUT NOTICE

### Immigration: 'Children Overboard' Affair

**Mr CREAN** (2.00 p.m.)—My question is to the Prime Minister. Prime Minister, do you recall on 10 October saying in response to a question about children allegedly being thrown overboard:

I just want to make the point we were provided with information and I have no reason to doubt it. And as a result of your inquiries I will make some further inquiries.

Prime Minister, what inquiries did you make after 10 October?

**Mr HOWARD**—I thank the Leader of the Opposition. I do remember that interview, and I do remember giving that assurance. Shortly after that press conference I spoke to the then defence minister and asked him whether there was any further evidence that could be made available. He indicated to me—as was within my knowledge because of some press reports—that there were some photographs. I suggested that, if it was operationally possible, those be made available if they provided further evidence. My recollection of the conversation—there may have been two in a short period of time—is that it was agreed that those photographs would be made available. He subsequently made some comments about it. I have checked my transcripts for that period and, as the deputy leader will know, it was a very busy political period. Interestingly enough, I do not appear to have been asked another question on that issue for another 16 days.

### National Rail Corporation: Sale

**Mr JOHN COBB** (2.02 p.m.)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the minister please advise the House of the results of the sale of National Rail? Will this provide benefits for rural and regional Australia? Are there any impediments to obtaining these benefits?

**Mr ANDERSON**—I thank my electoral neighbour and good friend the new member for Parkes for his maiden question, following closely on an outstanding maiden speech. It is good to have him here, and I know of his very great interest in transport reform, be-



cause it is very important indeed to the national economy, and in particular to rural and regional Australia, because of the need for efficient export transport services. It is very good news. This reform, in essence, provides an environment whereby rail may be able to compete far more effectively with road, because in many ways it is putting it on a similar footing. We have not, as some commentators have suggested or wondered aloud about, privatised the railways themselves. The track remains in public ownership and management structures, but above-track operations will increasingly now be conducted—in a pattern similar to road—by the private sector, bringing all of their expertise, their capital and their competitive spirit to bear on making this neglected transport sector in Australia really start to compete and really start to attract freight. I think that that is what will happen.

The total value of this deal was some \$1.172 billion. National Rail Corporation and FreightCorp were sold to the national rail consortium made up of Toll Holdings and Lang Corporation. As Terry McCrann in the *Herald Sun* commented, it is 'a brilliant marriage of old and new'. It allows the company to offer a much wider range of transport services and solutions. In essence, done properly, it will mean more freight on rail and less on our roads, and—I think of very great importance—offers the chance to ensure that transport does not become a bottleneck in the economy, given that the latest estimates show that the total freight task in Australia will grow much more rapidly than either population growth or even economic growth over the next decade. We are going to have to be able to move that around.

The honourable member asks whether or not there will be benefits for rural and regional Australia, and what impediments there might be in the way. I do want to make the point that part of the deal involves a substantial capital injection by the new consortium into rail infrastructure—money which will be added to by Commonwealth contribution out of the money earmarked some three years ago for upgrading of interstate track—if we can successfully secure a vital linchpin in all of this: proper access negotiations for the track through New South Wales so that the

Australian Rail Track Corporation can operate a truly seamless interstate track in this country. I can only say that that is very important.

Negotiations are well advanced. I sincerely hope that New South Wales will join other states which—regardless of their political colour, including states like Victoria, South Australia and Western Australia—have helped cooperate in rail reform by giving a seamless interstate access. If we can secure that through New South Wales, maybe we can replicate the revolution that has happened on the east-west corridor. Nearly 80 per cent of the freight now crossing the Nullarbor is on rail. The price has come down; the time has come down. If we can do that on the north-south corridor, we can grow rail share substantially, to the great benefit of the overall economy.

#### **Immigration: 'Children Overboard' Affair**

**Mr CREAN** (2.06 p.m.)—This question is again to the Prime Minister, and I refer to my earlier question. Prime Minister, given that you announced publicly on 10 October 2001 that you would make inquiries into children allegedly being thrown overboard, is it correct that at no stage subsequently anyone from your department contacted you or your office with the information it had been provided that very same day, which showed there was no evidence of children being thrown overboard?

**Mr HOWARD**—I was not told by my department. I have checked with my staff and they confirmed to me that they were not told by the department that the original information was wrong.

#### **Economy: Performance**

**Mr ANTHONY SMITH** (2.08 p.m.)—My question is addressed to the Treasurer. Would the Treasurer provide the House with an update on the strength of the economy and the state of the Australian labour market.

*Opposition members interjecting—*

**The SPEAKER**—I understand that there was good-natured comment about the question being addressed to the Treasurer, but I have been unable to hear it and so I would appreciate the member for Casey repeating the question.

**Mr ANTHONY SMITH**—My question without notice is addressed to the Treasurer. Would the Treasurer provide the House with an update on the strength of the economy and the state of the Australian labour market.

**Mr COSTELLO**—I congratulate the member for Casey for his maiden question. It is certainly the first time he has asked a question but maybe not the first time he has written a question in this House. Can I say in answer to the honourable member's question that today's labour force showed that for the month of January the unemployment rate was seven per cent on a participation rate of 64.2 per cent, the highest participation rate recorded. What that showed is that numbers of people returned to looking for work. The figures for the month of January showed that in the month of January total employment rose by 101,800 persons—101,800 additional jobs were shown by the figures. I have said to the House on previous occasions that these figures do tend to bounce around a bit but we can take great comfort that of the 101,800 new persons in work in January, as measured by these statistics, there were 70,500 in full-time employment. I think all members of the House will welcome that.

*Ms Macklin interjecting—*

**Mr COSTELLO**—I hear the interjection of the member for Jagajaga as she welcomes the fact that additional jobs were created.

What this says is that it is consistent certainly with the ANZ job advertisements which show job advertisements went up significantly in relation to January. Whilst, as I said, these figures do bounce around considerably from month to month, it indicates that the employment intentions of employers were strong, that we are coming back after the shocks of September 11 in terms of employment, and this is consistent with growing consumer sentiment and business confidence. We do not underestimate the difficulty of the international economy, probably at its lowest level for some 30 years, but I think Australians can feel that we will come through the world recession in better condition than any other developed economy in the world and supported by low interest rates, a first home owners scheme, tax cuts, the taking of taxes off exports—all of the big

structural changes which have helped the Australian economy. If we continue that forward we may see continued jobs growth.

One figure that the House might be interested in is that since the election of this government in March 1996 there have been 948,000 new jobs created in Australia. We are within sight of one million additional jobs since March 1996. I think all Australians will take that as a welcome sign. We do not want to give up on unemployment—unemployment is still too high—but the rate of jobs which were shown in January will be welcomed by both sides of the parliament.

#### **Immigration: 'Children Overboard' Affair**

**Mr CREAN** (2.12 p.m.)—Mr Speaker, my question is again to the Prime Minister. Prime Minister, do you recall on 8 October 2001 stridently saying in response to a question about children allegedly being thrown overboard:

I express my anger at the behaviour of those people and I repeat it.

Did you then say on 10 October on the same issue but in much more cautious tone:

Mr Ruddock is a very careful person and the information that we were given, that he was given and I relied on is information that seeing that you've asked about I will now naturally ask about it but I'm not going to commit myself on the run to doing this or that.

Prime Minister, what information had you received in the previous 48 hours to cause you to change your tone so significantly?

**Mr HOWARD**—To my recollection I had not received any information. The chain of events, for the benefit of the Leader of the Opposition, was that on 7 October, unambiguously, as found in the report I tabled yesterday, advice was provided from a number of sources to the task group to ministers. On the basis of that advice it was subsequently not only referred to in the ONA report, but, more importantly, referred to in a task group report that was prepared on 7 October. That report contains the quite bald statement that children had been thrown overboard. It is undeniable that Defence advised ministers that children had been thrown overboard. That was even reconfirmed in writing by Admiral Shackleton on 8 November. So

there can be no argument that the original statements made by ministers were based on advice we had received. That remains the position. It also remains the position that I was not informed by my department that the original advice that children were thrown overboard was wrong.

*Opposition members interjecting—*

**Mr HOWARD**—The Leader of the Opposition says, ‘How can that be?’ If he does not accept what I say on it, I invite the Leader of the Opposition to accept the finding of the report that I tabled yesterday. In a lot of the reporting of this issue and a lot of the commentary on this issue by the Leader of the Opposition the statement is made that my department was informed, but I deny having been advised by my department. The Leader of the Opposition never goes on to say that it was a finding of the report that I tabled yesterday that my department did not inform me and the department reporting to the Minister for Immigration and Multicultural and Indigenous Affairs did not inform him.

Perhaps for the benefit of the Leader of the Opposition I should read from page 31 of the report that was tabled yesterday which provides the context of the behaviour of my department. I do not reflect, incidentally, on the behaviour of my department and I do not reflect particularly on the behaviour of the Navy personnel who were involved in this matter. I have nothing but praise for the behaviour of the personnel of the Royal Australian Navy in relation to all of these matters. Page 31 of the report says:

Ms Edwards—

and she is an officer in my department—

reported that, in response to continuing media reports, PM&C had contacted Defence Strategic Command on 9 or 10 October seeking evidence to confirm the initial advice and asking for a chronology of events. The chronology of SIEV 4 events provided to PM&C by Strategic Command at 1201 on 10 October carries the footnote “There is no indication that children were thrown overboard. It is possible that this did occur in conjunction with other SUNCs jumping overboard.” Ms Edwards indicated in her statement that “When the photos appeared shortly afterwards, we did not pursue this issue further as it appeared to have been clarified.”

Ms Halton—

who is now the head of the Department of Health and Ageing—

also remembers that there was some media speculation about the alleged incident by Monday and recalls that she told the Defence representative at the Monday or Tuesday meeting ... that they had better be certain about the veracity of the initial reports and they should do some checking. She thinks she told Mr Miles Jordana in the Prime Minister’s Office that she had requested that this checking be done in response to the media claims. In her interview with me—

that is the author of the report, Bryant—

Ms Halton said that at no time did Defence advise the Taskforce that there was doubt about the claim of children overboard.

This is a statement of the effective head of the task force saying that at no stage did Defence advise the task force that there was doubt about the claim of children overboard. The report continues:

“While we had asked them to check that the statement was correct (Strategic Command did not always seem to have access to information from the chain of command) this issue was not pursued beyond 10 October, as the photos appeared in the press as the ‘proof’ (the photos had similarly never been raised or viewed in the Taskforce).

She goes on to say:

At no time did I discuss this issue with Minister Reith. I was not informed that the published photographs were not of the incident on 7 October until quite some time after the event—I think it was in November sometime.”

It is necessary to indicate that to put into context the references that have been made in the media and by the Leader of the Opposition about the advice that was conveyed to my department. The simple unassailable facts remain: my original statements were made on the basis of advice given in good faith and those statements were made in good faith, and statements were made in good faith by the Minister for Immigration and Multicultural and Indigenous Affairs and by the former Defence minister. At no stage did my department tell me that the original advice was wrong. At no time did the former Defence minister tell me that the original advice was wrong, and I had no grounds for suggesting otherwise.

### **Industrial Relations: Western Australia**

**Ms JULIE BISHOP** (2.19 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Is the minister aware of proposed changes to the workplace relations arrangements in Western Australia? Would the minister inform the House how the federal government intends to protect the rights of non-union workers?

**Mr ABBOTT**—I thank the member for Curtin for her question. I can inform the House that there are some changes proposed to Western Australian industrial legislation. These changes constitute an industrial relations roll-back on a grand scale. They will introduce a restoration of a Jurassic Park wasteland of strikes, bans and 'no ticket, no start' signs. That is what the Western Australian legislation will do.

Firstly, the proposed Western Australian legislation abolishes individual workplace agreements which have given 250,000 Western Australian workers higher pay for better work. Let us be clear what it means to increase minimum conditions. It means lower pay and fewer jobs for Western Australian workers.

*Ms Jackson interjecting—*

**The SPEAKER**—The member for Hasluck is a new member who might like to acquaint herself with standing order 55.

**Mr ABBOTT**—Secondly, the Western Australian legislation gives unions virtually automatic access to the workplace—and we know what that means, Mr Speaker. As far as CFMEU boss, Kevin Reynolds, is concerned, a right of entry means the right to turn up accompanied by 40 union heavies, and that is the risk that this legislation places on workers and managers in Western Australia.

Thirdly, this legislation will reduce normal working hours by five per cent and, on a conservative estimate, that means at least 3,000 jobs gone. Why is the Western Australian government sabotaging the Western Australian economy? It is quite simple. In December, the three largest union donors to the Labor Party wrote to the Western Australian Premier and bullied him into introducing this law by threatening to withhold

future donations to the Western Australian Labor Party. The three unions in question—the CFMEU, the shop assistants and the Miscellaneous Workers Union—between them have given \$10 million—

**Mr Hockey**—Ten million dollars?

**Mr ABBOTT**—Yes, \$10 million to the Labor Party in the last six years. That is \$10 million to buy Labor policy and that is 10 million reasons why the Labor Party cannot afford to reform itself. Thanks to a combination of the 60:40 rule and union donations, Labor governments wherever they occur are hostage to the union movement. The Leader of the Opposition knows this. The Leader of the Opposition knows that he is a hostage to the union movement. After he got elected, he said he was going to change the 60:40 rule, and then he went along to the ACTU executive and was gently persuaded to change his mind—flip beforehand, flop afterwards. What else can you expect from the Captain Contradiction of Australian politics?

### **Immigration: 'Children Overboard' Affair**

**Mr CREAN** (2.23 p.m.)—My question is to the Prime Minister. Prime Minister, in your previous answer you stated that on 7 October there was 'unambiguous evidence' that children were thrown overboard. Prime Minister, didn't the report that you tabled yesterday from Major General Powell conclude as follows on the events that occurred at 5 p.m. that day:

GPCAPT Walker reports to IDC that he had no documentary evidence to indicate that any children had been thrown from SIEV4. There is then some discussion—

I am continuing the quote—

as to who originally stated that children had been thrown overboard at the morning IDC meeting. Farmer claimed it was GPCAPT Walker. GPCAPT Walker claimed it was Ms Halton. Ms Halton made no comment.

Prime Minister, do you still claim that there was unambiguous evidence?

**Mr HOWARD**—I thought I said 'advice' but I will check that. But if I said 'evidence', as distinct from 'unambiguous advice', I was wrong, because it was unambiguous advice that I was referring to. I will check that. But if that encourages the Leader of the Opposi-

tion, well, be encouraged, mate. I quote from the task force report that was prepared on the seventh:

Once in the contiguous zone, the HMAS Adelaide fired volleys in front of the vessel and boarded and returned it to international waters. This has been met with attempts to disable the vessel, passengers jumping into the sea, and passengers throwing their children into the sea.

Those were the words that were put into the task group report on 7 October.

*Mr Crean interjecting—*

**Mr HOWARD**—The Leader of the Opposition is asking me about my state of knowledge when I made certain statements, and I answer in relation to my state of knowledge when I made those statements. The Leader of the Opposition gets excited about this. Yesterday the Leader of the Opposition was making great play of the juxtaposition of this issue in relation to the election campaign. When I look through the interviews that I gave, I see that the very day before the election, in an interview with Cathy Van Extel on ABC Radio National, I had this to say:

I have no doubt about the general quality of advice I've received from Defence.

And this is me speaking on 9 November, not speaking from the vantage point of reports and so forth. It remains the case that we received advice that children were thrown overboard. That is the advice that I read out. That was the advice that was given. That was the advice that was given to the minister for immigration, and it was the advice that was used in good faith by the minister and the advice that was used in good faith by me. I went on to say:

I have not received any advice from Defence to this moment which countermands or contradicts that.

That was a statement as to my state of mind in relation to the matter on 9 November. What Admiral Shackleton said in his doorstep interview yesterday, as I read it, related to what was on the video and it did not relate generally to the whole issue. The truth is that we were given unambiguous advice, from people whom we were entitled to rely on, that children had been thrown overboard. Not unnaturally, that advice was made pub-

lic. At no stage did I receive advice from my department or from Mr Reith or from any other official—

**Mr Crean**—Or from your staff?

**Mr HOWARD**—or from my staff indicating that that advice was wrong.

*Mr Crean interjecting—*

**The SPEAKER**—Leader of the Opposition! I make no more demands on him than I do on the Prime Minister. There is an obligation on the occupiers of both the Prime Minister's seat and the Leader of the Opposition's to allow whoever is at the dispatch box to be heard in silence. Has the Prime Minister concluded his answer?

**Mr HOWARD**—Mr Speaker, I just repeat again the fundamental facts in this. We received unambiguous advice on 7 October. It was advice tendered in good faith. It was advice that ministers were entitled to use in good faith. They did; they made statements based on that advice. At no stage, as found by Ms Bryant of my department—not as found by me; as found by the person who was commissioned to carry out the inquiry—was advice tendered to me by my department. No advice was tendered to the minister for immigration by his department, and at no stage was I told by Defence, by Mr Reith or by anybody else that the original advice was wrong.

#### Fisheries

**Mr WAKELIN** (2.30 p.m.)—My question is addressed to the Minister for Agriculture, Fisheries and Forestry. Would the minister advise the House of recent apprehensions of illegal fishing vessels in Australia's southern waters. What is the value of fish stocks found on board these vessels? Will these apprehensions send a strong message about the way in which Australia is protecting its sovereign waters?

**Mr TRUSS**—I thank the honourable member for Grey for the question and particularly acknowledge his interest in the great fishing industries of Australia. This government takes very seriously its mandate to keep our nation's borders secure. Whether it be making decisions about who should live in this country, taking appropriate action to keep our country free of unwanted pests and

diseases or protecting our marine resources, we have an obligation to stand up for our country and to make sure that we are able to protect the integrity of our borders.

I am pleased, therefore, to report to the House that, following an extensive operation in the Southern Ocean, the Australian defence forces and particularly the Navy, in cooperation with the Australian Fisheries Management Authority, have last week apprehended two vessels alleged to have been illegally fishing in southern Australian waters. The first vessel apprehended was a Russian flag vessel, the *Lena*, which was apprehended by the Navy on 6 February. A second sister vessel, the *Volga*, was apprehended the following day. This particular operation had been going on for almost two months. There was a period of hot pursuit by the AFMA vessel, the *Southern Supporter*, and then the Navy entered the operation with two vessels travelling something like 4,000 kilometres south of the Australian mainland to intercept and capture these two vessels.

I am told that these two apprehended vessels have around 200 tonne of fish on board with an estimated value of \$2½ million. These vessels were particularly endeavouring to catch the patagonian toothfish—a very highly prized fish around the world. The catch on these vessels is almost equivalent to 10 per cent of the entire legal catch in Australian waters. These vessels are alleged to have been involved in a major pirating operation. They are not insignificant vessels—over 80 crew are on these two vessels, which are currently being escorted to Fremantle and are expected to arrive next week.

These sorts of operations are very difficult. They are conducted in high seas—in this instance, there were more than five-metre waves—with temperatures of less than five degrees, and the winds are almost always strong in these areas. I want to give credit to the professionalism of the Fisheries Management Authority staff and to the work of the Australian Navy in undertaking such a major operation, largely in secret, naturally, in this significant capture and bringing these two vessels to Australia. There are steaming parties on board and when they arrive in Fremantle they will be handed over to the

Director of Public Prosecutions to undertake further investigations.

We have a very large area of water that Australia has responsibility to care for. Those waters contain very valuable fish stocks. We take our responsibility to care for those fish stocks and to manage them sustainably very seriously. This operation demonstrates to the world that we will stand up for our obligations in this regard and that, even if it is a long way from our mainland, those who seek to transgress our waters can expect to be apprehended and to meet the full force of the law. I thank the honourable member for his question and assure him and the House that anyone who seeks to operate illegally in our waters can expect to receive the full response from the Fisheries Management Authority and the Australian defence forces.

#### **Immigration: 'Children Overboard' Affair**

**Mr CREAN** (2.34 p.m.)—My question is again to the Prime Minister. Does he recall being asked on 8 November 2001 whether he had any advice that children had not been thrown overboard? Does he recall responding:

My understanding is that there has been absolutely no alteration to the initial advice that was given. And I checked that as recently as last night. Prime Minister, who did you check with on the night of 7 November?

**Mr HOWARD**—The former defence minister.

#### **Environment: Salinity**

**Mr LINDSAY** (2.35 p.m.)—My question is addressed to the Minister for the Environment and Heritage. Minister, are you aware of recent information about the extent of salinity affecting agricultural lands in Queensland? What is your response to this information?

**Dr KEMP**—I take this opportunity, Mr Speaker, to congratulate you on your election. I thank the member for Herbert for his question and congratulate him on the strong endorsement by his constituency in the recent election campaign.

The destruction of the productivity of agricultural lands by salinity and the degradation of water quality in our key river systems

are the greatest environmental challenges facing Australia at the present time. The Howard government, with the states and territories, has put in place a national action plan worth \$1.4 billion over seven years to mobilise communities and regions to combat this menace. It is fair to say, I think, that no government in Australia's history has put such a high priority on protecting and rebuilding the nation's natural environment. In fact, spending on environmental programs has trebled under this government since 1995-96.

There is a very widespread belief amongst many people in Queensland that Queensland is a state which is not seriously affected by salinity in agricultural lands. This belief has thrived on the absence of proper research information. A more accurate picture has now become available. This shows that no less than 21 per cent of Queensland's cropping lands must now be regarded as high hazard salinity areas—that is over half a million hectares of agricultural land in Queensland. To prevent salinity destroying this land, there will need to be effective management of over 1.6 million hectares in that state.

This work has been done by the Queensland Department of Natural Resources supported by the Commonwealth-backed Grains Research and Development Corporation. I would like to congratulate the Queensland minister, Mr Robertson, and the Queensland government on finally putting forward this accurate information about the extent of this problem in their state. In the light of this information, it is now very important that Queensland become an active partner in the National Action Plan on Salinity and Water Quality, because this agreement is when signed by Queensland going to deliver \$81 million from both the Commonwealth and the state to Queensland communities to begin combating this menace. I encourage an early Queensland signature to the bilateral agreement under the action plan.

#### **Immigration: 'Children Overboard' Affair**

**Mr CREAN** (2.38 p.m.)—My question is to the Prime Minister, and it follows from the answer that he just gave that he consulted with Mr Reith on 7 November. Prime Min-

ister, yesterday you advised the House in relation to Mr Reith's position, and I quote:

If the Minister for Defence did not believe prior to the date mentioned by the Leader of the Opposition—

that is, 10 November—

that he had received clear advice that the photographs had been misrepresented, it stands to reason that he would not have communicated to me or to anybody else a clear view that they had been misrepresented.

Prime Minister, prior to the election did the former Minister for Defence express to you, in particular on that night of 7 November, any view that might cast doubt on whether children were thrown overboard?

**Mr HOWARD**—At no stage was I told that advice had been received by him contradicting the earlier advice. At no stage did he communicate to me that he had received any advice that would contradict the veracity of the original advice tendered to ministers.

#### **Tourism Industry**

**Mr CIOBO** (2.40 p.m.)—My question is addressed to the Minister for Small Business and Tourism. Can the minister inform the House of the impact on the Australian tourism industry of both the September 11 terrorist attacks and the September 14 collapse of Ansett? Minister, how well did the tourism industry cope over the Christmas period and how significant is the government's contribution to the industry going forward?

**Mr HOCKEY**—Mr Speaker, congratulations on your re-elevation to the role of Speaker, and I would like to congratulate the member for Moncrieff on, firstly, coming to the parliament and, secondly, for a wonderful maiden speech, where he highlighted the significance of the tourism industry to his electorate and indeed to the whole of the Gold Coast. Whilst we have not yet received any definitive information about the impact of the terrorist attacks of September 11 and the collapse of Ansett on September 14 and their impact over the Christmas holiday season, I can report to the House the evidence that I have accrued both in my discussions with a large number of members of the House and in visiting a number of elector-



ates, including obviously the member for Moncrieff's electorate.

It has become quite clear that drive tourism destinations, such as the Gold Coast covering, as I said, Moncrieff, and the electorate of McPherson, as well as the Sunshine Coast covering the electorates of Fairfax and Fisher, had a fantastic Christmas period. In fact, the member for Fairfax told me that it was the best ever tourism period over Christmas, which is great news. Other drive tourism areas, such as the North Coast of New South Wales—the member for Richmond's electorate—and regional Victorian areas, particularly along the Great Ocean Road covering Corangamite and Wannon, also had a very good Christmas period. Also, the member for Forrest has indicated that drive tourism destinations in Western Australia, such as the Margaret River, had a good Christmas. Mr Speaker, areas such as the Barossa, which I visited with you earlier this year, also did well. But there were drive tourism destinations that did suffer over the Christmas period. They included the Blue Mountains and the Shoalhaven, which were affected by perceptions of bushfires. Rather than the true impact of the fires themselves, it was the media perceptions of the fires that had the greatest impact on tourism business in the Blue Mountains and on the South Coast.

There are areas of Australia that have continued to suffer from the impact of downgraded aviation travel. Certainly Alice Springs—I would be interested in the views of the member for Lingiari—and Darwin, the member for Solomon's electorate, did it pretty tough, but I understand from the member for Leichhardt that Port Douglas and Cairns are coming back and coming back off a low base, particularly after the collapse of Ansett. Tasmania and South Australia have started to recover but have suffered some impact. Unquestionably our \$150 holiday incentive package has worked as a stimulant. I will say why.

*Mr Fitzgibbon interjecting—*

**Mr HOCKEY**—The member for Hunter scoffs. Of the \$5 million available, at the close of business on 30 January \$4½ million had been sent out. Most significantly, the

\$150 rebate has been used for travel during the traditional down period from 1 February to 30 April. In total, 29,182 families are using the \$150 rebate: nearly 30,000 households are taking a holiday in Australia between 1 February and 30 April as a result of this government's \$150 rebate. That sounds like a successful measure to me—30,000 families having a holiday using the \$150 rebate. This one-off support for the tourism industry is having a positive impact. We will continue to work closely with the industry to monitor events over the next few months, and we will continue to work with the tourism industry to help grow a great and thriving industry.

#### **Immigration: 'Children Overboard' Affair**

**Mr CREAN** (2.45 p.m.)—My question is again to the Prime Minister. I refer him to an earlier question which he responded to saying that the only person he checked with on the night of 7 November was the former Minister for Defence. Prime Minister, do you recall saying on ABC radio on 8 November that you had investigated the assertions of the former Minister for Defence and the minister for immigration? You stated:

I have checked that with both of them as recently as last night.

Prime Minister, was your statement on 8 November incorrect or your earlier answer to me today incorrect? Aren't you just trying to protect the minister for immigration?

**Mr HOWARD**—I will have to check precisely what I said in that interview because I cannot rely on the Leader of the Opposition to—

*Opposition members interjecting—*

**Mr HOWARD**—You ask me to accept the version of something I said on 8 November but you cannot even get right something I said quarter of an hour ago. When you said that I had asserted that I had received unambiguous evidence and I got up and said I thought I said 'advice' and you said, 'No, evidence', I checked the transcript and it was 'advice'. You ask me to remember something from 8 November! I will say this to the Leader of the Opposition: my recollection, when I answered the earlier question, was that the only person I had spoken to on that

night was, in fact, the defence minister. I may have spoken to the immigration minister; I will ask him whether I did. I don't remember, but if there is one minister in this chamber who does not need any protection on this issue it is the minister for immigration.

#### **Employment: Mutual Obligation**

**Ms GAMBARO** (2.47 p.m.)—My question is addressed to the Minister for Employment Services. Is the minister aware of recent comments relating to the government's mutual obligation options for job seekers? Are these comments correct? What is the government's approach to mutual obligation? Will the minister provide examples to the House of the beneficial mutual obligation programs that currently exist?

**Mr BROUGH**—I thank the member for Petrie for her question and her interest in job seekers in her electorate. Yesterday and today—the Prime Minister alluded to this yesterday—many of us heard many fine contributions in the form of maiden speeches. This morning I was flicking through the maiden speech of the new member for Hasluck. I came upon an interesting comment that she made which is not new to those opposite but I guess it is just as ill-informed as those that we have heard over many years. She had this to say about mutual obligation:

People without employment are being punished by one-sided mutual obligation policies.

This notion of 'punishment' is 100 per cent wrong. I will indicate a little later how she can set the record straight by visiting many of the numerous programs that are available in her own electorate.

This is not a new notion being put forward by the new member for Hasluck. In fact, in the 1997 second reading debate the now Leader of the Opposition had this to say when speaking to the Social Security Legislation Amendment (Work for the Dole) Bill 1997:

I think the most insidious thing about this is the very fact that the bill itself is headed 'Work for the Dole'. This must be the most demeaning of approaches and definitions to young people that I can imagine—that you will compel them to work for the dole.

The former Leader of the Opposition, in an interview on 3 September 1998, said:

Work for the Dole was devised as social punishment.

The comment that really goes to the heart of the front bench of the opposition is that of the member for Batman. Speaking to a youth conference in 1997, he said:

Now he—

referring to the Prime Minister—

is massively increasing the social pressures on the most vulnerable young people in our community, the long-term unemployed, through his evil and politically motivated Work for the Dole scheme.

This evil program—this punishment—is supported by the Labor Party in the very policy that they enunciated at the last election. Under the heading 'Real Results From Work the Dole', it is stated:

Labor is committed to retaining Work for the Dole.

That was said before the latest and newest member of your caucus came in here and denounced it as being punishment.

In the seat of Petrie just last week we announced yet another very successful program run by the Pillar City of Refuge Inc. It has a range of activities which will assist the unemployed, supporting each participant with work experience and training skills in the areas of information technology, web page design, retail, hospitality, catering, disabilities, child care and animal care. I ask you, Mr Speaker: is that, in the words of the member for Batman, supposed to be evil? I can tell you, Mr Speaker, that the participants do not think so. I encourage the member for Hasluck to go back to her own electorate and talk to the people who are have participated in the Work for the Dole program there. Since 1997 there have been 1,012 participants in the member's electorate—in the area that now encompasses the member for Hasluck—and 104 projects.

Currently there are a dozen Work for the Dole projects under way. Perhaps she would like to go along to the Fremantle Education Centre which, I am sure, does not consider itself an evil organisation, which is working in nominated schools with the unemployed

as classroom helpers, helping young kids with reading programs and administration, and being involved in library assistance jobs, gardening and technology assistance. Or perhaps she would like to go to Anglicare. It is working with the local arts centre, assisting in the production of a free local magazine for young people. Every member of the House on this side understands and appreciates that Australians and Australia benefits from Work for the Dole. What remains to be seen is when you, the Labor Party, will get to the crux of the matter, which is about having outcomes for people and participation. A just society is a society that allows those who are not in paid work to be fully functional members, to be able to have the self-esteem that comes with participating in programs like Anglicare. I say to the member for Batman, the Leader of the Opposition and the new member for Hasluck: go along and visit some of the Work for the Dole programs, see the success that they are having in society and the good that they are adding not only to their own community but to the Australian community as a whole.

#### **Immigration: 'Children Overboard' Affair**

**Ms GILLARD** (2.53 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs. Minister, did the Prime Minister speak to you on 7 November and, if so, what did you tell him?

**Mr RUDDOCK**—I thank the honourable member for Lalor for her question. I do not have precise recollections about dates and times—

**Mr McMullan**—Are you going to check?

**Mr RUDDOCK**—It is easy enough to say 'check', but I do not keep diaries that are that comprehensive about when people ring me and at what time they do. My recollection is, and it is probably about that time, that the Prime Minister told me that he was intending to authorise the release of the tape.

**Opposition members**—What did you tell him?

**Mr RUDDOCK**—I did not seek to offer advice. I had not seen the video, I was not able to comment on its content and I was happy to receive the advice I had from him.

#### **Insurance: Public Liability Premiums**

**Mrs HULL** (2.55 p.m.)—My question is addressed to the Minister for Small Business and Tourism. Is the minister aware of any action being undertaken by the state governments to address the crisis of the rising cost of public liability insurance that is closing down small businesses and impacting on community events and volunteer organisations?

**Mr HOCKEY**—I would like to thank the member for Riverina for her question, because I know a number of members have been raising this issue over the last few months. As the member for Riverina and a number of other members have told me, this is a looming and significant problem facing small businesses and the broader community over the last few months and into the future. For example, the member for Riverina gave me the example of the Junee Arts Council—in fact, all the arts councils in the Riverina are being refused public liability insurance because they are volunteer based organisations. All New South Wales arts councils have been asked to postpone any activity or event that might have a public liability component.

Another example the member for Riverina gave me was a paint-ball importer and distributor—just a distributor—who has had his premium increased from \$1,000 per annum to \$30,000 per annum. Snowy Mountains Flyfishing Adventures in the member for Eden-Monaro's electorate have been charged a 317 per cent increase in premiums. In the member for Page's electorate, the Channon Community Markets in Lismore had a 500 per cent increase in premiums. In Pearce, the Yanchep Riding School's premiums have risen 779 per cent to \$21,000 a year. In the member for Murray's electorate, the Muskerry Moto Park was forced to close because it was unable to get insurance after spending \$300,000 over three years establishing the park. The list goes on—and it is not just coalition seats; it is Labor seats as well. In Newcastle, the Newcastle skating rink was forced to close when premiums jumped 975 per cent to \$86,000 a year. These are not isolated examples—the issue is spread right across Australia. The most significant response can only come—and must

come—from the state governments. It has to come from the state governments because, under the Constitution, the states have responsibility for this area of law. It is not going to matter how much money is paid in premiums, it is never going to satisfy the fact that the number of claims per annum on public liability has risen from 55,000 per year in 1998 to 88,000 per year in 2000.

*Mr Hatton interjecting—*

**The SPEAKER**—The member for Blaxland!

**Mr HOCKEY**—Public liability has become a lawyer's feeding frenzy, and it is closely aligned with the fact that the state governments—

*Mr Zahra interjecting—*

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

**Mr HOCKEY**—It is closely aligned with the fact that the state governments have chosen to deregulate the plaintiff legal profession, allowing them to advertise 'no win, no fee' and at the same time creating a culture in the broader community that suing for public liability is an opportunity to hit the lottery.

The states are reluctant to recognise that only they can solve it. Behind the scenes, the states are doing something—but I say it is not enough. Victoria announced on 30 January a \$100,000 package to assist adventure-tourism operators, helping them to establish risk plans. So Steve Bracks is saying, 'Yes, we do have responsibility, but we are going to contribute \$100,000 to it.' Queensland announced on 23 January the establishment of a task force on public liability insurance. South Australia announced on 23 October last year the establishment of a working party. Tasmania has released a paper on it, the ACT has released a paper on it, the Northern Territory has announced that it is holding a series of community forums and Western Australia is in the business of trying to close down small businesses with industrial relations changes, not trying to keep them open by taking a strong and firm stance on public liability. The federal government stands ready to help coordinate the efforts of the states.

*Mr Crean interjecting—*

**Mr HOCKEY**—Mr Speaker, the Leader of the Opposition laughs. Does the Leader of the Opposition think it is a funny matter?

*Mr Martin Ferguson interjecting—*

**The SPEAKER**—The member for Batman!

**Mr HOCKEY**—Do you think it is a funny matter? Mr Speaker—

*Mr Fitzgibbon interjecting—*

**The SPEAKER**—The Member for Hunter!

**Mr HOCKEY**—Mr Speaker—

**The SPEAKER**—When I am ready to recognise the minister I will. I call the minister.

**Mr HOCKEY**—Mr Speaker, this is a very significant issue in the community.

**Mr Crean**—Then do something.

**Mr McMullan**—What did you do with HIH?

*Ms Burke interjecting—*

**The SPEAKER**—The minister has the call. The member for Chisholm is warned!

**Mr HOCKEY**—This is a very significant issue in the community. Senator Helen Coonan and I are working—

**Mr Martin Ferguson**—Got your foot out of your mouth now, have you, Joe? Carpeted—

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

**Mr HOCKEY**—Senator Helen Coonan and I have invited the states to come to the table with a proposal that provides a national solution to this growing problem. We will work with the states to come up with a solution. We stand prepared to do what we can to try to help the states to address the significant issue. At the end of the day the states know, as does the broader community, that this can only be solved by changes in legislation, and the legislation can only be passed by the state parliaments. There is no other solution to this. If the Labor Party in opposition think it is a funny matter, the Labor Party ought to be aware that this is having a profound effect in the broader community. As members on this side of the House will

attest, if something is not done about public liability premiums, not just for small businesses but for sporting clubs and a range of other groups, in fact it will have a more profound effect on those community groups and small businesses over the next 12 months. We stand ready to help and support the states in their efforts, but there is a recognition by this government that more work needs to be done.

#### **Immigration: 'Children Overboard' Affair**

**Ms GILLARD** (3.03 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs. Did the minister state on radio 3AW on 8 November 2001 that 'the original information was clear, unambiguous and confirmed again yesterday by the most senior officer' in his department? Minister, is the most senior officer referred to in that report Mr Farmer, the secretary of your department? Is it not the case that Mr Farmer was a member of the government's interdepartmental working group on the boat interception that led to the children overboard allegations? Minister, precisely what advice did the secretary of your department confirm to you, and what further checks did you ask Mr Farmer to make of this information's accuracy?

**Mr RUDDOCK**—The report that was tabled yesterday details the matters about which Mr Farmer informed me as a result of the task force discussion. I did—on or about 8 November; I do not recall the precise date—because of the issue being raised again in the context of some statements out of Christmas Island, ask Mr Farmer to go through those issues again about which he had advised me because I wanted to check my own recollection as to the events that occurred on 7 October. He affirmed that he was the source of advice to me, and that was very important to me in that context because—

*Mr Crean interjecting—*

**Mr RUDDOCK**—Pardon?

**The SPEAKER**—The minister has the call. The minister will respond to the question, not to the interjections.

**Mr RUDDOCK**—The suggestion that it was in some way a correction he affirmed. The advice—

**Mr Crean**—Even though—

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

**Mr RUDDOCK**—He affirmed the advice he had given to me and that was what I was seeking.

#### **Aged Care**

**Ms PANOPOULOS** (3.05 p.m.)—My question is to the Minister for Ageing. Can the minister provide the House with details of the 2001 aged care approvals round which he recently announced and, in particular, could the minister inform the House of the benefits the round has for people living in regional and rural Australia, such as in my electorate of Indi?

**Mr ANDREWS**—I thank the member for Indi for her question and may I congratulate her upon her election to this House. I trust and know that she will carry on representation for the people of north-eastern Victoria in the fine tradition of her distinguished predecessor.

As honourable members will know, I announced recently the latest instalment in the Commonwealth's contribution towards the wellbeing and the health of elderly and infirm Australians in the allocation of 8,000 new aged care places to some 400 aged care providers across this nation, worth \$150 million in recurrent funding, and also the allocation of \$23.3 million in capital grants.

This is significant for two reasons. The first was alluded to by the honourable member in her question, and that is that older Australians in rural and regional Australia will particularly benefit with 50 per cent of all the places and 80 per cent of capital funding going to these areas. To take one example, in the electorate of Indi the people of north-eastern Victoria will benefit with 93 additional places allocated to Wangaratta and Wodonga, which the honourable member represents in this place. That includes 50 high care places, 20 low care places and 23 community care places, worth in the order of \$2.4 million to that electorate.

The second matter of significance in relation to the recent allocations is that there was a record number of high care places in this round. This round involved the release of 2,041 high care places, meeting the needs of particularly frail older Australians. In addition, there is a total of 4,245 low care places and some 1,711 places in community aged care packages. The Commonwealth allocated an additional 22,000 places in 2000-01, 14,000 places in last year's round and 8,000 places in this year's round. May I also take the opportunity of noting—

*Mr Albanese interjecting—*

**Mr ANDREWS**—The member for Grayndler interjects. He is so interested in aged care that in his first speech in the House in this new parliament he spoke about cricket. Under the Aged Care Act providers of places allocated to them are given a reasonable time of two years to bring those allocated places into operation. This reflects a judgment on the part of the parliament of a reasonable period of time to obtain the necessary financial commitments, to obtain local government and town planning approvals and to build their nursing home, hostel or extension.

It is true, as has been indicated—and as I indicated, honourable member for Grayndler—in recent reports that some 2,816 of these places which have been allocated are outstanding and have not been brought online within two years. I inform the House and honourable members that each and every one of those places will be investigated, that each of the providers who have that allocation will be asked to enter into a firm time line in relation to these matters and that if they are unable to bring these places online in a timely and responsible manner then those places will be reallocated.

I have also entered into discussions in relation to other bodies where there may be roadblocks to bringing the places online. I had discussions yesterday with the Australian Local Government Association and their president, Councillor John Ross, in relation to any delays which may be occasioned by local government and town planning approval. Providers are being asked to provide

some milestones which we can check off against in order to ensure that what the community expects and what the government is responding to in relation to providing these places is actually being achieved. I note that, of the 8,000 places that have been allocated in this most recent round, more than half of the providers to whom places have been allocated have indicated that they will bring them online. Their expectation is that they will come online not within the two years which is provided by the legislation but within one year, and we will be following that matter up.

As I said at the outset, this is a further contribution on the part of the Commonwealth government to the care, wellbeing and health of elderly infirm Australians. In the election commitments which were announced before Christmas we added a number of major commitments in terms of increasing the number of aged care places in Australia. We are interested in the wellbeing of older Australians and we will continue to address their needs.

#### **Immigration: 'Children Overboard' Affair**

**Ms GILLARD** (3.11 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs. Does the minister recall saying to the media of the children overboard claims on 7 October 2001:

I regard this as one of the most disturbing practices I have come across. It clearly was planned and premeditated.

And does the minister recall telling the House yesterday:

I did advise the media attending the press conference of the information I had received—

that is, the information received from Mr Farmer. Minister, did Mr Farmer advise you that the throwing of the children overboard was 'planned and premeditated'? If not, on what basis did you make that claim?

**Mr RUDDOCK**—In the report, Mr Farmer said in a statement:

... to the best of my memory, the issue of children being thrown into the sea first came to my attention at the high-level meeting at PM&C on the morning of 7 October. My memory is that this information came orally from a Defence repre-

sentative at the meeting. Mr Ruddock rang me while I was in that meeting and I told him that we had been informed by Defence that the people on the boat were wearing lifejackets and that some children had been thrown into the sea. Unusually for me I took that call at the conference table and the other participants at the meeting heard me pass on this information to Mr Ruddock ...

When you look at the context of the report, you see that one of the aspects of this particular incident which followed on the return of a vessel to Indonesia—

*Ms Macklin interjecting—*

*Mr McMullan interjecting—*

**The SPEAKER**—The minister has the call. I will deal with the member for Jagajaga and Fraser if I need to.

**Mr RUDDOCK**—was that it was becoming very obvious in discussion generally we had had about these matters that the people on board were seeking to frustrate possible returns and numbers of incidents were occurring—and some of them were revealed in the report in this particular instance. There was the information about this being the first vessel where all of the people came with life jackets. Then you had the following up, which you saw as this matter evolved in time, with other incidents of sabotage to the vessel and of people jumping overboard and being, as the report said, thrown overboard.

**Mr Albanese**—That is what you said.

**Mr RUDDOCK**—Yes, that is what I said.

**Mr Albanese**—On what basis?

**Mr RUDDOCK**—I am explaining to you the context in which I believe what was happening here was quite clearly planned and premeditated. That is what I was putting to you. You have to see it in the context of the—

*Opposition members interjecting—*

**The SPEAKER**—This has been a week in which everyone has endeavoured to ensure that question time in the parliament worked effectively. I see no reason why that reputation should be destroyed in the last few questions of the last day.

**Mr RUDDOCK**—I will complete the comment I was making. In the context of what we had experienced before and the wearing of life jackets, it is quite clear that

what was happening here was premeditated with a view to forcing—

*Opposition members interjecting—*

**Mr RUDDOCK**—Yes. It was quite clearly premeditated—

*Mr Albanese interjecting—*

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

**Mr RUDDOCK**—with a view to ensuring that these people were taken on board. The point that is forgotten—

*Mr Stephen Smith interjecting—*

**The SPEAKER**—The member for Perth!

**Mr RUDDOCK**—as people seek to try and use these particular issues to make it appear—

*Mr Stephen Smith interjecting—*

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

**Mr RUDDOCK**—as if the people who have been coming on these boats were in some way angelic, what you need to understand, is what was included in the report yesterday, and that is—

**Ms Gillard**—Mr Speaker, I raise a point of order which goes to relevance. This question was very specific about advice received on the 7th—

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

**Mr RUDDOCK**—It is quite clear from the report—and I just remind honourable members of it. In relation to passengers, the report states:

It was clear from an early stage interactions with the SIEV 4 could involve a new level of difficulty. Passengers were aggressive for the very first time in such sightings. They were wearing life jackets. There was concern that they may bring about a safety-of-life-at-sea situation to achieve their goal of landing at Christmas Island.

That is the context in which I assert very positively that this was premeditated, planned. They wore life jackets because they were—

*Opposition members interjecting—*

**Mr RUDDOCK**—I am sorry—

**The SPEAKER**—The minister has the call!

**Mr RUDDOCK**—The only comment that I was going to make is that you only have to go through and look at the full reports that were included in the documents tabled yesterday which elaborate on the degree of difficulty that the Navy had, notwithstanding this particular incident and how it was reported, in dealing with this particular issue involving this group of unauthorised border arrivals. The facts as related in those reports indicate sabotage to the vessel, fires on the vessel, and people jumping overboard and having to be brought back onto the vessel. All of that was clearly premeditated with a view to ensuring that they were brought into Australia rather than being returned to Indonesia. I do not apologise for that remark at all.

#### PRIME MINISTER

##### Censure Motion

**Mr CREAN** (Hotham—Leader of the Opposition) (3.19 p.m.)—I move:

That this House censures the Prime Minister for:

(1) his failure to ensure that his own *Guide to Key Elements of Ministerial Responsibility* was upheld in the period from 7 October to 10 November 2001, in particular that Ministers must be honest in their dealings;

(2) his failure to make further inquiries on or after 10 October 2001 as promised into the allegations that:

(a) children may not have been thrown overboard from the SIEV 4 as first alleged on 7 October 2001; and

(b) the photographs released by the Minister for Defence may have misrepresented events on the SIEV 4 on 7 and 8 October 2001;

(3) his, and his government's, repeated efforts to cover up the facts surrounding the allegation of children being thrown overboard from the SIEV 4 on 7 October 2001.

**Mr Abbott**—Mr Speaker, we will take the censure.

**Mr CREAN**—I thank the Leader of the House. This is a sad day for the parliament, it is a sad day for the people of Australia and it is a sad day for you, Prime Minister. I remind you of the words that you spoke in this

chamber back in 1995, when you were seeking to become Prime Minister. You said:

We want to assert the very simple principle that truth is absolute, truth is supreme, truth is never disposable in national political life.

How far you have fallen, Prime Minister. The people of Australia have put their trust in you, and you have let them down. You have abused that trust, because yours is a government which has lied, spied and denied. Yours is a government that has lied to the Australian people. It has spied upon them. It rushed out within four hours to make the allegation, to tell the lie, without bothering to check the information, without waiting for the status report from the naval department. The excerpt that I read today shows that on that very day there was doubt in the IDC that kids were being thrown overboard, yet the Minister for Immigration and Multicultural and Indigenous Affairs, the Minister for Defence and the Prime Minister all rushed out to tell the lie. They rushed out within four hours, without having checked it.

Having rushed out within four hours, they have now spent the last four months hiding the truth. Your government told the lie on 8 October, Prime Minister, and you made a meal of it. Your government knew the truth on 10 October but never corrected the record. What we have been seeing today is the Prime Minister weaseling his way around every forensic question asked that tried to ascertain why his department did not advise him. It beggars belief that a Prime Minister's department get advice on 10 October that the 'kids overboard' incident did not happen and that they did not tell the Prime Minister. I do not believe it, Prime Minister, and I do not think that anyone in Australia believes it. It beggars belief.

What you have done today is build the 'John Howard Memorial Firewall'. We have seen the defences being put up. We have the Max Moore-Wilton firewall: 'Max didn't tell me.' We have the Peter Reith firewall: 'Peter Reith didn't tell me.' We have the Philip Ruddock firewall: 'Philip didn't tell me,' because Philip had constructed the firewall himself. And now we have the Ms Halton firewall: the Prime Minister saying that he is relying on Ms Halton, and yet the evidence



put in this parliament today indicates that she knew on 7 October that there was doubt about it.

You may not want to answer these questions today, and you have the numbers to avoid answering them. But I tell you this: these will be issues pursued in the Senate through the parliamentary inquiry. The other thing that you should do is to hold a full press conference, because there are many in the media that believe that you have lied to them, too. They deserve the opportunity to have their concerns aired. So have some courage: front a full press conference on this.

Let us go to what the Prime Minister said. He was very strident on the day that he came out and said:

We are not going to be intimidated out of our policy by this kind of behaviour.

The minister for immigration said:

I regard these as some of the most disturbing practices that I have come across. It clearly was planned and premeditated.

That is what was being said on 7 and 8 October. But it is very interesting that on 10 October, the day that we know his department was told that it was wrong, the day that we know that former Minister Reith was given a letter saying that it was wrong, we have the Prime Minister starting to change his tone and his justification. He has this to say:

I express my anger at the behaviour of those people and I repeat it. I can't comprehend how genuine refugees would throw their children overboard.

He made those statements about premeditation without relying on any information coming to him from the IDC. The IDC knew that there was doubt about the circumstances of 7 October. The interesting change in tone is shown in the following quote. On 10 October, the Prime Minister was asked a question and he said:

Look, I don't know. I am not going to commit myself to providing anything until I make inquiries as to what the evidence is. I have no reason to doubt what I was told. Mr Ruddock is a very careful person and the information that we were given—that he was given and that I relied on—is information that, seeing that you've asked about it, I will now naturally ask about.

That is a completely different tone from the stridency of 'premeditation' that they were going on with two days previously. What advice did you get in between those dates, Prime Minister? That is what you have not answered today. The belief that we have on this side is that you knew—you knew that the information was wrong, but it would be too embarrassing for you and, in any event, it suited your political agenda to have the issue out there running that this was deliberate abuse of children by people seeking to come to our shores, an issue by which you could continue to vilify them. Rather than act on the new advice, you decided to ignore it, and now you want the Australian public to believe that you never received it. I am sorry, Prime Minister: you have got to do better than that.

Importantly, the question is this, Prime Minister: if you said on 10 October, 'I will make inquiries as to what the evidence is,' what inquiries did you make and what evidence did you get? You want to make great play of 'advice' and 'evidence'; I do not think that the Australian people are going to be fooled by the niceties of that. They want to know the truth—not the semantics, not the slithering away from real accountability. They want to know the truth. Tell me this, Prime Minister: do you really expect anyone to believe that you as Prime Minister, seeking to make further inquiries, would not inquire of your own department? Do you really expect that?

**Mr Abbott**—It was in caretaker mode.

**Mr CREAN**—We have seen the government abuse caretaker mode so much and now they want us to believe that the only time they relied on it was on this occasion—how convenient! Thanks very much, Leader of the House!

These are key questions. Prime Minister, when you committed yourself, before the Australian public at a national press conference, to make further inquiries, what inquiries did you make of your department and what inquiries did you make of then Minister Reith? I do not believe that you would not have spoken to either of them. The truth is that both of them knew on that day, 10 October, that the story was wrong. You said that

you would make inquiries, but I do not believe that anyone can now accept that you did not inquire of those two people.

The other point is that on 8 November you said in an interview—and this also goes to your state of mind—the following:

My understanding is that there has been absolutely no alteration to the initial advice that was given. And I checked that as recently as last night. How is it possible that the Prime Minister was not told that the children were thrown overboard, when his own department knew about it four weeks earlier, the Department of Defence knew about it four weeks earlier and the Minister for Defence knew about it four weeks earlier. We know that from the reports that have been tabled. How is it possible, Prime Minister, that you said you checked the night before, but your own department and the defence department—the two departments involved in this—knew four weeks earlier that the story was wrong? The Minister for Defence also knew it and we know that you spoke to him at least on the night before you made this statement.

Prime Minister, it seems that there were only two people in the government who did not know: you and Minister Ruddock. Everyone else in your government knew that the story was wrong—but not you, you duplicitous duo! You knew, but you want us to believe that you did not know. I do not think the Australian public will buy it and you need to be making a much more convincing defence of yourself than you have made so far. Then on 9 November, the day after, you said on the Neil Mitchell program:

I still believe that advice. My advice has always been that there were children thrown overboard.

The question again, Prime Minister: who did you get that advice from? It could not have been from your department, it could not have been from the defence department and it could not have been from Mr Reith unless he lied to you. If you are prepared to condone your own ministers lying to you, then one can understand the sorts of standards that you are setting for this country. If you think it is appropriate for ministers to lie to you, then by the same logic why shouldn't you be able to lie to the Australian public?

**The SPEAKER**—I remind the Leader of the Opposition that the language he is using, even in a censure motion, would be deemed to be unparliamentary.

**Mr CREAN**—I did not call him a liar, Mr Speaker. You have not only misled the Australian public on this, Prime Minister, you have also misled the journalists of this country. They are pretty angry about this, so do not think it is just us who have a concern. Listen to the talkback radio; we know how interested you are in it. They are outraged by what you have done and they are not convinced by your explanation. Go and call that full press conference and subject yourself to those people you told so categorically that there was no change of information when in fact we all know now that there was, and we all believe that you knew that there was a change.

**The SPEAKER**—The Leader of the Opposition understands that his remarks should be addressed through the chair. Therefore, his use of the term 'you' is inappropriate.

**Mr CREAN**—All right, Mr Speaker. The Prime Minister has broken his own code of conduct. Let me remind him of that, because there is a key element:

Ministers must be honest in their public dealings and should not intentionally mislead the Parliament or the public. Any misconception caused inadvertently should be corrected at the earliest opportunity.

What a disgrace! Four months it has taken for this information to come forward. We believe you knew as early as four months ago. The point of this, Mr Speaker, is: if this government is prepared to lie, spy and deny on this issue, it is also prepared to do it in the future. It is a government that has been returned for another three-year term, but it has already established the basis of its return: it was a return assisted by deceit. If it thinks that you voted for it through deceit then, it thinks it can get away with continuing deceit in the future.

Let us start to see some of that deceit already unravelled. Before the election they said that private health insurance would not rise. We in fact had the minister saying that with all the people coming in the premiums would come down. Now we have the minis-

ter softening people up for a hefty slug in private health insurance rates. The Prime Minister also told us before the election that private school fees would stay down because of their new schools funding policy. Since the election, the school fees have gone up. He promised extra nursing home beds before the election. Now the election is over we know that 3,000 beds exist only on paper—they lied about that, too. They also promised legislation that would protect the rights of sacked workers to their entitlements. After the election, their legislation fails to protect that right; they have lied in relation to that, too. What we have here is a pattern by this government—a pattern of deceit; a pattern of deceiving the Australian public. I believe the Australian public deserve better than that and they have been terribly let down by this government.

I indicated yesterday that this was a dirty victory by the government. I still believe that and am more convinced about it in the light of the evidence that comes forward. The Prime Minister's credibility is in tatters. This is a government that has not only lied about the kids overboard, it has also been deceiving about the lip sewing incidents. That came forward in the Senate yesterday. People like to think that this is a Prime Minister who is resilient and politically astute, but the fact is that you did not win the last election because of your cleverness, Prime Minister; you won it because of your deceit—deceit by a government that would stop at nothing to get itself re-elected. It will do anything to save its hide but it will not step up and do something for ordinary Australian families.

This Prime Minister won the election because he was prepared to go lower than any politician has ever been prepared to go. He won it because he was prepared to preside over a government that was prepared to tell lies, and the Australian people have a real right to be angry in this regard. The Prime Minister has abused their trust and he has stolen from their right to make an informed decision about who should govern the country. The only certainty from this whole episode is that, out of this incident, we are more likely to be looking at a change in the leader-

ship of the Liberal Party sooner than most people thought.

They over there want to laugh about this, but I have been watching their backbench through this debate, and they are very uneasy indeed. They are people that now have to go back to their electorates and justify how it is that the defence minister of the country knew that circumstances had changed but did not tell anyone. They have to explain how the Prime Minister of this country expects people to believe that even when his department was told on 10 October that the story about the kids overboard was wrong they did not pass that information on to the Prime Minister. Either the Prime Minister has to explain what botch-up existed in his own department that meant this information did not come to him or he has to fess up and indicate what we all believe—that is, one way or another he was aware of the change but chose not to make it public. It beggars belief that the Prime Minister's department knew this on 10 October and he was not informed. It is either incompetence or dishonesty. Either way, this is a government whose credibility is in tatters.

Censure motions are not taken lightly, Mr Speaker, and you know that, but this is a serious matter, despite the guffawing on the other side. If they do not believe that the Australian public is angry about this, they are not listening. Perhaps they are so out of touch, perhaps they still have so much hubris that they have snuck in over the last election, that they do not care. It is a sorry day in Australian politics when they take the Australian public for granted. The Australian public deserves better. It deserves to have its politicians—as the Prime Minister said back in 1995—tell the truth. What we have got is a government exposed for not telling the truth, and, when it became aware of the changed circumstances, covering up. It is a government that will rush to tell the lie and then will stall to cover up the truth. It is not a government of decency; it is a government of disrepute.

**The SPEAKER**—Is the motion seconded?

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

**Mr HOWARD (Bennelong—Prime Minister)** (3.40 p.m.)—Mr Speaker, can I start by saying through you to the Leader of the Opposition that I do take censure motions seriously. So seriously do I take censure motions that I look in them for some substantive attack, some powerful argument, that justifies somebody in the first week that parliament has sat coming in, calling the Prime Minister a liar, calling the government liars and generally impugning the credibility and the reputation of this government. Of course I take that seriously, and I intend in the time available to me to go through the claims that have been made by the Leader of the Opposition.

Let me first of all state absolutely categorically, so there can be no doubt about it, that the original claims I made were based on advice given in good faith. They were used by me in good faith. I believed them to be true. I never received any advice from my department or from any other official or from any of my colleagues indicating that that advice was untrue. That is the statement of fact. Some people in the Australian community will choose to disbelieve that; others will choose to believe it. The genesis of this censure motion lies not in a desire by the Australian Labor Party to seek the truth but in their total inability to live with the fact that they lost the last election. That is what this resolution is all about. The Labor Party always seek an excuse. There is always a reason why their undoubted brilliance was not rewarded by the Australian people. Years ago it was an inquiry called by Prime Minister Menzies. Now it is alleged dishonesty on my part and the part of my colleagues.

Let me say, through you, Mr Speaker, to the Leader of the Opposition, that there were many reasons why the Labor Party went to defeat at the last election. One of those reasons was that the Australian people thought our policy on border protection was more believable than the policy of the Australian Labor Party. Those Australians whose votes were influenced by the border protection issue voted for us because they thought our policy on border protection was better than the policy of the Labor Party. The question of whether they believed or disbelieved the

claims in relation to children overboard was quite subsidiary to the question of whether or not they supported our border protection policy. Any suggestion to the contrary is completely untrue.

Let me go through the chain of events. The chain of events is very simple. On 7 October, advice was unambiguously given to ministers—and that has been acknowledged and has never been disputed. I am accused of lying. A lie is saying something that you know to be untrue. When I made those statements immediately after 7 October I believed those statements to be true, and I received no information to disturb that belief. In those circumstances, I totally reject for the record the claim by the Leader of the Opposition that I have lied to the Australian people. That itself is a lie!

I am prepared to sit and listen to the Leader of the Opposition launch these attacks—he can go ahead. But I want to make it very plain to you, Mr Speaker, and through this parliament to the Australian people, that the statements I made were based on advice that I had received. If I had received contrary advice, I would have made that contrary advice public. I would have made it public in the same way that I have, almost without precedent, had an inquiry made. I have tabled the results of that inquiry, warts and all, for the parliament to examine.

Let me go to what seems to be the only substantive point made by the Leader of the Opposition, and that is that my department was told—so he claims in his paraphrasing—that there was doubt about the original claims. He then says that it beggars belief that my department did not pass on that information to me. That is, I think, the essence. I do not think I do the Leader of the Opposition any injustice by saying that that appears to be the gravamen of his claim—the essence of his claim against me. If in fact—

*Mr O'Connor interjecting—*

**The SPEAKER**—The member for Corio! The same courtesy that was extended to the Leader of the Opposition will be extended to the Prime Minister.

**Mr HOWARD**—Let me, therefore, go to the chain of events. I repeat what I said in question time. Page 31 said:

The chronology ... provided ... by Strategic Command ... on 10 October carries the footnote “There is no indication that children were thrown overboard. It is possible this did occur in conjunction with other SUNCs jumping overboard.” Ms Edwards—

an officer of the PM&C department—

indicated in her statement that “When the photos appeared shortly afterwards, we did not pursue this issue further as it appeared to have been clarified”.

Now that is what she said. You can say that is wrong, in error or incompetent, but it is an explanation as to why further advice was not provided to me.

I remind the Leader of the Opposition that the report that I tabled yesterday found that—it was not my opinion; it was a finding of the report. If the Leader of the Opposition relies on the report’s finding to support his claim that my department was informed, he must also accept the same report’s finding that the department never passed on any information to me. Now you cannot have it both ways. You cannot in one breath say, ‘This report shows that Howard’s department was informed.’ He has to then go on and acknowledge that that information was never passed on. The reason why that information was not passed on is, in fact, explained on page 31 of the report.

The reality is that, if you read this report very carefully, you will find through it evidence of great confusion—and I do not say this critically; I simply say this objectively—within the defence department regarding precisely what had happened. Bear in mind that these naval officers were dealing with very difficult circumstances. They ought to have our understanding, our respect, our support and our admiration for the very difficult circumstances that they were dealing with.

To give you an idea of the degree of conflict within Defence in relation to this issue, bear in mind that the basis of the finding of the report that my department had been informed was a footnote appended to a chronology by Strategic Command. That is the sole basis of the finding, yet page 30 of the

report that I tabled yesterday contains this very interesting paragraph:

In his interview with me, AVM Titheridge—

and he is the head of Strategic Command—

indicated that he “hadn’t become aware that there was doubt about the original claims until a few weeks ago when, after seeing an article in the *Herald Sun* of 25 November 2001 he had chased up a cable from Maritime Headquarters, but by then the inquiries (by General Powell and PM&C) were under way.”

In other words, the head of the very body whose advice was the basis of the finding that my department had been informed acknowledges that he himself was not aware of there being any doubt until some weeks after these events had happened.

I go through this again in case there is any doubt in the mind of the Leader of the Opposition. The original advice was unambiguously given. That advice was acted on and at no stage was I given any advice by ministers, by colleagues, by my department or by other officials that that original advice was wrong. In those circumstances the allegation that I lied to the Australian community falls over completely. It has no substance. It is based upon a desire of a Labor Party leader to find any excuse than the reality of political inadequacy to explain the defeat of his party at the polls on 10 November last year. That is the real origin of this motion. It is the total inability of the Australian Labor Party to come to terms with the reality of political defeat.

I deny absolutely that there was any cover-up in this situation. I deny that absolutely. Those of us who have been here a few years know that in this place you always know a censure motion lacks substance when it is laced with political commentary and media advice. There was a fair amount of political commentary in the speech given by the Leader of the Opposition. He starts giving me advice. If I want to know when to have a press conference, I will ask Tony O’Leary and not Simon Crean, because I think I will get far better advice.

I know it is hard when you do not really have an argument. I sat through question time—and I do not mind saying that I spent a bit of time studying the transcripts, I spent a bit of time going through the reports, I spent

a bit of time talking to my staff; I thought I should take it very seriously and I did—and I was expecting some questions that would really expose an area of vulnerability that I had not thought of, but the whole thing centred upon this allegation in relation to my department. I have already gone through those elements of the report which indicate how my department dealt with that matter.

I know there is great hostility on the other side to the former defence minister. I know that the real reason behind that is that they still have not gotten over what he did in 1998 in relation to reforming the Australian waterfront. If you really want to find out the motive for censure motions moved in this place, they normally lie in political defeats that the Labor Party has suffered—they rarely lie in relation to the real circumstances of an issue.

In the minutes that remain in relation to this reply let me just say again that the issue of illegal immigration to this country, the issue of how to handle the challenge presented by illegal arrivals, is a very difficult one. Of course it was an issue in the last election. It was not the only issue; it was not the dominant issue; but it was a significant issue. But what people voted on at the last election was an assessment of who was more likely to more effectively protect the borders of this country. The Australian people decided on that occasion, without any doubt, that the coalition—the Liberal and National parties—were more able to effectively protect the borders of this country.

What we presented to the Australian people before the election remains the strong policy of this government. Since the election we have seen an utter vindication of all the warnings we gave the Australian people about how the Australian Labor Party would have behaved on this issue if they had won the election. We said that if Labor won the election they would change the policy. One of the fascinating things about this censure motion moved by the now Leader of the Opposition is that for most of the election campaign he and his predecessor were trying to persuade the Australian people that there was not a cigarette paper between the coalition and the Labor Party on the issue of border protection; that we were exactly the same.

That is the reason why I was able to say in question time, having been through the transcripts of all my press interviews, that between 10 October and 26 October there was not one reference to the children overboard issue. In other words, for a whole 16 days of the election campaign the issue was not raised. And yet according to the Leader of the Opposition on morning radio, we campaigned every day on children overboard. The reality is that we did not. I do not even remember it being raised during the great debate.

What we did campaign on was border protection, and we made no apology for campaigning on border protection because we had a superior policy to offer. This censure motion ought to be rejected because the claim of lying has not been made out; it is a complete untruth itself. Most importantly of all, this motion should be rejected because it is born of the political frustration and anger of the Australian Labor Party and not grounded in any substantive attack on my integrity or the integrity of my government. (*Time expired*)

*Mr Latham interjecting—*

**The SPEAKER**—Before I recognise the member for Lalor, I require the member for Werriwa to withdraw the comment, ‘You lied.’

**Mr Latham**—I withdraw.

**The SPEAKER**—There are several other points that ought to be made. All members are aware that to use the term ‘you lied’ is unparliamentary. New members may not be aware—and I have to say that I checked this with the Clerk—that Speaker Snedden has also ruled:

The consequence is that I have ruled that even though such a remark may not be about any specified person the nature of the language [the Government telling lies] is unparliamentary and should not be used at all.

I am indicating what is a part of *House of Representatives Practice* before I recognise the member for Lalor, not wanting to interrupt her during her debate.

**Ms GILLARD (Lalor)** (3.56 p.m.)—There is one simple point at the heart of this debate: you do not have to tell untruths to protect our

borders; the two things are not related. What this government did in relation to the claims that asylum seekers threw children overboard is quite clear. For the first time—this is certainly not the same advice his national party director Lynton Crosby was trying to give the Australian community—the Prime Minister admitted today, crystal clear, that the last election was fought on the issue of border protection. That was the only issue on which this government sought to win because, as we all know from the Governor-General's speech earlier this week, they had no other third-term agenda.

What we now know is that a central claim on the question of border protection—a claim that ran in the newspapers for many days over the course of the campaign, that fed the talkback radios, that people would raise with candidates standing in the election—was untrue. The Prime Minister in his speech does not seem to understand the nature of honesty. His limited defence is that when he first made statements about asylum seekers throwing children overboard he believed those statements to be true. That might have been right on 7 or 8 October, but what it does not explain is his standing mute day after day, failing to correct a claim central to the main issue of the federal election campaign that he knew, or people around him knew, or should have known, was untrue. He preferred Australian people to walk into polling places on election day still having in their minds something that was untrue. Honesty does not just require you to tell the truth. Honesty in a political context in an election campaign also requires you to correct untruths. Today the Prime Minister in his defence today has not addressed any part of the second point: the question of addressing untruths.

The three ministers involved in this—the Prime Minister, the Minister for Immigration and Multicultural and Indigenous Affairs and the former Minister for Defence—are doing the reverse of the three wise monkeys. The three wise monkeys would see no evil, hear no evil, and speak no evil. These three ministers did a complete reverse: they saw no good, they heard no good and they refused to put out, when they knew it, what was going

on. They were in the loop; they were the ones in the centre of it. Yet they are asking us to believe that, as the weeks rolled by in the election campaign, they did not know that a central claim that they had made was untrue. It is simply inconceivable.

When we look at the way in which these claims were used during the election campaign, this was not just a small matter; this was a whole of government response; this was a whole of government conspiracy. Everybody was involved in prosecuting these untrue claims during the election campaign. I refer the House, for example, to the statement made by the Deputy Prime Minister on 12 October. He said:

“The reports I get indicate from time to time that particular action is deployed and I find it deplorable,” he said.

“I am told actually [that] does happen more often than we would like, where people try to force the hand by deliberately jumping overboard, or worse by pushing others overboard, women and children.”

So there is this whole of government conspiracy—they are all out pumping the message—and there is the Deputy Prime Minister of Australia contending that he has been advised that this has happened on multiple occasions. How is that possible? We know it did not even happen once but, no, that does not stop the spin, does it? It does not stop the spin being used. Then there are the elements of the government that like to push these things a little bit harder. On 11 October a federal Liberal backbencher—that is, Senator Ross Lightfoot—did not mind getting into a bit of pushing-out that asylum seekers had thrown kids overboard: we have the report. A newspaper article reads:

Meanwhile, a federal Liberal backbencher yesterday described boat people on HMAS Adelaide—

that is, the asylum seekers involved in this incident after they were picked up—

as wretches unable to assimilate, whose behavior would be more tolerated in a Muslim country. Western Australian senator Ross Lightfoot said Australians were entitled to express disgust at their behavior. “Such attempts to blackmail Australia into accepting these uninvited and repulsive people only serve to harden the resolve of decent, balanced Australians.”

We know from the Prime Minister's own mouth it was 'an election fought on border security'. We know from the reports yesterday and the things that have happened in question time today and yesterday that the central claim on border security is untrue. We know a government that knows it is untrue does not take any steps to go out and put the truth on the public record. And we know it turns a blind eye while elements like Senator Ross Lightfoot are out there pushing the race button as hard as they can push it. That is precisely what has gone on here.

The Prime Minister would have you believe that he is a tenacious and honest person—someone who has been in politics almost all his adult life, that he has come back from difficulties that required Lazarus with a triple bypass, that he revels in the reputation of being 'honest John'. But when you actually look back through the history books, the Prime Minister does not have a great record on the question of truthfulness. I found this clipping—it is a little bit old now—from the *Illawarra Mercury* of 25 May 1979. The banner headline reads, 'Lies, lies, lies'. That related to the claims in relation to tax that were made during the context of that election campaign. It is a little bit odd then, isn't it, that here we are again, all these years later—many years later and the Prime Minister is still with us—and what do we have? 'Children overboard: it was a lie'—that is the front page you should have seen before you voted in the recent election.

We have a Prime Minister with form, a Prime Minister whose reputation as 'honest John' is comparable to when my friends call me 'Blue'. It is a joke. It is meant to imply the reverse. There is also his reputation for being tenacious. I will tell you what the other side of tenacious is: it is that he will do anything, say anything and, as we have seen today in relation to former Minister Reith, sell anyone out to protect himself. That is what has happened today. He will say anything, do anything, sell anyone out. That is where this Prime Minister has been.

Let us come to the details of what went on here. There was a report on 7 October that asylum seekers had thrown children overboard. Everybody was very keen to seize on

this report because it fitted in with their theme of the election campaign, it fitted in with what they like to think about asylum seekers and they knew it was going to get red-hot political mileage. So within four hours we had the minister for immigration telling us it was planned and premeditated—and I will come back to that a little bit later—and then we had the Prime Minister telling us that we did not want people like that in Australia, and on and on it goes. We know that very quickly government was informed that this did not happen.

I have not been a public servant but, if I worked in the Department of the Prime Minister and Cabinet in the middle of an election campaign, when ministers are out making clear and, I might say, inflammatory statements about the conduct of asylum seekers, and I got a document with a footnote that indicated that there might be no evidence to support these assertions, I do not think I would put it in the waste paper bin. I do not think I would put it in the 'I might get to doing that tomorrow' pile. I think I would flick the switch to 'panic', run upstairs and go to see Max Moore-Wilton or someone as close to him as I could possibly get. That is what would have happened. A public servant is not going to sit there saying: 'Oh, I will square up with John Howard later when it all finally comes out about this. I'll be all right. I'll just have another cup of tea.' That is not what would have happened. It would have been bedlam. We all know that. We know that is what happens when there is a crisis, particularly during an election campaign. But we are asked to believe somehow that everybody in the Department of the Prime Minister and Cabinet knew but that that information did not get through to the Prime Minister. How on earth did that happen?

There is clear evidence that the former Minister for Defence's media adviser was in fact told that there were doubts about the photographs. The Minister for Defence was doing media interviews during the course of the day and released the photographs. Then his media adviser was told that there was some doubt about them, and we were asked to believe the former Minister for Defence when, within 40 minutes, he was back on air,



still making claims that this was all true! That was the very celebrated 3LO interview in which he ended up saying, 'If you don't believe me on this then you don't believe me on anything.' Never a truer word spoken—even the former Minister for Defence manages to get it right sometimes.

I have never been engaged as a media adviser either, but I am sure that if I were a minister's press secretary during the course of an election campaign and my minister were out doing media and something comes to my attention that a fundamental claim he is making is not true, I reckon I would say to him: 'Don't go on air and repeat that claim until we get it checked out. This is dynamite. This is dangerous.' I do not know what sort of media advisers this government employs, but I would have thought that it was just obvious that that is what would have happened next. That is absolutely obvious.

What we are effectively asked to believe is that for the whole election campaign, while all these people were in possession of information about a central claim on the central issue of the election campaign—it was in Defence, it was in Navy, it was in the Department of Prime Minister and Cabinet, it was certainly with Minister Reith's media adviser on 10 October and there is a positive finding that it was with Minister Reith by 11 October—no-one told the Prime Minister and no-one told the Minister for Immigration and Multicultural Affairs. Frankly, the phrase 'beggars belief' has already been used but it does beggar belief. How can that be explained? How is that possible?

When you look at the report tabled yesterday you will see that one of the deficiencies in the report is that it chases down what happened with the photographs and it chases down what happened with the video but it does not chase down the central information of who said what to who when—when did you know? And it is not about 'When did you know that the photos were not right?' or 'When did you know the video was not right?' The issue is: when did you first know that the claims that asylum seekers had thrown children overboard were not true? We have not heard an answer on that from the

minister yet. He might give it in the course of his reply.

Can I say in relation to the minister's reply in question time that I really do not know how you have a planned and premeditated event that did not happen. The minister might be able to explain that to me. A planned and premeditated event that did not happen—that is a little bit interesting, a little bit hard to envisage. But the minister knows through some cosmic or psychic energy that he channels that if it had happened it would have been planned and premeditated! I hope he is concentrating on Saturday night's Tattsлото numbers because he must be able to get a bit of information out of the cosmos that is denied to the rest of us.

We are obviously in a situation where this government has not corrected a central untrue claim during an election campaign. You do not have to tell untruths to protect the border of Australia. The government spied on Australians during the course of the *Tampa* incident. I do not think you have to spy on Australians to protect the border. The government has denied when it has been caught out that these things have happened and it is still in denial today.

Can I say what this all reminds me of? I actually looked this up this morning because the comparisons are just so eerie. I remember very clearly the course of the Watergate affair. Others probably do as well. It was the most celebrated political scandal of the 20th century. In the Watergate affair, on 17 June 1972 five men were arrested trying to bug the Democratic National Committee at the Watergate hotel. While there was media coverage of some of these matters prior to the 1972 election, the full story was not exposed. Richard Nixon won in a landslide. Like the Prime Minister today, who said there was no cover-up, Richard Nixon went on the record and said 'I am not a crook'. We all know what happened to Richard Nixon: he was brought down when the truth finally came out. We are in the same cycle here. A central claim in the election turns out to be a complete untruth. It is time to come clean in relation to it. It would be better for you to limit the damage now rather than stagger on with these denials.

**Mr RUDDOCK** (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation (4.11 p.m.)—There was one point made by the honourable member for Lalor with which I wholeheartedly agree, and that is you do not have to tell untruths to protect our borders. I have not told any untruths.

**Mr Crean**—You have just told another one.

**Mr RUDDOCK**—I am glad you say that with good humour, because that obviously means that you do not take it terribly seriously. One of the documents that was tabled yesterday indicates that there was more than enough for any minister who wanted to put on the public record issues of concern about this boat and its arrival that would mean nobody would have to lie. I think if you go through the document prepared as the *Report of the routine inquiry into Operation Relex: the interception and boarding of SIEV IV by HMAS Adelaide* by Major General Powell, 14 December, you will see that the chronological statement of events and the times were clearly provided by HMAS *Adelaide* and are not in any way controverted. The document deals with the situation in relation to the boarding of this vessel and the observations that were being made, the number of warnings that were given and the boarding of the vessel itself. There were statements by Brigadier Silverstone, which were only made by him, on which I surmise the reports that came to me were based. He says:

... a clear and well documented phone call with CO *Adelaide* and determined that the vessel has disabled steering, is dead in the water 7-8 nm south of the contiguous zone—

they call them the SUNCs—

The SUNCs threaten mass exodus. Men in water, child thrown over the side.

When you read on, and this again is uncontroverted, it says that a 'number of SUNCs threatened to commit suicide and throw children overboard unless taken to Australia'. Whether you take the view that the event of actually throwing children overboard did not occur, the fact is that there were clear threats made to Australian military personnel by people on the vessel to commit suicide and

throw children overboard unless taken to Australia. It continues:

Boarding party prevented a number of the SUNCs from jumping over the side.

This was at 8.40. At 8.43, 'Man Overboard declared by Boarding Party' and there were five people in the water. They were all retrieved. At 8.49, another six were overboard and at 8.56 they appeared to be destroying the upper deck fittings. And it goes on:

A SUNC on top of coach house dressing a small child in a life jacket and preparing to throw small child overboard. Child not thrown overboard. Child and father returned to wheelhouse. Boarding Party Officer advised child and father under observation ...

It goes on:

Steering capability lost on SIEV. Following investigation appears steering sabotaged ...

Then at 9.26:

Male SUNCs in view of wheelhouse threaten to throw women and children overboard—this did not occur.

At 10.28:

Main engine disabled by SUNCs—cooling lines slashed and fused to engine casing. Rags and plastic thrown on casing to produce thick toxic smoke.

At 10.40:

Final man over-board (SUNC)—returned onto SIEV ...

The only point I am making is that there was more than enough information about what was happening in relation to this vessel, which deals with the only other point that was made with some humour by the honourable member for Lalor about whether this was a premeditated attempt to use every effort possible to avert the return of this vessel and this group of people to Indonesia. That is what I was saying. These incidents were clearly planned and premeditated to prevent their return. That is what it was about and that is the reason that I made these observations. We were dealing with the most difficult group of people on a vessel, seeking to access Australia, who were determined to use every way conceivable to ensure that they were brought into Australia and to be able to make their claims here.

As I said before, one does not have to tell untruths to protect our borders. I did not have to make statements that could have been incorrect and in any way use those statements when I had more than enough information available to me to be able to outline the difficulties that we were facing. I would not make up something like that, but you are appearing to suggest that in some way I contrived to do so. Let me say again: I do not have to tell untruths to get this argument up in relation to what was happening regarding this particular vessel.

The further point I make in relation to these matters is that you do now have a report which is very clear in its terms and which outlines the situation after many people were interviewed, including members of my staff, the head of my department, as well as other departmental officials. The conclusions are very clear in the way in which these particular issues have unfolded. I simply encourage members who are interested in these issues and want to get to the facts to read the conclusions, because they are quite clear:

Key findings regarding efforts to correct the initial information

Strategic Command did not receive copies of advice which confirmed there was no evidence to support the original report of a child thrown overboard, and therefore did not provide advice to this effect to either Mr Reith's Office or People Smuggling Taskforce.

It is a significant failing of the system that no formal written briefing was provided to Mr Reith advising him that no children had been thrown overboard.

Neither the Prime Minister nor Mr Ruddock were advised by their Departments that there was doubt about the veracity of the original claims because after the release of the photographs, which were seen as resolving any doubts, the Departmental officials remained unaware of the evidence which had been collected by Defence.

Those findings are quite clear; they are unambiguous. You can come up with these arguments in relation to what has happened—that it beggars belief—and assert that. But the fact is that neither the Prime Minister, Mr Reith nor I had to make up a story in relation to these matters. It is quite clear from the information that was made known to the inquiry that the information was made known

by Defence officials to a task force group of officials. The task force group of officials reported on that matter in their own written documentation and reported on that through Mr Farmer to me. It is an open and shut case.

There is, I think, only one issue that is involved here, and it is the one issue on which I wish to conclude my remarks. I think we have here an opposition, again, that is not prepared to look at itself, not prepared to look at its own performance and not prepared to make any judgments about why it actually lost an election. The fact is that it was not an issue which determined the election outcome. The issues that determined the election outcome were clearly issues of security: economic security, national security and border security. As I said before, these were not issues about which we had to dissemble at all—they were clear.

I do not wish to reflect unfairly on my friend the honourable member for Bowman, but if you want to know why you were not taken seriously during the last election, it is that when it came to this area of policy—immigration and multicultural affairs; the areas that I am responsible for—you had no policy. If you were going to ask people in the Australian community to take you seriously, you would have presented a policy in which you outlined what you intended to do. I listened to the honourable member for Lalor, who spoke before me. She said that this is a government that had no third-term agenda. I can tell you that this is a government that had policy in every area, if people wanted to read it and see it. As I outline on a regular basis to the Australian community and to members of the media about the programs that I will be implementing during this term, I go to policy documents which spell out clearly the way in which we are going to do it.

I looked and waited for policies in relation to immigration and multicultural affairs. The reason I looked and watched and listened was that I thought the Labor Party had a constituency that they took seriously—that is, our culturally diverse constituency. We made certain commitments which we included in new policy for this election in relation to assisting refugees who settle in Australia—the implementation of additional funding for

the extension of the Adult Migrant English Program, for the implementation of the integrated humanitarian settlement strategy and for the grants programs, which were funded for only one more year and which needed additional commitments in a policy that was going to be fully costed and put to the Australian people. We put that policy down very clearly, and it was costed. The Labor Party made no commitment in those areas at all. They had no policy and made no commitments.

I find it extraordinary—in relation to people who are into the business of introspection, trying to work out why they lost an election—that they want to make these observations about how they think they were robbed, when they did not even have a policy. I think you have to ask yourselves something about your performance. I have read very carefully the censure motion proposed this afternoon. You have failed in relation to any suggestion that the government and the Prime Minister have failed ‘to ensure his own guide to key elements of ministerial responsibility’. You have failed to make out any charges in relation to matters of further inquiry, and you have failed in relation to your charges that we have, in some way, endeavoured to cover up facts in relation to this matter. It is quite clear that this is a censure motion that is unworthy of the parliament and it certainly does not deserve support.

**Mr ANDREN (Calare)** (4.24 p.m.)—I take no joy from standing here debating a censure motion against the Prime Minister. There is absolutely no doubt that this government sailed home in the last election with its sails full of the hysteria built up around the issue of asylum seekers. They have been consistently dubbed ‘illegals’ by members of the government, and the former Leader of the House went so far as to suggest that they were probably terrorists. This demonising of the refugee applicants began in earnest with the *Tampa* episode. I believe it was deliberately manufactured to exploit the fears and concerns within the electorate.

I took on those fears and concerns during the election campaign. The smear tactics of the National Party in Calare fell flat because the people were able to fully discuss the is-

sue with me personally in various fora and to have the facts instead of fear put in front of them. The election was not in essence about supporting security; it was about exploiting insecurity. Now we have the 7 October incident involving the suspected illegal entry vessel, but not illegal asylum seekers, because they are not illegal until deemed to be so. This fitted neatly into the election program. The public and the media were duped. The emotive argument that asylum seekers had thrown their children overboard underlined the feeling of insecurity in the electorate about these people.

The Minister for Immigration and Multicultural and Indigenous Affairs is reported to have said that the events were ‘some of the most disturbing practices’ he had seen in his political life. The Prime Minister said it was a ‘sorry reflection of their attitude of mind’. Yet, all along, these alleged practices had not occurred. The then Minister for Defence, Mr Reith, claimed that these horrifying actions by these now fully-fledged demonised people were supported by photographic evidence. Indeed, when later told by Brigadier Michael Silverstone, ‘Minister, the video does not show a child being thrown into the water,’ the alleged reply from the then minister was, ‘Well, we’d better not see the video then.’

It defies my belief that such an issue, such a powerful piece of election propaganda, was not checked and rechecked for its veracity. If the veracity was not determined but the issue was still used with such devastating effect against the parents of those kids, indeed against all those seeking asylum in this country, then all those involved—the Prime Minister, the former defence minister and the immigration minister—deserve censure on that score alone. Those parents should receive a full apology. The continuing demonisation of asylum seekers, who are not illegal until determined so after proper processing, is causing lasting damage to this country and divisions within our community that may never heal. Let me remind the House of the words I delivered on 29 August last year, the night of the *Tampa* inspired [Border Protection Bill 2001](#). I said, in part:

... this event being exploited to create the desired climate. If that is the way to win government in this country, then whoever exploits that way holds a poisoned chalice, and the victory would be political but certainly not moral.

I have no reason to resile from those comments; in fact, they are being confirmed as each day passes. On the balance of the evidence available, I reluctantly support this censure—not in all its detail but certainly in its thrust.

Question put:

That the motion (**Mr Crean's**) be agreed to.

The House divided. [4.33 p.m.]

(The Speaker—Mr Neil Andrew)

Ayes.....	66
Noes.....	80
Majority.....	14

#### AYES

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

#### NOES

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

\* denotes teller

Question negatived.

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

#### PERSONAL EXPLANATIONS

**Ms JACKSON (Hasluck)** (4.44 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

**Ms JACKSON**—Yes.

**The SPEAKER**—Please proceed.

**Ms JACKSON**—In the House today during question time, the Minister for Employment Services claimed that I said in my first speech that ‘people with employment are being punished by one-sided mutual obligation policies’. I actually said—and I quote from *Hansard*:

People without employment are being punished by one-sided mutual obligation policies.

Perhaps the minister would be more effective in his portfolio if he were clear on the difference between unemployment and employment.

**The SPEAKER**—The member for Hasluck will resume her seat. She has indicated where she had been misrepresented.

#### QUESTIONS TO THE SPEAKER

##### Parliament House: Security

**Mr McMULLAN** (4.45 p.m.)—Mr Speaker, I thank you and the Clerk for your advice and assistance in this matter I am raising. As most members would be aware, there was a major delay in the mail room today as the result of a security scare. Having consulted with my colleague the member for Canberra—most of those people in the mail room being constituents of ours—I wonder whether you could reassure us in the House that that matter has been satisfactorily resolved, that all the staff are well and that procedures are in place to avoid further such incidences.

**The SPEAKER**—I thank the member for Fraser. The member for Fraser raised this matter with me. I can indicate that I have a report from the Security Controller, Mr Lucas. Let me start by reassuring the member for Fraser that all the staff are well and there is no cause for concern. We are indebted to the security staff and to the arrangements at the loading dock. Because of the heightened security arrangements there, any issues of security have been very promptly and appropriately dealt with.

At 8.30 a.m. today, there was a security scare. It was the result of a letter splitting open and suspect white powder spilling out. The people working in the security dock then called the ACT Fire Brigade Hazardous Materials Unit, which took a sample of the white powder. I should indicate for the inter-

est of all members that the white powder had spilt from a letter addressed to the Deputy Prime Minister. Similar mail, addressed to the Attorney-General, to the Prime Minister and to the Department of the Prime Minister and Cabinet, was also located. It is to the credit of the security people that they are able to make this sort of location. Appropriate hazardous control arrangements were put in place. At 2 p.m. today, the powder was found to be benign and the area was declared safe.

#### AUDITOR-GENERAL'S REPORTS

##### Reports Nos 31 and 32 of 2001-02

**The SPEAKER**—I present the Auditor-General's audit reports Nos 31 and 32 of 2001-02 entitled No. 31—*Audit activity report—Audit activity report: July to December 2001—Summary of outcomes*, and No. 32—*Performance audit—Home and Community Care follow-up audit—Department of Health and Ageing*.

Ordered that the reports be printed.

#### COMMITTEES

##### Reports

##### Government Responses

**The SPEAKER**—For the information of honourable members, I present a schedule of outstanding government responses to reports of House of Representatives and joint committees, incorporating reports tabled and details of government responses made in the period between 27 June 2001, the date of the last schedule, and 13 February 2002. Copies of the schedule are being made available to honourable members and will be incorporated in *Hansard*.

*The schedule read as follows—*

#### THE SPEAKER'S SCHEDULE OF OUTSTANDING GOVERNMENT RESPONSES TO REPORTS OF HOUSE OF REPRESENTATIVES AND JOINT COMMITTEES

(also incorporating reports tabled and details of Government responses made in the period between 28 June 2001, the date of the last schedule, and 13 February 2002) February 2002

#### THE SPEAKER'S SCHEDULE OF OUTSTANDING GOVERNMENT RESPONSES TO COMMITTEE REPORTS

On 13 February 2002, the Government presented its response to a schedule of outstanding

Government responses to parliamentary committee reports tabled in the House of Representatives on 28 June 2001.

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

The attached schedule lists committee reports tabled and Government responses to House and joint committee reports made since the last schedule was presented on 28 June 2001. It also lists reports for which the House has received no Government response. A schedule of outstanding responses will continue to be presented at approximately six monthly intervals, generally in the last sitting weeks of the winter and spring sittings.

The schedule does not include advisory reports on bills introduced into the House of Representa-

tives unless the reports make recommendations which are wider than the provisions of the bills and which could be the subject of a government response. The Government's response to these reports is apparent in the resumption of consideration of the relevant legislation by the House. Also not included are reports from the Parliamentary Standing Committee on Public Works, the House of Representatives Committee of Members' Interests, the Committee of Privileges, the Publications Committee and the Selection Committee. Government responses to reports of the Public Works Committee are normally reflected in motions for the approval of works after the relevant report has been presented and considered.

Reports of the Joint Committee of Public Accounts and Audit primarily make administrative recommendations but may make policy recommendations. A government response is required in respect of such policy recommendations made by the committee. However, responses to administrative recommendations are made in the form of an Executive Minute [until recently a Finance Minute] provided to, and subsequently tabled by, the committee. Agencies responding to administrative recommendations are required to provide an Executive Minute within 6 months of tabling a report. The committee monitors the provision of such responses. The schedule includes reports with policy recommendations.

February 2002

Description of Report	Date Tabled or Published <sup>1</sup>	Date of Response <sup>2</sup>	Government Responded in Period Specified <sup>3</sup>
<b>Aboriginal and Torres Strait Islander Affairs (House, Standing)</b>			
We Can do it! The needs of urban dwelling Aboriginal and Torres Strait Islander peoples	24-09-01	No response to date	No
Unlocking the Future: The report of the Inquiry into the Reeves Review of the Aboriginal Land Rights (Northern Territory) Act 1976	30-08-99	No response to date <sup>4</sup>	No
<b>Australian Security Intelligence Organisation (Joint, Statutory)</b>			
Report on ASIO's public reporting activities	4-09-00	5-10-01	No
<b>Communications, Transport and the Arts (House, Standing)</b>			
Local Voices: an Inquiry into Regional Radio	24-09-01	No response to date	No

Description of Report	Date Tabled or Published <sup>1</sup>	Date of Response <sup>2</sup>	Government	Responded in Period Specified <sup>3</sup>
Covering your Arts: Arts Indemnity in Australia	20-09-01	No response to date		No
Back on Track: A review of progress in rail reform	11-05-01	No response to date		No
Beyond the Midnight Oil: An inquiry into managing fatigue in transport	9-10-00	7-08-01		No
Regional Radio Racing Services: An inquiry into the impact of the decision by ABC radio to discontinue its radio racing service	26-06-00	26-09-01		No
<b>Corporations and Securities (Joint, Statutory)</b>				
Report on Aspects of the Regulation of Proprietary Companies	8-03-01	No response to date		No
Report on Fees and Electronic Banking 'Shadow Ledgers' and the provision of bank statements to customers	8-02-01 3-10-00	No response to date 23-08-01		No No
<b>Economics, Finance and Public Administration (House, Standing)</b>				
Competing interests: is there balance? Review of the Australian Competition and Consumer Commission Annual Report 1999-2000	24-09-01	No response to date		No
The Centenary of Federation Hearing: Review of Reserve Bank of Australia Annual Report 1999 - 2000	25-06-01	No response to date		No
International financial markets: Friends or Foes?	26-03-01	27-09-01		No
Review of the Reserve Bank of Australia annual report 1999-00: Interim Report: The Wagga Wagga Hearing	5-03-01	No response to date <sup>5</sup>		No
Review of the Australian Prudential Regulation Authority: Who will guard the guardians?	6-11-00	No response to date <sup>6</sup>		No
Numbers on the run: Review of the ANAO Report no. 37 1998-1999 on the management of Tax File Numbers	28-08-00	No response to date <sup>6</sup>		No
<b>Electoral Matters (Joint, Standing)</b>				
User friendly, not abuser friendly: Report of the inquiry into the Integrity of the Electoral Roll	18-06-01	4-10-01 <sup>7</sup>		No
<b>Employment, Education and Workplace Relations (House, Standing)</b>				
Shared Endeavours: Inquiry into employee share ownership in Australian enterprises	9-10-00	No response to date <sup>8</sup>		No
Age Counts: An inquiry into issues specific to mature-age workers	14-08-00	No response to date <sup>9</sup>		No



Description of Report	Date Tabled or Published <sup>1</sup>	Date of Response <sup>2</sup>	Government	Responded in Period Specified <sup>3</sup>
<b>Environment and Heritage (House, Standing)</b>				
Public good conservation: Our challenge for the 21 <sup>st</sup> Century	27-09-01	No response to date		No
Coordinating Catchment Management	26-02-01	No response to date <sup>10</sup>		No
<b>Foreign Affairs, Defence and Trade (Joint, Standing)</b>				
A model for a New Army: Community Comments on the 'From Phantom to Force' Parliamentary Report into the Army	24-09-01	No response to date		No
Australia's Relations with the Middle East	20-09-01	No response to date		No
The link between Aid and Human Rights	17-09-01	No response to date		No
Second Australian Government Loan to Papua New Guinea: Variation to Loan Agreement	25-06-01	No response to date		No
Australia's Role in United Nations Reform	25-06-01	No response to date		No
A Report on Visits to Immigration Detention Centres	18-06-01	No response to date		No
Rough Justice? An Investigation into Allegations of Brutality in the Army's Parachute Battalion	11-04-01	No response to date		No
Second Australian Government Loan to Papua New Guinea	2-04-01	No response to date		No
Conviction with Compassion: A Report on Freedom of Religion and Belief	27-11-00	No response to Date <sup>11</sup>		No
From Phantom to Force: Towards a More Efficient and Effective Army	4-09-00	No response to date <sup>12</sup>		No
<b>Industry, Science and Technology (House, Standing)</b>				
Getting a better return: An inquiry into increasing the value added to Australian raw materials Second report	24-09-01	No response to date		No
<b>Legal and Constitutional Affairs (House, Standing)</b>				
Human cloning: Scientific, ethical and regulatory aspects of human cloning and stem cell research	20-09-01	No response to date		No
Cracking down on copycats: A report on the enforcement of copyright in Australia	4-12-00	No response to date <sup>13</sup>		No
The third paragraph of section 53 of the Constitution	30-11-95	No response to date <sup>14</sup>		No
In Confidence: the protection of confidential personal and commercial information held by the Commonwealth	26-06-95	No response to date <sup>15</sup>		No

Description of Report	Date Tabled or Published <sup>1</sup>	Date of Response <sup>2</sup>	Government	Responded in Period Specified <sup>3</sup>
<b>Migration (Joint, Standing)</b>				
New faces, new places: Review of State-specific Migration Mechanisms	19-09-01	No response to date		No
2001 Review of Migration Regulation 4.31B	18-06-01	No response to date		No
Not the Hilton-Immigration Detention Centres: Inspection Report	4-09-00	No response to date <sup>17</sup>		No
<b>National Capital and External Territories (Joint, Standing)</b>				
Risky Business: Inquiry into the tender process followed in the sale of the Christmas Island Casino and Resort	20-09-01	No response to date		No
In the Pink or in the Red? Health Services on Norfolk Island	6-07-01	No response to date		No
<b>National Crime Authority (Joint, Statutory)</b>				
The Law Enforcement Implications of New Technology	27-08-01	No response to date		No
<b>Native Title and the Aboriginal and Torres Strait Islander Land Fund (Joint, Statutory)</b>				
Nineteenth Report: Second interim Report for the s.206(d) Inquiry - Indigenous Land Use Agreements	26-09-01	No response to date		No
Eighteenth Report: Examination of 1999-2000 Annual Reports in fulfilment of the Committee's duties pursuant to s.206( c) of the Native Title Act 1993	30-08-01	No response to date		No
CERD and the <i>Native Title Amendment Act 1998</i>	28-06-00	8-10-01		No
<b>Primary Industries and Regional Services (House, Standing)</b>				
Bioprospecting: Discoveries changing the future	20-09-01	No response to date		No
<b>Procedure (House, Standing)</b>				
Balancing tradition and progress: Procedures for the opening of Parliament	27-08-01	No response to date		No
Promoting community involvement in the work of committees	18-06-01	No response to date		No
The Second Chamber: Enhancing the Main Committee	14-08-00	No response to date <sup>18</sup>		No
<b>Public Accounts and Audit (Joint Statutory)</b>				
Review of Auditor-General Act 1997 (Report No. 386)	27-09-01	No response to date		No
Review of Coastwatch (Report No. 384)	22-08-01	No response to date		No
Contract Management in the Australian Public Service (Report No. 379)	2-11-00	No response to date <sup>19</sup>		No

Description of Report	Date Tabled or Published <sup>1</sup>	Date of Response <sup>2</sup>	Government	Responded in Period Specified <sup>3</sup>
Corporate governance and accountability arrangements for Commonwealth government business enterprises, December 1999 (Report No. 372)	16-02-00	No response to date <sup>20</sup>		No
<b>Treaties (Joint, Standing)</b>				
Forty-third Report: Thirteen Treaties Tabled in August 2001	27-09-01	No response to date		No
Forty-second Report: Who's afraid of the WTO? Australia and the World Trade Organisation	24-09-01	No response to date		No
Fortieth Report: Extradition - a review of Australia's law and policy	6-07-01	No response to date		No
Thirty-ninth Report: Privileges and Immunities of the International Tribunal on the Law of the Sea and the treaties tabled on 27 February and 6 March 2001	18-04-01	No response to date		No
Seventeenth Report: UN Convention on the Rights of the Child	28-08-98	No response to date <sup>19</sup>		No
Eleventh Report	24-11-97	9-08-01		No
Eighth Report	23-06-97	9-08-01		No

## Notes:

1. The date of tabling is the date the report was presented to the House of Representatives. In the case of joint committees, the date shown is the date of first presentation to either the House or the Senate. Reports published when the House (or Houses) are not sitting are tabled at a later date.
2. If the source for the date is not the *Votes and Proceedings* of the House of Representatives or the *Journals of the Senate*, the source is shown in an endnote.
3. The time specified is three months from the date of tabling.
4. The Government is undertaking consultation with stakeholders on the reform of the *Aboriginal Land Rights (Northern Territory) Act 1976*. (Source: Government responses to parliamentary committee reports. Response to the Schedule tabled by the Speaker of the House of Representatives on 28 June 2001, 13 February 2002. (13 February 2002 paper))
5. The report is being considered and a response will be provided as soon as possible. (13 February 2002 paper)
6. The report is being considered and is expected to be tabled shortly. (13 February 2002 paper)
7. This is the date the response was presented to the President of the Senate. It was presented to the House of Representatives on 13 February 2002.
8. The report is being considered and a response is expected to be tabled shortly. (13 February 2002 paper)
9. The Government responded, in part, through aspects in *Australians Working Together* and will respond further in due course. (13 February 2002 paper)
10. The response will be tabled in the Winter 2002 sittings. (13 February 2002 paper)
11. The response will be tabled as soon as possible. (13 February 2002 paper)
12. The response is being finalised and is likely to be tabled shortly. (13 February 2002 paper)

13. The response is expected to be tabled in the 2002 Autumn Sittings, depending on negotiations on the Copyright (Parallel Importation) Bill. (13 February 2002 paper)
14. The recommendations are being considered in the light of current practices in the Houses. (13 February 2002 paper)
15. The response is expected to be tabled in the 2002 Autumn sittings. (13 February 2002 paper)
16. The Government response is expected to be tabled soon. (27 June 2001 paper)
17. The response to the report will be finalised for tabling as soon as possible. (13 February 2002 paper)
18. The Government is considering the report. (13 February 2002 paper)
19. The response is expected to be tabled during the 2002 Autumn sittings. (13 February 2002 paper)
20. The response is expected to be tabled by the 2002 Spring sittings. (13 February 2002 paper)

### PAPERS

**Mr ABBOTT** (Warringah—Leader of the House) (4.48 p.m.)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the *Votes and Proceedings* and I move:

That the House take note of the following papers:

**PRODUCTIVITY COMMISSION**—Productivity Commission—Annual Report 2000-01—section 10 of the *Productivity Commission Act 1998*. (23 October 2001 / 23 October 2001)

**DEPARTMENT OF FINANCE AND ADMINISTRATION**—Issues from the Advance to the Finance Minister as a Final Charge. (8 February 2002 / 8 February 2002)

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

### MATTERS OF PUBLIC IMPORTANCE

#### Howard Government: Border Security

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

The persistent failure of the Government to be honest with the Australian people in relation to border security and other matters.

I call upon those members who approve of the proposed discussion to rise in their places.

*More than the number of members required by the standing orders having risen in their places—*

**Mr ABBOTT** (Warringah—Leader of the House) (4.49 p.m.)—I move:

That the business of the day be called on.

Question agreed to.

### GOVERNOR-GENERAL'S SPEECH

#### Address-in-Reply

Debate resumed.

**Mr MURPHY** (Lowe) (4.50 p.m.)—I am very grateful and privileged to again enter this chamber as the representative of the electorate of Lowe, following the federal election. My election was the result of a collective effort and I would like to sincerely thank the electors of Lowe for again showing confidence and trust in my ability to represent their interests and express their concerns. I would also like to thank the party members and supporters in Lowe, who did a magnificent job during the election campaign. The dedicated and professional team that conducted the ALP's campaign, led by Mario Falchoni, was a decisive factor in the result. I also wish to put on record my appreciation of the hard work and wonderful support of the Labour Council of New South Wales, in particular the Public Service Association of New South Wales, the NSW Nurses Association, the SDA, the MEU, the FSU, the HREA, the ASU, the Community and Public Sector Union, and the CFMEU. Many members gave up an enormous

amount of their own time to assist in my campaign.

I am also grateful to the Rt Hon. Bob Hawke, the Rt Hon. Gough Whitlam and the Premier of New South Wales, the Hon. Bob Carr, for their visits to the electorate during the campaign. Further, I wish to thank my former parliamentary leader, the Hon. Kim Beazley—who would have made an excellent Prime Minister of this country but for other circumstances—and also the shadow ministers who visited my electorate during the campaign. My thanks also go to my excellent staff—Robert Balzola, John Fisk and Adrian Leopardi—for their very hard work. They have provided dedication throughout the last three years, working very hard for me and for the electors I represent.

Finally, and most importantly of all, I thank my darling wife, Adriana. I remember, when I stood here in the chamber and made my first speech three years ago, I turned around and said, ‘Honey, I couldn’t have done it without you,’ and I do not know how many people have reminded me of that since. I want to say it again today. Also, it is Valentine’s Day. My wife gave me a wonderful card ‘To the one I love’. To all the tragic romantics, can I wish you a very happy Valentine’s Day. I love you, honey. I could not have done it without you.

Can I just put on record for the benefit of this House that, in relation to the dishonesty of the government during the campaign, the thrust of the government’s campaign in my electorate would be best summarised in the letter that I received from Senator Bill Heffernan, Parliamentary Secretary to Cabinet, senator for New South Wales, in the final days of the campaign. All this talk about the fact that people voted purely on economic grounds is absolute rubbish, because 90 per cent of the literature that I and the electors of Lowe received in our letterboxes was all related to asylum seekers and border protection. This letter is very interesting. I will read it for the benefit of the House. It states:

Dear Mr Murphy,

Recent events have shown that tough decisions are required to strengthen and protect our borders and provide Australians with greater security in a now more uncertain world. The Howard govern-

ment has been getting on with the job. We have acted to stop illegal entrants by reforming our migration laws; introducing the Border Protection Act and increasing funding for border protection agencies; bolster our Defence forces through increased funding that will ensure our Defence forces have the support and equipment they need to do the job; restore balance to the migration program and overhaul our quarantine system and provide \$596 million in additional funding to protect our people, environment, farms and fisheries from harmful diseases.

By contrast, for five years, Kim Beazley and Labor opposed the government’s reform of the Migration Act. That would have removed incentives for illegal entrants to target Australia as a soft touch. Labor also initially voted against the Border Protection Bill which would enable Australian authorities to turn back illegal entrants. Only when forced did Kim Beazley make a decision to support the government’s reforms on these issues, and it is still not clear whether he would change them back with the Democrats if he got the chance. Labor have not ruled out changes to six out of seven government migration bills passed through the parliament prior to the election being called.

You know where John Howard stands on protecting our borders and ensuring national security. His actions and future plans speak for themselves. The Howard government will not give in to illegal entrants and will continue to build and strengthen our defence capability.

With your support for David Doust in Lowe, and the Liberals national team in the Senate, the Howard government will do everything in its power to protect our borders and ensure national security for all Australians.

That is very interesting reading, isn’t it? I had a clear recollection that, when the **Border Protection Bill 2001** was first introduced into this chamber dishonestly, the Leader of the Opposition got 40 minutes to see the bill without any explanatory memorandum. Moreover, behind his back, the Prime Minister had been on talkback radio all day fanning the prejudices of those Australians who felt so passionately about this issue. That was the dominant issue in Lowe and we all know it was the dominant issue that the government served up to the people before the election.

It is appropriate in this speech this afternoon to mention the issue of aircraft noise. Voters in Lowe were absolutely seething

about that when I was first elected. They are still very angry about it almost 3½ years later, because we know the government's broken promises on aircraft noise and their proposal to sell Sydney airport without fixing up the problem. The only difference in the electorate's present mood is that they feel most resigned to the contempt with which they have been treated by the government. The determination of the Howard government to sell off Sydney airport for the maximum billions of dollars, and at the same time refusing to fully implement the long-term operating plan and fairly address Sydney's aircraft noise problems, is shameful. To add insult to injury, the 1800 toll-free Aircraft Noise Complaint line, which Air Services Australia has operated, has been closed down. My constituents who are living under flight paths bearing the unbearable noise from Drummoyne to Homebush, from the west to the south, have to pay for the privilege of complaining about aircraft noise, and that is disgraceful.

Further, in the light of recent heightened international security concerns, there can be no credible argument for the sale of Sydney airport, which is Australia's key international gateway. The conduct of the ACCC has also demonstrated that the entire strategy by the government is to direct all financial, environmental and ministerial imperatives towards fattening the lamb for the kill to maximise the sale price of Sydney airport. For over three years, I have witnessed the public interest being totally slaughtered by the conduct of this government in its promotion of the precision runway monitor system, the TAAATS system, and changes to the slot system and so forth, while unanimous public interest factors were torpedoed. On behalf of my constituents I will not allow the government to get away with any quick sale of Sydney airport. Quite plainly, the government has abandoned my electorate on this issue.

Unfortunately in Lowe, and across Australia, there are a number of other issues where the government is selling out the public interest. As I have said on many occasions, my constituents are sick and tired of being mistreated by the banking industry in

Australia. Within three years, no less than 14 banks have closed their doors in my electorate. This is a slap in the face to loyal customers, small business people and other Australians who rely on 'bricks and mortar' customer service. Regrettably, it seems the only response from the government has been to congratulate the banks for their record profits.

How can the government fail to understand that the small business community needs access to cash on a daily basis? They need to withdraw cash and they need to deposit cash. With the record number of bank closures, particularly in my electorate, they are losing time from their businesses, and this is impacting very severely on them in terms of a loss of productivity by having to travel to other suburbs to access banking services, not to mention the security risk associated with that. In the case of older Australians, they generally do not feel safe or secure, relaxed or comfortable doing their banking on the telephone or online or at the checkout counter. They deserve to feel safe and secure.

I call on the government to introduce the social charter that Kim Beazley and the ALP took to the last election to redress this problem. I also call on the government to get behind the campaign to have more community banks to make the big four even more accountable. The time is overdue for the government to make the banks accountable and to make them look after the communities who have rewarded them with massive profits over many years, instead of slamming the door shut in their faces. When the government is not trying to sell Sydney airport, or the interests of bank customers, what is it doing? It wants to sell Telstra. Time and again, the Howard government has proven its inability to distance itself from ideology in favour of the Australian people. The privatisation of Telstra is another example of how the coalition government refused to act in the public interest and only acted in the interests of the big end of town.

While many Australian families now own shares in Telstra, this does not disguise the fact that the real beneficiaries are the corporate elites that have Telstra shares in their

thousands, or hundreds of thousands. When the government tries to sell the rest of Telstra, it is also selling the interests of Telstra customers. Australians are now about to experience Telstra's new increased mobile phone charges, harsh exit fees, increased Internet charges and the latest price hike for businesses that want to remain listed in all of the *White Pages*. Almost as a rule, Australians now enjoy a unique form of mental torture every time they need customer service.

In the areas of health and ageing, where I intend to focus my attention in the life of this parliament, the government has sold private health insurance to Australian families through its private health insurance rebate. Just as Australian families are committing themselves to private health insurance, the minister for health is softening them up for sharp hikes in their premiums. Since the introduction of the 30 per cent rebate in January 1999, the health funds have doubled their profits, to \$795 million. The government must ensure that all Australians, especially older Australians, who have taken out private insurance receive value for their money. If the government allows the large health funds to increase their premiums by the reported 13 to 15 per cent, there will be millions of Australian families, including many in my electorate of Lowe, who will be slugged with a stiff hike in their private health insurance premiums. Will the government sell out the interests of new private health insurance customers? Of course it will. And the health funds will also sell out on their customers. Obviously, they are asking for increases in their premiums to fatten the calf for the kill because they want to sell out to other, bigger funds.

The essential area of aged care is where the government's failures have been the saddest, if not downright cruel. Nothing illustrates this better than the revolving-door portfolio that aged care has become, with the present Minister for Ageing being the fourth minister in six years. Aged care in Australia today is suffering from a critical shortage of beds and skilled nursing staff. There is a shortage of over 12,000 beds Australia-wide. I have some 36 nursing homes in my elector-

ate, and people waiting to get into a nursing home are choking the public hospital system. In addition, nursing home operators and unions have all repeatedly warned the government that a national strategy addressing staffing shortages and related issues must be developed as a priority and the government must ensure, as a matter of urgency, that qualified staff are always on hand to diagnose and treat residents.

His Excellency the Governor-General reminded us on Tuesday that the government:

... will consider appropriate changes to current foreign ownership and control of Australian media laws and the cross media rules ...

In relation to cross-media laws, there is little doubt that the government intends to slaughter the public interest again by caving in to pressure from the already dominant media moguls and, in the process, horribly damage our democracy. It is a matter of public record that, in the new digital television age, the Howard government protected the free-to-air television broadcasters from genuine broadcasting competition with its own restrictive laws, particularly as they relate to datacasting. Now the government seems hell-bent on relaxing cross-media laws to allow media bosses to control print, TV and radio in the one licence area. Whose interest will the further concentration of our media serve? It will not serve the public interest or the interests of our democracy. The government must justify these changes and explain to the people of Australia why it insists on tying changes to foreign ownership laws together with changes to cross-media ownership laws.

Before question time, when I was called to speak in this debate, I took the opportunity, because I saw the Prime Minister coming into the chamber, to draw his attention to question No. 11 on the *Notice Paper*, which deals with this very issue—a very important issue in the interests of our democracy. Question No. 11 on the *Notice Paper* yesterday makes quite clear the stranglehold on the commercial media that the Packer and Murdoch families have in Australia. I want to give some information to the House because I think that a lot of members are not aware of this. Yesterday I sent a copy of this question

to all members of the House and the Senate, so they have some appreciation of just how much clout and influence in the political process in this country Mr Packer and Mr Murdoch have.

The Murdoch family owns approximately two-thirds of the capital city and national newspaper market, three-quarters of the Sunday newspaper market, almost 50 per cent of the suburban newspaper market and almost one-quarter of the regional newspaper market. The Murdoch family also has a one-quarter stake in Foxtel's pay television and News Interactive online, and additional media interests in AAP Information Services. That is just in Australia.

The Packer family owns and controls three metropolitan television licences and one regional television licence, giving it a reach of more than half of the potential audience. The Packer family has a one-quarter interest in Foxtel and a one-third interest in Sky News. Moreover, it publishes more than 65 magazines and its share of the circulation of the top 30 magazines is approximately 40 per cent. It also has a joint online operation which is very popular, known as ninemsn.

At the heart of this issue is the government's desire to change our cross-media rules and allow a person to own newspapers, radio stations and television stations in the one market. Quite plainly, that is unacceptable, and that is why I feel so passionately about this. I am not new to this debate, because I have spoken many times in this House about funding cuts to the ABC and the influence of the commercial networks, particularly those owned by Mr Murdoch and Mr Packer, because effectively they have a stranglehold on commercial media in Australia.

I am glad that the member for Herbert is in the chamber, because he and I were members, in the last parliament, of the House of Representatives Standing Committee on Communications, Transport and the Arts, and he will have a clear recollection of my desire to revisit this dreadful situation and to have a review into media ownership laws in Australia. I welcome the debate but I certainly do not welcome the introduction of legislation to allow a media owner to own

newspapers, radio stations and television stations in the one market.

Senator Alston is on record as saying that because people are accessing new media like the Internet and pay TV, media ownership is now irrelevant. What sophistry! Senator Alston should be flogged. He is flawed. He uses the spurious argument, which I mentioned to the Prime Minister before I was politely interrupted by Mr Speaker before question time, that if you want to get information about the war in Afghanistan all you have to do is access the international pay television stations or Internet sites. As I was saying just before question time, if the people of Australia wanted to know what Simon Crean was going to ask the Prime Minister in question time today, what would they get from CNN? How much information would people get from CBS on question time today if they accessed that site? How much would they get from the BBC? They would get absolutely nothing. The fact remains that people traditionally, and today, have got their news and information, which is so critical to the way they think and the way they vote, from the old media—television, radio and newspapers.

**Mr Fitzgibbon**—And from free-to-air television.

**Mr MURPHY**—They get it from free-to-air television, newspapers and radio stations. The Keating government introduced the cross-media ownership laws in 1987 to stop those in the print media also getting access to licences in television or radio stations in the one market. I call on the Prime Minister to come to his senses and to stop this nonsense to change the rules to allow a media proprietor to own newspapers, radio stations and television stations in the one market, because that is slaughtering the public interest and putting the future of our democracy at grave risk. That is what the agenda is all about. If they were genuine, Senator Alston and the Prime Minister would change the foreign ownership rules and allow international proprietors to come into the market to provide some serious opposition to Mr Murdoch and to Mr Packer. The only alternative in Australia is the public broadcaster. I will have more to say about this on Monday, because it is a



serious issue affecting our democracy. (*Time expired*)

**Mr LINDSAY (Herbert)** (5.09 p.m.)—In my first speech in the 40th Parliament I would like to begin by thanking the electorate of Herbert for the confidence that they have shown in me for another three years. I do not intend to let them down. They are going to be three years of very hard work indeed, working for and with my local community to do good things for the community. I thank my staff who have embarked on that task so very well. We are going to have a great three years looking after North Queensland. In this 40th Parliament, I intend to focus my attention on a number of matters, and they are chiefly in the areas of law and order, defence, communications, transport and families—a fairly disparate group of interests, but when I explain to you my interest in those particular matters you will see what my view might be.

In relation to law and order, in the last parliament I flagged the matter of DNA testing of the community and, perhaps, a national DNA database. I have been to CrimTrac here in Canberra, which is the current national database of DNA and fingerprints which holds information that is currently legally able to be collected. It is a process that is working very well. The security is extraordinarily good. It is time that the government considered expanding the possibilities that we have in relation to using this new technology tool for crime fighting. The police services in this country are very strongly of the view that there should be a national DNA database, and we should begin to collect the information now. Civil libertarians in the country will be understandably and predictably outraged. There is no problem at the end of the day in terms of how this information might be misused, but by golly there are some great reasons why it could be used as a modern tool to fight crime in the years ahead.

Other countries are heading in this direction. Databases have already been established in the United Kingdom and in the United States. There is no reason for any Australian to have any fear, if they are a law-abiding citizen, in relation to having their

DNA on record for the purposes of eliminating them as suspects at crime scenes and for the purposes of nabbing and punishing the criminals who perpetrate their offences in our community. People have to be able to feel safe in their own homes, we have to use modern technology to address the problems in relation to increasing crime, and this is a way that the country can move forward. I will certainly be doing my best to articulate the reasons why we should proceed.

Defence, certainly for my electorate, is important. We are the garrison city of Australia. The member for Lindsay, having served honourably in the garrison city and RAAF Townsville, well knows the importance that I speak of. As the years go on, defence becomes more and more important. In the last 10 years, all but two of Australia's overseas operations have been mounted from Townsville. The foreign minister refers to us as the Geneva of the south because we have been able to conduct in Townsville highly successful peace talks on Bougainville and the Solomon Islands. They were successful partially because of the help that the Australian Defence Force has been able to give in support, security, communications and so on.

I am also interested in seeing Townsville being used for acclimatisation training for the forces of other countries. During their deployment to Timor, forces from several countries came through Townsville for that purpose, and our people in the ADF in Townsville did a very good job in their acclimatisation training. We also have the only combat survival unit in Australia, at RAAF Townsville. It also is available for use by the forces of other countries. If they are able to come and use our facilities, that earns export dollars for our country. I can tell you that the people of Townsville very much appreciate seeing Americans and the like flying in. The Americans particularly like coming in because their dollar buys two of ours, and that works very well in our local shopping centres. In terms of international relations and defence relations, it is very important that our allies share as much as they can with our Defence Force. We can do that through things like acclimatisation training in the Townsville region at the Townsville field

training area, and perhaps up in the Tully area and out in the Halifax Bay area.

In communications, I am particularly interested in the loss of localism in our publicly available, free-to-air media. I pay a compliment to our radio stations which are bringing back local news, broadcast from the local studios, but I am equally appalled by what Southern Cross Broadcasting have done, and Prime in this area—we do not have Prime—in withdrawing local television news. I believe it is incumbent on those stations which use a scarce public resource, namely, the spectrum and their broadcasting licence, to provide community services through local news. It is very important for the local community to have local news. The minister and the government will have to look to changing the act to perhaps mandate the provision of those services if they are not going to be provided on a voluntary basis, because I do not see why a company should have a licence to print dollars using a public resource and not give something back in return to the community.

I am also going to follow up in that regard bringing back local ABC television news to North Queensland. It has happened here in Canberra, very successfully indeed. People in North Queensland need not be concerned that the 7 o'clock bulletin which can come out of the Townsville studios of the ABC will in any way be inferior to the 7 o'clock bulletin which comes out of the Brisbane studios of the ABC. The benefit for North Queenslanders will be that there will be some local content. There will be all of the major national stories, as they would expect to receive from the ABC, but there will also be the local stories.

There are some hurdles to get over in that regard. Last night I spoke to the managing director of the ABC and I also spoke to the chief engineer, Colin Knowles, about the technicalities of that. There are some hurdles, but they are not insurmountable and, if the government and the ABC have a will and the government is able to provide some extra dollars for the ABC for the capital set-up costs, I see no reason why North Queensland cannot enjoy its own local ABC 7 o'clock bulletin just as the people in Canberra do.

The survey that the ABC is currently about to undertake is a good way of going. I thank Chris Wordsworth, the Queensland manager, for his interest and enthusiasm in helping me in trying to achieve localism back into the North Queensland area. I am particularly pleased to see beginning this year the new Drivetime program on local ABC radio. That is local ABC coming back to the local region, and I certainly wish the presenter, Paul Dale, and his producer, Christina, well in relation to the success of that program.

In relation to transport, I am very keen to work with the government to address the problems of upgrading the Bruce Highway in North Queensland. I know that is parochial—I understand that—and that is really code for addressing the problems of funding for the national highway across the country. We still have areas in the north where the national highway cuts whenever there are 10 sprinkles of rain. It is not acceptable that a national highway should be constructed in such a manner. While I understand that we are progressively moving to remove those low-lying areas, in a modern country with a modern transport system we need a modern highway that is always available irrespective of what the flood conditions might be. Of course, we do get a bit of rain in North Queensland from time to time, particularly in the Tully and Innisfail areas, but it is areas in my patch, around the Ingham area, which continually seem to cause a problem. I would certainly like to see the government move as quickly as we can.

I was very pleased in the last parliament to see the Roads to Recovery program. It has been magnificently successful and local councils have been extraordinarily pleased with the money that they have received to attend to local roads. I strongly backed that program and I strongly back Minister Anderson's vision and the government's vision in coming back to the road funding issue. In the last parliament I did call the cabinet 'city-centric' in relation to road funding. I am pleased that the government responded to that. It responded in a very meaningful way and a way that the whole of the community

across Australia, in every electorate, has benefited from. But there is more to be done.

Families are a completely different area that I have an interest in. I want to see more federal magistrates courts around the country. They have been extraordinarily successful. But attached to that are the problems of family law. Members and senators see the problems almost on a daily basis. There are still some terrible inequities in that system when families break up, in things like access of one parent to the children when the other parent denies that parent access. There are some very complex problems, and that is something that remains as a challenge to the 40th Parliament.

There are also problems in relation to the child support system and how that is applied, the way people get away with some terrible inequities in not paying their fair share—or the system demanding that non-custodial parents pay significantly more than really is fair and reasonable. Again, there are very complex matters in that regard. I guess the real solution is that families should not break up in the first place—but perhaps that is an impossible dream. Fortunately, I have been married now for 29 years and I can truthfully say in the parliament of Australia that my wife and I have never had a fight. She might not agree with that, but that is my view.

**Mrs Irwin**—Did you remember Valentine's Day?

**Mr LINDSAY**—Yes, I did, thank you. For the sake of families, I hope that families can live together in a spirit of love.

Locally, I am very concerned. I saw a book in the Parliamentary Library today called *Lonely Planet—Australia*. I looked up Townsville with ease and, as part of the description, it said:

From a traveller's point of view, Townsville hasn't really got much going for it.

What an insult to the people of Townsville and Thuringowa. What *Lonely Planet—Australia* does not seem to understand—and when I make this claim, it is a statement of fact, not just a parochial statement—is that, as a provincial city, Townsville probably has the best lifestyle of any provincial city in the country today. Townsville is a city with a

very stable and broadly based economy. It has Australia's largest Defence Force installation with RAAF Townsville and Lavarack. It has Australia's best regional university in James Cook and it has the headquarters of the Australian Institute of Marine Science and the Great Barrier Reef Marine Park Authority. It also has the best beachfront of any provincial city in the country; it is extraordinarily good.

Of course Townsville has a whole lot of other features and attractions. It has the Bilabong Sanctuary with Bob Fleming and his wife, Dell. It has the Great Barrier Reef and the lagoon inside the reef, which is a World Heritage area. That is truly magnificent. It has Magnetic Island and there has been a debate as to whether Magnetic Island is World Heritage listed. I believe that it is and I have asked the minister to clarify that. Whether it is or it is not, it needs to be kept in pristine condition.

A little further north we have Hinchinbrook Island, which I think is the largest national park island in the world. The walking track along the eastern side of Hinchinbrook is just pristine. When you see the blue Ulysses butterflies flying through the trees and the crisp mountain streams, waterfalls and rainforest and so on, it is marvellous. To walk that track—as I have—is a terrific experience. The only problem is that there are no shops along the way and everything you take has to be on your back. However, it is certainly worthwhile. There is a downside and that is that everything that bites lives on Hinchinbrook Island and the spiders are as big as this! We also have Reef HQ, which is the educational arm of the Great Barrier Reef Marine Park Authority and a tourist attraction with a living reef which is entirely sustainable; nothing else is put in the tank and it just lives on itself. It is a magnificent technological achievement.

Just inland from the City of Townsville is the wet tropics rainforest which is World Heritage listed. We have Paluma and so on and terrific country up behind Bluewater. To the west we have Charters Towers and the outback. If you visit Townsville, you visit the reef, the rainforest and the outback in one go. It is just a magnificent opportunity to visit a

place and a provincial city which have a terrific lifestyle. Those who go to Magnetic Island—and they are mainly Victorians—understand that as soon as you get off the ferry, you take your shoes off and everything runs at half speed. It is just a great way to relax and unwind, particularly in winter.

I want to return for a minute to Defence, which is a very significant industry and infrastructure component of Townsville city. In relation to Lavarack Barracks and RAAF Townsville, we are just completing the stage 2 redevelopment of Lavarack at a cost of \$139 million and stage 1 redevelopment of RAAF Townsville at a cost of \$70 million. In this current parliament—the 40th Parliament—I want to see a seamless continuation on to stage 3 of Lavarack Barracks which will be at a cost of \$170 million. That is the new working accommodation for many parts of the base, including the 1st and 2nd Battalions and the headquarters of the 3rd Brigade. One of our battalions—the 2nd Battalion—is currently in Timor and they are doing a mighty job, as they have done previously and as the 1st Battalion has done previously in Timor.

Over at RAAF Townsville, the \$70 million stage 1 development now has to go on to the \$72.5 million stage 2 redevelopment. Following that—I have not taken my eye off the ball—I am looking a little down the track to stage 3 redevelopment of RAAF Townsville and stage 4 redevelopment of Lavarack and the putting in of money in that regard. There is a lot of benefit in that. For example, just in recurrent funding, the Army pours about \$500 million a year into the Townsville economy. In the last year and a half to two years, Defence has put into the economy nearly half a billion dollars. That is a mighty investment by the Australian Defence Force in Herbert, Townsville and Thuringowa and the recognition of the importance of Defence is returned a hundred times over through the community and the terrific relations that our community has with its defence forces. I pay tribute to Wing Commander Glendon Krause and to commander of Lavarack 3rd Brigade, Brigadier Mark Kelly, for their interest in our city and I thank them for that. I see that my time has

expired and I thank you for the opportunity to look ahead.

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

## COMMITTEES

### Joint Committees

#### Appointment

**The SPEAKER** (5.30 p.m.)—I have received a message from the Senate concurring with the resolutions of the House relating to the following joint committees:

Native Title and the Aboriginal and Torres Strait Islander Land Fund;  
National Crime Authority;  
Treaties;  
Corporations and Securities;  
Electoral Matters;  
National Capital and External Territories;  
Foreign Affairs, Defence and Trade; and  
Migration.

## ADJOURNMENT

**The SPEAKER**—Order! It being 5.30 p.m., I propose the question:

That the House do now adjourn.

### Elections: Informal Voting

**Mrs IRWIN (Fowler)** (5.30 p.m.)—Mr Speaker, can I firstly congratulate you on your re-election. I look forward to working with you in the term of this parliament. The issue I want to raise in this adjournment debate is one which I raised early in the life of the previous parliament—that is, the unacceptably high rates of informal voting in the electorate of Fowler. I spoke then of a major improvement in the level of informal voting. The informal vote fell from 8.7 per cent in 1996 to 5.8 per cent in 1998. It is extremely disappointing then to note that at the 2001 election the informal vote in Fowler rose to 12.7 per cent. The informal vote more than doubled. More than one voter in every eight did not have their vote counted—9,816 voters were denied the opportunity to participate in the election of their government. If ‘informal’ was a candidate they would have finished third in the overall count and actually ran second in 12 of the 34 polling booths—that is, more informal votes were cast at 12 booths in Fowler than votes cast

for the Liberal candidate in those booths. This is not acceptable.

In 1998 I told the House of measures taken by the Australian Electoral Commission to reduce informal voting. One measure which was felt to be successful was the use of videotaped voting instructions which were shown at some polling booths. The videos were made in languages other than English known to be common in the location of the polling booths. This approach was again used in 2001 along with advertisements placed in ethnic press outlets designed to inform non-English speaking voters. I commend the work of Ms Karen Ricketts, the divisional returning officer for Fowler, and her staff to ensure that voters were informed of voting procedures. Sadly, the informal vote more than doubled. There were some differences in 2001. The number of candidates was 10 compared with five in 1998. Otherwise, the voting system was the same.

We do need to take into account the use of optional preferential voting in New South Wales elections. My scrutineers observed that a large proportion of informal votes placed only one number on the ballot paper. Votes cast in this manner would be formal votes in New South Wales elections. However, the informal vote for New South Wales was only slightly higher than most states and was less than that for South Australia. Another consideration is that for the Senate it was only necessary to place one number on the paper when voting above the line and this may have led voters to believe that only one number was necessary on the House of Representatives ballot paper.

What is obvious is that electorates with high numbers of people from non-English-speaking backgrounds have recorded much higher levels of informal voting than other electorates. One thing about the Fowler result that stands out is that the percentage of informal votes for postal voting was a mere 2.8 per cent. Postal voters in Fowler were almost five times less likely to cast an informal vote. This suggests to me that, legally or otherwise, postal votes tend to be checked by others and corrected before being sent in. This may not be a bad thing. Booth workers have often told me of voters coming out of

the polling booth and asking to have their votes checked to make sure they are formal.

During the campaign, I addressed a group of elderly Chinese speaking voters. They were very concerned about making their vote count so I arranged for them to fill in some practice ballot papers. I noticed that they had great difficulty in filling out 10 numbers. One thing we take for granted is that everyone can write western numbers. A ballot paper with 10 candidates must look like a papoo ticket does to English speakers. Chinese number characters are of course not acceptable on ballot papers. This leads me to ask how we might reduce the level of informal voting in electorates like Fowler. Simpler voting procedures may reduce the problem but until we have a more user-friendly voting system we need to redouble our efforts to educate voters so that they may be sure their vote is counted.

#### **Drugs: Tough on Drugs Strategy**

**Mr DUTTON (Dickson)** (5.35 p.m.)—I want to speak today about an issue which is of grave concern to many people—not just those within the electorate of Dickson but certainly all Australians—and that is the issue of drugs. During the course of last year I spent a great deal of time in doorknocking at homes and businesses in Dickson and speaking with many people about their priorities and concerns and the issues they would like me to pursue if elected as their local member. I can report to the House today that the No. 1 issue of concern on people's minds was the use of drugs in our community, particularly by our young people. They are concerned, of course, for the wellbeing of these young drug users but they also realise that the majority of crime is committed in our community by people seeking money to fund their drug habits; so, it is drug related.

The people of Dickson are concerned that the drug dealers are laughing in the faces of police, school principals and parents. Dickson is a great place in which to live, in which to raise a young family and in which to conduct business. However, the people of Dickson are concerned by the drug dealers—the scum who do not discriminate about their prey and who, when they are caught, receive

no or little punishment. The effect of this scourge on our society cannot be underestimated. Many before me have spoken on this topic but it really is time for some action. The Howard coalition government should be congratulated on their efforts and their actions on this issue. The Tough on Drugs strategy announced by the Prime Minister recently has provided real and effective implements and tools for the fight but more must be done.

One of my main concerns centres on the way in which these criminals are dealt with. The Beattie Labor government in Queensland is recognised quite widely as being soft on crime—there is no doubt about that—but the courts in Queensland quite seriously have let the people down. The courts have to get tough and start to provide a deterrent to these people and to these perpetrators who are laughing at the system. There is no point in this government—nor, indeed, the state governments—continuing to throw money at enforcement actions when resources are being wasted by dealing with the same offenders time after time. It is a well-known fact that between 80 and 90 per cent of the crime is committed by 10 to 20 per cent of the people. For the sake of decent people, such as those in Dickson and across Australia, something needs to be done now.

There is a clear distinction between the perpetrators of the crime, the drug dealers, and the drug users. I am certainly not advocating that the drug users should be incarcerated or dealt with harshly by the system, but certainly there needs to be something done about the people who really are recidivist offenders and those that the system is certainly not dealing with properly at this point in time.

My call today is on the state government of Queensland to take a lead in Australia and to look at ways in which they can deal differently with this issue. They have to look at investigating a system and implementing a plan which reflects the wider community's views on how these people should be dealt with and the types of sentences that should be handed down to the offenders of these most serious crimes. Nobody is advocating mandatory sentencing—which is a politically

incorrect term in today's society, particularly for those on the opposite side of the House who seem to have some fundamental opposition to dealing with criminals in an appropriate way—but we are urging the state government in Queensland to get serious against these people and to look at trying to work with the courts at implementing a process, as I say, which is more reflective of the views of the constituents in Dickson and people across Queensland and Australia.

It is interesting to note that a survey conducted recently on 12- to 17-year-olds found that in this age group there are some very surprising and alarming statistics. The drug use amongst that age group, and the use, if you look at it on a more micro level, of those aged 16 and 17 years old, exceeds the general population's usage of certain substances, including hard drugs. That is an alarming statistic. It is a statistic which is often lost in the detail, but it is something that we need to bear in mind. (*Time expired*)

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

**Ms BURKE (Chisholm)** (5.40 p.m.)—This is the first opportunity that I have had to speak in this place since being re-elected last year and I would like to congratulate you, Mr Speaker, on once again being chosen to preside over the deliberations of this House. I would also like to take the opportunity to once again thank the people of Chisholm for showing continued faith in me to represent their needs, aspirations and views in this place. It is a privilege and responsibility that all members of this House share to represent our local communities, and I want to assure the people of Chisholm that I will continue to do my best in providing the representation they deserve and to thank them for returning me with an increased majority.

Clearly, the quality of education that we as a society are able to provide for Australia is massively important, and I do not believe that it is in our national interest to have an education system that fails, through placing financial burdens in front of students. However, that is what appears to be occurring with increased regularity. I am concerned that the increases we are seeing in auxiliary fees as revenue raising mechanisms are further disadvantaging students who are already



slugged with huge HECS debts and lower repayment thresholds.

Many students at Monash University in my electorate of Chisholm are now being required to pay for services that could quite reasonably be expected to be available by the simple fact of being a student of that institution. The current actions by the management of Monash University of increasing the auxiliary fees for such items as academic transcript are unreasonable. Increases of the order of 50 per cent in fees need to be justified.

I want to make it particularly clear that I do not want to criticise the university. There is clearly a difference between the administration of the university and the institution itself. Indeed, I am proud to be a former student of Monash University and am proud of the institution itself. But these significant auxiliary fee increases that the university had and planned to put in place disturb me greatly. I think we can all agree that the required payment of \$10 for the writing of a short letter, which is based on a pro-forma anyway, is possibly a little exorbitant. But that is just the proposal of Monash University: \$10 for a letter. Monash University has long been recognised as a leader, but unfortunately Monash is now leading the country in cost shifting to students and in revenue collection.

Many institutions charge fees for academic transcripts and many charge for late enrolment. But in looking at a number of universities comparable in size to Monash—Melbourne, Deakin, La Trobe, the University of New South Wales, Sydney University, Adelaide and the University of Queensland—the following becomes apparent: only Monash charges or proposes to charge a \$95 graduation attendance fee; only Monash proposes to charge a \$130 reinstatement of enrolment fee; only Monash charges or proposes to charge a \$70 late subject-change fee, a \$10 fee for a letter stating that a student is enrolled at Monash, a \$250 fee for variation of enrolment out of semester, a \$250 fee for overseas exam changes; and, as far as I am aware, only Monash charges or proposes to charge a \$250 fee for distance exams that take place at other than defined venues.

Monash has long been a leader in academic terms. It is a disturbing trend that Monash now appears to be leading in cost shifting to students and revenue collection. There are two components to these fee increases that disturb me: the impact on students and the impact on staff. It is a concerning development that the university administration is justifying these increases on the basis of recently concluded enterprise bargaining negotiations. It is interesting to note that, based on advice I have received, in those negotiations there was no linkage made between negotiated wage increases and auxiliary fees. This scapegoating of the staff is divisive and appears to have been thought up as camouflage for criticism of the increases. For the university administration to attempt to unreasonably and unfairly divert responsibility onto staff for these fee increases is outrageous.

It is not as though Monash is an institution that is unable to meet its costs; indeed, it is currently running a surplus. I believe that the problem these fee increases exemplify is that the core function of universities has been lost. It is apparent that universities are no longer centres of learning under this government. They are moneymaking ventures whose primary task is turning over a profit. Fee collection must not become the primary task of our academic institutions. Indeed, universities will soon rival banks in fee collections.

As a nation we have a right to expect that our universities will be appropriately funded and administered in a way that the financial squeeze is not continually being applied to staff and students. This change in focus for our universities is evident when understanding that, at the same time as reducing staff and reducing many faculty budgets, the university, as I said, is in surplus. (*Time expired*)

#### **South Australia: Election**

**Mr KING (Wentworth)** (5.45 p.m.)—Mr Speaker, may I congratulate you. This is the first opportunity I have had to do so personally and publicly on your election as Speaker. I am delighted to see the confidence of colleagues on both sides of the House in supporting your election so convincingly.

I rise to raise as a matter of concern comments that were made in the *Financial Review* today regarding what have been described as 'wall-to-wall Labor governments' around the country in the states and territories. The suggestion was made that the result in the federal election was somehow an aberration and contrary to the real national mood. The point that I wish to make from the outset is that from my own experience in my own electorate—and that is all, as a humble backbencher and a beginner as a parliamentarian, that I can really draw on by way of experience and facts—I think these assertions are false.

The first observation to make of the election result in South Australia is that the decision of Mr Lewis, the member for Hammond, to abandon his formal party—which he was elected to serve as a member of in 1979—and do a deal with the Labor Party in writing so as to permit Mr Rann to form a government is misconceived and indeed might be correctly described as an act of cynicism. I have had experience of agreements in writing between Independents and political parties before in state politics. I have not had direct experience in the sense that I was a member of a parliament that subscribed to or a member of a party that was a party to such a document but I have had the opportunity to closely examine and be involved with the working out of such agreements. The experience is that not only do they not work but they tend to impact adversely upon the workings of the parliament which is subject to such an agreement.

In Mr Lewis's case, he has said that the reason that he subscribed to such an agreement—at 4 a.m., apparently, the night before last—was that he wished, amongst other things, to ensure there was a measure of improvement to the economy and to the situation of unemployment in South Australia. But one would have thought that, if those were his real reasons for making the decision that he did, he would have stuck to the party of his original choice and supported Mr Kerin and returned the government. The observations that are made by the *Financial Review* and, in particular, the quotation from

Malcolm Mackerras in that regard are at odds with that.

The primary point to be made here is simply this: if the real reasons for Mr Lewis making those decisions were to ensure an improvement to the economy of the state then he should look to the results in this parliament and in the Commonwealth as a whole that the Liberal Party and the coalition have brought about to see that the only way to ensure improvement to the economy and unemployment is to stick with his original party. That suggests that there may have been some other reason, unstated, for the decision that he made, which is regrettable. I suspect that in due course the Labor Party will come to regret reaching an agreement in writing on such a slim majority on the basis that has been recorded.

To make a more general point, I notice that my friend Mr Malcolm Mackerras, the psephologist, is quoted as saying that it is completely unprecedented to have Labor governments at every state and territory level but a coalition government nationally and that the general election result therefore must have been *Tampa* inspired and against the national mood. My experience in my electorate during the campaign is to the contrary of these observations. (*Time expired*)

#### **Pharmaceutical Services: Government Policy**

**Mr MURPHY (Lowe)** (5.50 p.m.)—I would like to raise in this debate the ethics of the government's pharmaceutical policies. Nothing demonstrates this government's inability to understand complex policy issues better than the mess it has made of the supply of pharmaceutical medicines, which is properly in the news at the moment. Ministers may complain about the rapidly growing prices of modern medicines, yet there is little evidence of any understanding within the government of the origin of these costs or of the serious associated ethical and moral complications that are now regularly confronting the medical profession.

This government is, with its inept policies, creating a situation where only the very wealthy will be the very healthy, while the rest of us will be left to the adequacy of cut-



price health care. A good example of the consequences of the government's uncaring policies is the fact that expensive lifesaving medicines that can hold a leukaemia patient in permanent remission may be denied to some older person in order that a larger number of patients with other less expensive conditions can also have their problems treated. In other words, the high cost of modern medicines is costing lives and this unacceptable situation is, as I will explain, being exacerbated by the current government's policies.

The ongoing explosion of knowledge in the biomedical sciences is expected to lead to a situation where virtually all diseases will be treatable. Scandalously, it appears that these advanced therapies will be denied to most of the people of the world simply because they are poor. Over 2 million people die around the world each year from malaria, and yet the development of effective treatments by drug companies has been stalled because those most in need of these medicines are poor and will not provide a sufficient return on investment. While malaria is not presently a problem in Australia, one of the expected consequences of global warming is a possible return of this plague to our country's northern regions—yet another consequence of this government's ignorant and destructive policies.

Members need to understand that the extraordinary changes taking place in medicine at present are not the result of market forces. Without the groundbreaking discoveries of Crick and Watson, who deciphered the structure of DNA nearly 50 years ago while working at Cambridge University, there would be no human genome project, nor would there be the promise and the reality of cures for cancer or the other 4,000-odd diseases that are known to have a genetic component.

Why should we be allowing the increasingly feudal corporate sector to make decisions about what drugs should and should not be made available to those who need them? There is no reason that the kind of research that is being carried out for profit and in secret in the drug company laboratories cannot be performed in the publicly

owned laboratories of our universities and medical institutions—no reason except that this government has wilfully wrecked our university system, forced the sacking of large numbers of skilled support staff, cut short the tenures of highly trained academics and either driven many of our best minds out of the country or away from a productive career in science.

Medical science is at the edge of an enormous change in the way that practitioners treat their patients. While some members may believe that these claims are pure speculation, we have in fact been through a similar experience following the advent of antibiotics during and after the Second World War. Before the war, a simple infection could be fatal and many people died or were seriously affected by infections such as pneumonia, septicemia or diphtheria. Antibiotics, such as penicillin, put an end to those scourges and the life threatening menace of infective diseases has virtually disappeared from common concern. The sanatoriums that were built for those TB sufferers will stand at the edge of some country towns as memorials to a time past when killer diseases were seen as incurable.

The Howard government's failure to deliver an equitable health system and its failure to act on the exorbitant prices charged for new medicines will, I believe, be a significant factor in the demise of the government at the next federal election. And, while I am here, I want to say that I love my wife, who is in the gallery. It is Valentine's Day. (*Time expired*)

**The SPEAKER**—I am well aware that it is Valentine's Day. I thank the member for Lowe for telling the rest of Australia.

#### **South Australia: Election**

**Mr WAKELIN (Grey)** (5.55 p.m.)—I thank the member for Wentworth, who has just left the chamber, for his comments and interest in matters South Australian. An editorial in the *Australian* on Tuesday, 12 February headed 'Independents must stall the rot in SA' has provoked me to come into the chamber tonight. I will quote some of the more provocative statements from the *Aus-*

*tralian*. Remembering that the article is about Independents, one statement said:

After slogging much harder than most politicians to get past the finishing line, no one can blame independents for going after their pound of flesh.

The one Independent who has created—apparently, yet to be conclusive, I think—a Labor government in South Australia was for many years, probably two decades, a Liberal. The only reason that Peter Lewis created that profile and was able to be nurtured through the state parliamentary system was through the Liberal Party. Whilst it is very comfortable and easy for an editor of a national newspaper to have a crack at the two major parties, it should never be forgotten that the party system is able to nurture people such as Mr Lewis. For them to say that they slog much harder and that no-one can blame Independents for going after their pound of flesh seems to me to be pretty extravagant. The editor then goes on to say:

If the independents use this historic opportunity wisely, they can break the duopoly of power enjoyed by the Liberals and Labor.

That presumes that Peter Lewis will have far greater wisdom than the combined wisdom of the Labor and Liberal parties, all other members and other Independents in South Australia. I am quite staggered by that statement by someone who I would have thought was a reasonably intelligent Australian—the editor of the *Australian* newspaper. It is a fairly big statement. The editor then goes on to suggest that, by Mr Lewis's choice, they

would be able to resuscitate 'the moribund economy and end Adelaide's entrenched insularity'. So that is something else that he is putting on Mr Lewis's head. Time will tell. The editor goes on to say:

The to-do list is a long one, reflecting the years of institutionalised neglect. But the first priority should be improving honesty and accountability in parliament. The cavalier use of taxpayers funds—

and he names a couple of affairs that are well known in South Australia—

have earned South Australia a reputation for being one of the worst governed states.

It is a pretty interesting observation when I consider what the state Liberal government inherited eight years ago: about a \$4 billion loss from one state bank—probably the largest crash in the world, based on population. That Liberal state government had to take that on and endeavour to fix it. Then we go through the list of achievements of this state government: the achievements of Dean Brown, John Olsen and Rob Kerin. With Rob Kerin you would not get a more honest and conscientious man. For this editorial to attack those people in that way I find quite offensive. I conclude by simply saying that I am sure many of us, particularly South Australians, wish the South Australian people well in their deliberations, and may wise choices be made in the future. (*Time expired*)

**The SPEAKER**—Order! It being 6 p.m., the debate is interrupted.

**House adjourned at 6.00 p.m.**