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**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON PETITIONS

Reference: Petitions from New South Wales

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON PETITIONS

Monday, 23 March 2009

Members: Mrs Irwin (*Chair*), Mr Broadbent (*Deputy Chair*), Mr Adams, Mr Chester, Ms George, Mr Hawke, Mr Neumann, Mr Simpkins, Mr Craig Thomson and Ms Vamvakinou

Members in attendance: Mr Adams, Mr Broadbent, Mrs Irwin and Mr Craig Thomson

Terms of reference for the inquiry:

To inquire into and report on:

Petitions from New South Wales

WITNESSES

**McCLELLAND, Mr Peter Lee, New South Wales President, Construction and General Division,
Construction Forestry Mining and Energy Union 30**

**SMITH, Ms Kathleen, Central Coast Representative and Executive Committee Member, Cancer
Voices New South Wales..... 2**

Committee met at 9.20 am

CHAIR (Mrs Irwin)—I declare open this public hearing of the House of Representatives Standing Committee on Petitions. I welcome everyone in attendance. Under the standing orders, the committee is able to examine matters relating to petitions as a way of complementing the ministerial response process. The committee has decided to conduct public hearings on issues raised in petitions. So far we have held five public hearings in Canberra. We invited relevant departments to provide advice on issues raised by petitioners so that most petitioners, if not all, were able to have the benefit of expert advice of the relevant department or departments. We have been sending this information back to the petitioners as well as placing it on our website for the benefit of others who are interested in the subjects discussed.

Today's hearing is the second hearing held outside Canberra. The committee is intending to conduct meetings with principal petitioners as a way of ensuring that petitioners can truly make their voice heard. We are very pleased, therefore, to be with you at The Entrance Campus of Tuggerah Lakes Secondary College. I want to express our thanks to the school, especially to the principal, for their assistance in arranging today's hearing and their attendance and participation today. Later we are expecting students from many other schools in the area to arrive to see parliament in action in the form of this Petitions Committee. We are very much looking forward to meeting them and hearing what they have to say.

[9.23 am]

SMITH, Ms Kathleen, Central Coast Representative and Executive Committee Member, Cancer Voices New South Wales

Central Coast Radiotherapy Unit

CHAIR—Welcome. Although the committee does not require you to speak under oath, you should understand that this meeting is a formal proceeding of the parliament and that giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Would you like to make a short introductory statement regarding your petition?

Ms Smith—In early 2007 a group of Central Coast residents got together, the majority of whom are former cancer patients—if there is such a thing as a ‘former’ cancer patient; it is always over our heads—and decided to do something about the lack of public radiotherapy facilities on the Central Coast. Currently there are private facilities, and it can cost thousands of dollars if people pay for private treatment. People who have no option but to travel for public treatment have to travel as far as the Royal North Shore Hospital or Newcastle. This is a shocking thing for people who are sick and undergoing radiotherapy and maybe chemotherapy at the same time. The third option is to forgo treatment altogether. We are led to believe that there is an increasing incidence of this—we hear of cases each day.

We decided to start campaigning for public facilities. We have been doing this since early 2007. We began with a public email campaign to Verity Firth, who was then the Minister Assisting the Minister for Health in New South Wales. Verity Firth responded very positively to that campaign. In June 2007 we met with her, along with Jim Bishop from the Cancer Institute NSW and Kathy Meleady, the director of statewide planning. It was a positive meeting and all parties did acknowledge the need for public radiotherapy facilities; however, no commitment was made. Undertakings were made to look into bandaid solutions, as we call them, to try to alleviate the situation in the meantime. Nothing was forthcoming. We did not get any commitments then. We did not get any confirmation of actions being taken. We started a petition at that time, in late August 2007, addressed to the New South Wales Legislative Assembly. That was lodged by Marie Andrews, the member for Gosford in the New South Wales parliament, on 30 November 2007. It was a petition of 19,000 signatures. Nothing happened with that petition.

In April 2008, we were notified by the assistant to Minister Firth that the New South Wales radiotherapy plan had been lodged with New South Wales Treasury with a strong recommendation that facilities for the Central Coast be given priority. In the budget in 2008 there was no mention whatsoever of these facilities for the Central Coast. We then ran a public email campaign once again to Mr Costa and to Premier Iemma. As an organisation, we wrote to both those parties and to the head of Treasury at that time. As we all know, before anything happened there was massive turmoil in the New South Wales parliament, and nothing much happened. We then met with the new minister, Mr Stewart. He was very supportive but he was not there for very long. All along we have been meeting with local members, both state and federal. Craig has been very helpful and very supportive of this campaign. We are very grateful for what he has done.

We had been pushing along doing things and then we were contacted by Belinda Neal, who offered to join with us in a petition to federal parliament asking whether they could please help with this dilemma. Everyone in the New South Wales parliament who has any bearing on this, not just the local members but quite a few ministers along the way, agree it is a priority and an urgent need—including John Della Bosca, the Minister for Health and the Minister for the Central Coast. However, no commitment is ever made. It is always a case of: ‘We don’t have the funds for it.’ In the meantime, Central Coast residents still have to travel for treatment and increasingly forego treatment. There is an alarming rise in mastectomies amongst women who are choosing that route in the hope of not having to have radiotherapy. It really is getting to be a very drastic situation up here on the Central Coast, and we are just hopeful that we can do something about it with this latest petition.

CHAIR—Thank you very much for that. Belinda Neal would have loved to have been here today and she has asked me to extend her apologies. She is in East Timor, as we speak, on a Defence Force program. I am going to refer to Ms Neal’s speech from when she tabled the petition in federal parliament. But before I go to what she has stated in her speech, we have not received a response as yet from the minister. That is due around 9 May. We really look forward to getting that response. Also, when the department is before us again back in Canberra, I am sure that members will have a number of questions to ask.

In Ms Neal’s statement to the federal parliament, she spoke about volunteers from Cancer Voices and she mentioned you. Can you tell us a little bit more about Cancer Voices. Is it solely on the Central Coast?

Ms Smith—Cancer Voices is an organisation in Australia, but there is also a Cancer Voices UK and a Cancer Voices New Zealand. It kicked off in Australia in New South Wales in 2007. Since then Cancer Voices have formed in each state. Cancer Voices Australia is the uniting body and way of communication between all states. We are a very active group. We act on all levels of decision makers. We work closely with the Cancer Institute and the Cancer Council. Anywhere that a voice of the public is needed, we are the voice of cancer patients and a voice for cancer patients. In our case, we are the peak advocacy body of all support groups and cancer groups in New South Wales. We provide that united voice.

CHAIR—You told us in your opening statement about the lobbying you do. It sounds like you are running a fantastic campaign. Hopefully at the end of it we will see that unit. You mentioned Verity Firth, Costa and now Della Bosca. Are you getting any indications from speaking to the ministers and your local state MPs of when this might eventuate? Are they feeling that it might be in this year’s budget? Or are there any reasons why they have not gone ahead with it?

Ms Smith—The only indication we got of any sort was when Minister Firth’s assistant told us back in April 2008 that the plan for the whole of New South Wales had gone into Treasury. That was part of the budget planning for last year. Attached to it was a strong recommendation from the minister for facilities for the Central Coast asking for it to be given priority. But nothing happened. Nothing was in the budget about that.

CHAIR—You also talked in your opening statement about how people have to travel so many kays to get treatment at a private hospitals or clinics. What would that be costing people here on the Central Coast?

Ms Smith—That is impossible to answer. It depends on the treatment, which depends on the type of cancer. Prostate cancer can be every day for up to seven weeks. For others it may be just two or three treatments. So it does vary greatly. There also does not seem to be what we can perceive as rhyme or reason in the costing structure. But it can be many thousands of dollars. A fellow contacted me about six was ago who had given up on the idea of treatment entirely. He was a pensioner and had been quoted out of pocket between \$3½ thousand and \$4½ thousand. He could not afford that. He decided not to have treatment. It was only when I brought it to the attention of the local media that his story was published and someone came forward and paid that for him. Other people may just pay \$1,500, but this is not an area with a lot of affluence. People have to struggle. People are going into deep debt, debt that they know they will probably never pay off in their lifetimes.

A lady contacted me about 12 months ago—and this came to the public’s attention recently—who was going to be \$8,000 out of pocket for her cancer treatment. She of course was very shocked. People do not learn this until they are actually there and about to undergo treatment. Of course they are in a very emotional and bad psychological state at the time. She was very shocked. She was very sick and of course could not afford that. She is a pensioner who cares for her mother and a grandchild too. There was no way she could afford that sort of money. She was then told that arrangements could be entered into but, while still undergoing treatment, she received a letter from debt collectors demanding payment. In the end, she worked out that it was going to take her 10 years to pay off that debt. She did not expect to pay it off in her lifetime. All credit to the local operators since it appeared in the newspaper. They got in touch with her and worked out a different plan which hopefully will be better for her.

People cannot afford to do this. Some people cannot get a loan. They do not have a credit card or they may have a bad credit rating. What do you do? What do you tell your family when you cannot get credit and yet the only way that your life is possibly going to be saved is to pay out this money? People can travel for public treatment, but what happens then? You are talking about someone who may be too sick to drive to the Royal North Shore. They have to get a bus to the local railway station catch a train and change when they get to Hornsby. So they are changing platforms, changing trains to get to St Leonards and then they have to walk up for their treatment. Then there is the return trip. That trip can take anything up to 3½ hours. That is a long time. People who are working cannot do that. They cannot take the time off work, if they are able to work. Other people have childcare problems. Who is going to look after my children; I am gone all day for treatment? Who will pick up my kids after school? The elderly, the too frail, the very sick—what are they supposed to do? Sit at home in the lounge room and wait, as Eric decided to do? That is the option; that is all they can do.

CHAIR—That is very frustrating. It will be interesting to see how many people are out there who have not touched base with your organisation for assistance or who have gone to the local papers to have their voices heard.

Ms Smith—Many thousands. Particularly the elderly; they are too proud. My mum and dad and people of my generation do not talk about their financial situation in public. They are not

going to go forward and say, 'I can't afford radiotherapy or discuss the circumstances.' A lot of people will not ask for help. They literally stay quietly at home. We are getting anecdotal evidence that this is increasing drastically all the time. The figures of mastectomies are showing that. That is something we can keep more of a track of.

CHAIR—I think also with the sea change, a lot of people who are retiring are moving up to the Central Coast and those numbers will grow over the years.

Ms Smith—Drastically. The ageing population on the Central Coast is a very big concern.

Mr BROADBENT—How could we as a parliament address the issue of the incapacity of people to pay? Have any ideas been put to you? I do not care how weird they might be.

Ms Smith—That is federal parliament, the Medicare side of it. The Medicare rebate could be increased, which would help very much. That would be a big help. However, there would have to be big increases in the case of a lot of the private facilities. They charge way above a figure that I was given by Verity Firth's department. In, I think, a two or three-year period it had risen to 25.9 per cent—I am not exact on these figures, and I am pulling this from memory, so I would not like to be quoted on it—whereas the actual Medicare increase was about seven per cent. The actual out-of-pockets that the patients are wearing is incredible. That is on top of the gap—the difference that was there to start with. Instead of improving, it is actually going backwards at quite a drastic rate.

Mr BROADBENT—You said there are facilities at the Royal North Shore Hospital. Are there facilities in Newcastle?

Ms Smith—Yes. People could travel.

Mr BROADBENT—What is the access and availability of services for cancer patients in the two areas?

Ms Smith—Under the clinical services framework 2003 for the New South Wales government, it should be a maximum of 21 days from first seeing your radiation oncologist to being given treatment. Royal North Shore Hospital have now got it down to about that figure since the opening of the facilities at Port Macquarie and Coffs Harbour. The people up there used to travel to the Royal North Shore. They used to stay down in North Sydney. They are down to 21 days. It is very hard to get these figures. No-one admits to what the waiting lists are. But we understand that, currently, Newcastle is actually over eight weeks. It is very flooded. So a cancer patient from here going up there would be waiting a minimum of eight weeks. Another difficulty with travelling to Newcastle is that the hospital is quite remote from the station and access is quite difficult, so people would probably be looking at the cost of a taxi or hanging around waiting for a bus to get to the hospital.

CHAIR—Getting from, say, Gosford to Newcastle would be similar travelling time to getting to Sydney, to the Royal North Shore Hospital?

Ms Smith—Yes.

Mr BROADBENT—Do you think we should be doing more with organisations like Red Cross to facilitate travel for people?

Ms Smith—Travel is definitely part of this campaign, but it is an interim measure. We have been very nervous all along that the New South Wales government would provide a bus service and see that as a solution, because it is not the solution. People are still very sick and they still have to travel—they still have to sit in traffic on a bus. It is not very pleasant sitting for hours on a minibus et cetera with other people when you are feeling so ill. We would look at that as a stopgap measure. There did used to be a bus service years ago and then the New South Wales government, in its wisdom, granted a licence for private operators to put the facility into Gosford and promptly cancelled the bus service for public patients travelling to the Royal North Shore.

Mr BROADBENT—How do you think we could better access child care for cancer patients? Would there be a special policy in regard to how we might look after the children of cancer patients?

Ms Smith—That is a new one. That is not one we have looked at.

Mr BROADBENT—You did mention child care before.

Ms Smith—People travelling would have those problems.

Mr BROADBENT—I am bouncing off what you said, not what I am thinking.

Ms Smith—I really do not know. We have two problems there to look at. How would one look after the individual children at each school across the Central Coast? Would they be brought together into a creche somewhere or put into childminding facilities?

Mr BROADBENT—Can I extend it, so I will test you even further now?

Ms Smith—That would probably be the responsibility of the home care system.

Mr BROADBENT—Across the three campuses, there are some 2,700 students. Have you thought of having a community cancer support group—maybe a group of men and women, but mostly women—who would go in and provide support to families who are living with cancer, as far as their childcare and other facilities that they may need are concerned? This place must have been quite different 100 years ago to what it is today but, even through the years, you would have family units—that is, grandma, grandpa, the extended family would take care of this. Today in many cases we do not have extended family. Do we need to actually create an extended family out of the community group which we already have?

Ms Smith—This is not a role for Cancer Voices. Cancer Voices is an umbrella organisation for support groups. But there are a lot of support groups around and I am quite sure they would look at that with their individual members. We have very active support groups. They do help each other; they do support each other.

Mr BROADBENT—Could we have one that is specific to child care?

Ms Smith—I think that is a very good idea. I will put that to one of the support groups that I am in touch with as something that could be looked at.

Mr CRAIG THOMSON—Obviously, I have a vested interest in this particular petition, so I declare that at the start. Between the two of us, we will try to give the committee a feel about the Central Coast, its size and so forth. Can you give an idea of how many people live on the Central Coast?

Ms Smith—Currently, I believe it is about 320,000, which is expected to increase to 350,000 by, I think, 2016.

Mr CRAIG THOMSON—So it is a growing area in New South Wales?

Ms Smith—Definitely.

Mr CRAIG THOMSON—Many people commute to the city for their work. Do you have any idea of the proportion who do that?

Ms Smith—I do not.

Mr CRAIG THOMSON—It would not surprise you that around 30 per cent of people commute?

Ms Smith—Not at all.

Mr CRAIG THOMSON—We have two big hospitals here on the Central Coast. In your experience, how busy are those two hospitals at the moment?

Ms Smith—Incredibly busy, particularly Gosford Hospital. It is an emergency hospital that takes a lot of emergency patients. Both hospitals have terrible conditions at times, with overcrowding et cetera, but particularly Gosford. We hear some horror stories at times of people not being able to gain access. The emergency department becomes totally clogged up with ambulances. I believe that up to eight or nine ambulances can be queuing there at a time. It is a very bad situation.

Mr CRAIG THOMSON—It would not surprise you to know that the two hospitals are fifth and seventh in terms of having the busiest emergency departments in New South Wales. What does that tell you about the need for health infrastructure on the Central Coast?

Ms Smith—In some ways it is archaic. The way that we have been treated by the state government is actually like the Third World. It is something that we feel very strongly about on the Central Coast. We have been the backwater; we have been forgotten. As Verity Firth said, we are a special region with special needs. We fall in the gap between the planning, between the urban and regional and rural. We are in that no-man's-land in between. We do not qualify under either these rules or those rules, we fall through the gaps and that is very evident in the health facilities on the Central Coast.

Mr CRAIG THOMSON—The lack of a radiotherapy unit is in your view another example of this.

Ms Smith—Totally. I know there are many other areas in the world that want it. Other areas of New South Wales do deserve it and I would not decry that or say that they should not have been put in there, but you have to look at the numbers of population that it is going to affect. On the Central Coast we are talking about a large number of people. A large number are ageing in the population we are talking about. We are also talking about financially underprivileged people. It does not make sense to me that we do not already have these facilities and that we have not had them for years. Who dreamt up that 12 years ago they would put in a private service that was going to cost the population and cancel the transport to the public service and the public facilities? That is just beyond reason to me. I do not understand it.

Mr CRAIG THOMSON—From some of your earlier evidence and the answers that you were giving it seems that people are choosing not to get treatments because they simply cannot afford the treatment that is there.

Ms Smith—Yes.

Mr CRAIG THOMSON—So this is costing lives.

Ms Smith—Most definitely. We cannot possibly come up with figures. We do not know. We never could. No-one can come up with those sorts of figures. It is purely anecdotal evidence that we go on. People tell us things and people, such as Eric, contact us. Most people will not go public with it. Out of hundreds of people who have contacted me and have told me their stories very few will go public with them.

Mr CRAIG THOMSON—What sort of incidence of cancer does the Central Coast have compared to other parts of the state?

Ms Smith—We are higher than the state average particularly with melanoma and lung cancer. Wyong shire is way above state average with lung cancer and melanoma. All cancers are above state average but those in particular are quite drastically above.

Mr CRAIG THOMSON—In summary, we have a large area with a large population, people are choosing not to get treatment because of costs, in a catchment area that is poor and that has a higher than the state average incidence for various cancers.

Ms Smith—Yes.

Mr ADAMS—Thank you for your evidence. You have covered most of the issues. There are a few issues that I would like to take up with you. You said it could take 3½ hours travel time to get treatment.

Ms Smith—Yes.

Mr ADAMS—These are issues that Mr Broadbent explored. There are child care, after school activities and after school care as well and people who are still working trying to cope with that.

There is also the structural issue that I have come across in other regional areas where health systems are very centralised in many regards and very inflexible. Has your organisation looked at it from the perspective of how geographic discrimination affects the people that you are representing? The way that we structure health seems to throw up these issues constantly. Have you looked at that in any way?

Ms Smith—Yes, we have. There is always going to be the problem of regional non-access to particularly the specialist areas. That is inevitable and I think everyone accepts that. You cannot expect people in the back of Bourke to have an oncologist living on the doorstep. That has to be—

Mr BROADBENT—They probably have in the back of Bourke. He would own a farm out there.

Ms Smith—That is exactly right, and fly in on his jet each week! But that is accepted; that is not a problem. We would be silly to argue and fight against that.

Mr ADAMS—But there is no area where we say that that number of people have to travel X distance. We accept that people should have reasonable access to treatment.

Ms Smith—They should, but the people themselves accept that if they need specialist treatment they have to travel to receive it. Everyone does accept that. Radiotherapy is different: it is not a case of a one-day appointment—a one-off type thing—it is every day and can be for many weeks. That does make a difference. There is a process underway at the moment called CanNet in association with the health department. The North Coast, Hunter-New England and northern Sydney-Central Coast area health services have come together to form CanNet with multidisciplinary teams across the three area health services. The multidisciplinary teams give a fairness, if you like, to the review of cases et cetera, which is a very good step forward. It is very early days, but these things are going on and we are working on them. We do work along with CanNet. So things are happening and we do accept that not everyone is going to have access.

Mr ADAMS—I do not think you should accept that. I think we should start lifting our game with putting pressure on specialists. I think specialists get to organise things in the health system how they want to organise them at the expense of consumers. I think it is time in our country that we started to put some pressure back the other way and look at why we let specialist health professionals organise the health system for themselves. We need organisations like yours to start exploring that avenue. Do you think that is worthwhile?

Ms Smith—Absolutely. Cancer Voices works with area health—it works with all levels of government. I am the representative of the Central Coast for our area health service and Sally Crossing AM is the representative for northern Sydney for the cancer service network executive, who meet every couple of months. We are part of that team, who meet and discuss needs and where we are going in this area.

Mr ADAMS—Are the local regional newspapers supportive of your organisation's campaigns?

Ms Smith—Yes. The whole media have been supportive. One thing that we decided on as a group very early on in the campaign was that we did want the public to be supportive of it. We wanted them to be part of the campaign, and the public have really come forward, thanks to the media. The media have taken it and feel strongly about it. All forms of media have covered it, particularly the newspapers. If I am allowed to mention it, Denice Barnes of the *Central Coast Express Advocate* has become a very strong advocate of ours and really helps us along with it. That has been great because the public are aware what is happening. Each step of the way we have tried to bring it to their attention so that they felt part of the campaign and felt ownership of the campaign—the people trying to do something for the people. We have been very pleased.

CHAIR—I hope Mr Adams does not mind, but I wanted to follow on from the question just asked and Kathy's response. I think there were around 17,500 signatures that Ms Neal tabled in the parliament.

Ms Smith—It is closer to 18½ thousand now, actually. We had some late ones come in.

CHAIR—So it is growing. Tell us a bit more about the campaign. You mentioned media coverage and you thanked the media for that, but how did you get so many signatures?

Ms Smith—The time of year was the worst timing you could possibly have for doing something like this campaign. We had holidays coming up, the break, and people were going to be away. As the campaign leader, if you like, I looked around at the resources we had. We did not have much manpower that was going to be available, so we decided that we would sit down and write. I spent my time, as did my helpers, writing. We wrote to the service clubs of the area—the Lions clubs, the Rotary clubs. We wrote to all the retirement villages. Who else did we do? The churches, bowling clubs, golf clubs—everything we could think of. We just got the yellow pages and wrote to all these people with a covering letter, enclosing copies of petition sheets. That went very, very well. Also, over the years, we have had people who are not active on the campaign but have expressed support for the campaign. I wrote to all those people too.

Eventually, people were calling us. My phone was running hot: 'We're prepared to collect signatures. We'll do it for you. We'll collect signatures.' And I was sending them out. The Central Coast Mariners, on New Year's Eve, had a local soccer game which was a big thing, a big drawcard, and we went along there. We only got about 900, actually, but those 900 were in an hour and a half maximum before the game started. That was from gates opening to starting. That, to us, was quite early on in the campaign, and that showed us how the coast people were really going to get behind it. They were eager to get to the seats and see the game, but they were not going to do it before they signed the petition, which was fantastic by us.

The Cancer Council got behind it on Australia Day, in Gosford, and they collected 600 signatures there. We have one fellow on the Central Coast who is worthy of a medal as far as I am concerned: John McLauchlan, of Charmhaven Lions Club. He collected 3,600. This is an elderly gentleman who literally gets up at the crack of dawn and walks around. He goes around the industrial areas. He goes around everywhere. We get them back covered in mechanics' grease—all sorts of things. He walks around and he gets these signatures. He is just marvellous. He is absolutely marvellous.

On media coverage: NBN were great; the newspapers were great; and all the radio stations have been behind it and covered it. It has just been a very open way. We could have got a lot more. A lot of businesses were closed over Christmas-New Year. A lot of the factories closed down. Businesses that were open had holiday staff, casual staff, who do not have the authority to take the petition and keep it there. Really, it is just thanks to the Central Coast. The people of the Central Coast have done it. We mailed the petition sheets out, and they did it.

CHAIR—Before I go back to Mr Adams, I noticed that you also talked in your opening statement about a public email campaign. I think that was one of the first you did, to Verity Firth, who was then the New South Wales minister for health. We are doing an inquiry at the moment on e-petitioning. I am just wondering: what sort of response do you think you would have got? You stated that you have had over 17,000 signatures. If it were an electronic petition, do you think it would be a lot bigger and you could virtually spread the word a lot more than you have done?

Ms Smith—We probably could. I do not know if they are actually as effective, because I understand that they can be blocked. At the recipient's end, they can block the email. They will pick up a key word or a key chain of words so that, if people are trying to send it, it will be blocked and they do not actually receive it. Once a minister realises that this sort of thing is going on, it can be stopped.

Mr ADAMS—Not for this committee. We do not block petitions; we are actually opening up and encouraging the participation of the general public. That is why we are in this school hall today, to take evidence from you and others but also, with the students here, to make sure that they understand petitions. We are upgrading the capacity of the general public to participate in petitioning the parliament.

Ms Smith—I really do feel that, if people can sign a piece of paper and they have a chat to you, they feel ownership of it more. I think they feel part of it all more than just, 'Oh yeah, okay, I'll forward that email,' and zapping it off.

Mr ADAMS—And the older generation are probably not email efficient to get onto that.

Ms Smith—That is true—or have access, yes.

Mr ADAMS—I just wanted to explore with you the issue of the private hospitals in the region. There are private hospitals in the region, and they have a unit. It is the cost that is prohibitive for a lot of people.

Ms Smith—The radiotherapy unit is not at the hospitals. It is a private unit, totally off campus, which in itself causes a lot of problems. It is remote from the campus. I mentioned earlier the problem with ambulances at Gosford Hospital. The ambulance service is stretched beyond breaking point. It really is dreadful. In-patients at Gosford Hospital who need treatment have to be picked up by ambulance and taken to the remote, private facility. That is fine. They have a few minutes. It literally is a few minutes of treatment. They can be 5½ hours lying on a trolley in the waiting room waiting for an ambulance to be free to take them back to the wards. This happens commonly; it is not a rarity. It happens a lot of the time. They are just left there. They do not have any of their medications, including pain management. They have no access to

their opiates or anything. They are just left on a trolley waiting to be returned to the ward. It is inhuman, as far as I am concerned. It is humiliating for them. People are walking past them.

Mr ADAMS—That is a private operation run by a company, I take it? A company owns that facility and owns—

Ms Smith—They own and operate it; yes.

Mr ADAMS—Do you know the cost for a series of treatments? I guess it varies so much—

Ms Smith—Each individual is quoted separately.

Mr ADAMS—Do you know the cost of putting a unit in one of the hospitals in Gosford, or one of the public hospitals here? Have there been some quotes or are there ballpark figures?

Ms Smith—There are no quotes but people pull figures out of the air. It depends on how many machines would go in. I am not an engineer so it is very difficult for me to know. There has to be a radioactive bunker built, to start with. That is the beginning. I know if you are building a house and it is on a hill the costs are going to be phenomenal for building into the hill et cetera. All these factors would come into it and there is no way I could quote. To put in a fully equipped unit that would look to the future you would probably be looking at at least \$20 million.

Mr ADAMS—There is also the cost of the operators. You need several operators at a high-tech level. You have to pay people who are highly skilled, and have them on a continuing basis to meet the needs.

Ms Smith—Yes.

Mr ADAMS—So that would be costly—

Ms Smith—Very costly, but—

Mr ADAMS—they are life saving.

Ms Smith—They are life saving and there are savings to the health system by treating people. I am a case myself. I had radiotherapy and I have not cost the health system anything since. If I had not had radiotherapy I could have been a very expensive patient over the years.

Mr ADAMS—Very true. Thank you very much.

CHAIR—You were a patient and you have had radiotherapy. Where did you have that? Did you have to travel—

Ms Smith—I did not live on the Central Coast at the time. I was fortunate. I lived in Hornsby and I just went to Wahroonga, which is just 10 minutes down the road. This is one of the reasons I got involved in this on the Central Coast in the first place. I was fortunate; I could afford private treatment. I had a very good job and I was working. At the same time there was a young

girl who worked for me. Her aunt, who lived in Wyong, was having to travel at that time to the RPA for treatment each and every day. And I felt so guilty. I was relatively healthy and my husband would just drive me around the corner for treatment. The poor old lady and her husband were struggling out to Prince Alfred. When I moved up to the coast and I found out that the circumstances were still the same I could not believe it. That was when I decided it was time to do something about it and that I should try and get help.

CHAIR—Thank you very much for coming before the committee today.

Mr ADAMS—Well done!

CHAIR—We have taken everything on board—all that you have stated to us—and we look forward to the ministerial response. Hopefully, we will have that when we return to Canberra. When the department comes before us please be assured that there will be questions from this committee to the department. I look forward to the day when we might have the opportunity of standing side by side with you and seeing that ribbon cut.

Proceedings suspended from 10.05 am to 11.12 am

SCHOOLS FORUM

CHAIR—Welcome. First I am going to introduce myself and then I will let other members of the committee introduce themselves separately. My name is Julia Irwin. I have been a member of the federal parliament since 1998. I am the chair of this House of Representatives Standing Committee on Petitions and I am a member of a number of other House committees as well. My electorate is called Fowler. It is a fantastic electorate in western Sydney and goes from Canley Heights right up to Warragamba Dam, covering about 247 square kilometres. I will pass over now to the deputy chair, Russell Broadbent—and I am a member of the Labor Party.

Mr BROADBENT—I am a member of the Liberal Party. I am the member for McMillan in Victoria. My electorate was severely affected by the recent fires, so we have had a very interesting time lately. We did not have any loss of life in Gippsland but we had very severe damage, and we are dealing with that with the government at the moment as best we can at a federal level, dealing with the other agencies on behalf of the people there. My electorate goes from outer Melbourne in the east up to Mount Baw Baw, down to Moe and Newborough and down to where we had another major fire, Wilson's Promontory. So my electorate goes right down to the bottom—from the mountains to the sea. There are only two seats in Gippsland, McMillan and Gippsland, so we take up the whole of the east of Victoria. I am absolutely thrilled to be here today with you, and we are going to have some fun a bit later on.

Mr CRAIG THOMSON—Hi. I am Craig Thomson—I hope you know that, as your local member! I am lucky enough to look after the best seat in Australia, Dobell. No matter what all these others say, we know we live in the best place in Australia. We have mountains, we have the sea, we have got a great place to live. We are also quite a big seat relative to some of the others. Ms Irwin spoke about her seat being 247 square kilometres; ours is 886 square kilometres, so we are almost four times as big. So it is a large geographical area that we have to look after as well.

Mr BROADBENT—Mine is 8,000, Craig.

Mr CRAIG THOMSON—He is a Victorian, though; you have got to be a bit careful of Victorians! I am from the Labor Party and I was voted in in November 2007. It is great that we have been able to bring this committee to Dobell. We look forward to talking to you in a little bit more detail soon.

Mr ADAMS—Hello—good to be with you. My name is Dick Adams. I am from Tasmania. My seat takes in the west coast, the east coast and everything in the middle; it is about 62 per cent of the land mass of Tasmania. This is a nice place; I know my colleagues have said that. It is a pleasure to be here with you. You live and go to school in a pretty beautiful area. I am very pleased to be able to engage with you today and I look forward to your participation. We are a new committee, as our chair has said, and we are trying to take petitions and upgrade petitions—take the committee to the people—so that people's participation in parliament is enhanced compared to what it has been. Petitioning is a very old way of getting parliaments and leaders to take notice of people's concerns. So petitioning has that role, and I hope you learn something about that today and I hope that, as you grow up and go on into your adult lives, you might be able to direct some change by using the petitioning process.

CHAIR—Actually, students, you are going to go down in history, because we are hoping to take the Petitions Committee on the road, not only to listen to principal petitioners but also to talk to students. So, in 50 or 60 years time, when you most probably have got married and had children or even have grandchildren of your own, you can look up on the internet the background of the Petitions Committee, and you and your schools will actually be named in the *Hansard*.

I would like to thank the students and teachers of Tuggerah Lakes Secondary College and all three of its campuses, as well as Holgate Public School, Berkeley Vale Public School, Jilliby Public School, Killarney Vale Public School, St Cecilia's Catholic Primary School, Wamberal Public School and Chittaway Bay Public School for being in attendance today.

Now, I am just going to give you bit of the background of the Petitions Committee and tell you what our role is, not only within the federal parliament but also in the community at large. I am then going to pass to Mr Thomson, who will tell you about the role of a local federal MP. Then I will go to Mr Adams, who will inform you about the roles that we have within the federal parliament. Then I am going to take some questions; I know there are a number of students who want to ask us some questions today, and we will try to answer those. After that, we will go to Mr Broadbent, who is going to talk a little bit about question time in the federal parliament.

The House of Representatives Standing Committee on Petitions is a new committee. We formed our committee in, I think, February this year. There are 10 committee members: six government members and four opposition members. In the previous parliament, the Procedure Committee looked into ways that we could take the people's parliament—that is how all of us see the federal parliament; it is your parliament—to the people. So they had an inquiry and they came up with the idea of having a petitions committee. They got this idea after they visited the Scottish parliament, which has had a petitions committee for a number of years. Unfortunately, that inquiry report came down just prior to the federal election of 2007. I am sure that Mr Broadbent, even though we are on opposite sides of the chamber, would join with me in thanking the government that we have now for taking up the recommendations of the Procedure Committee—and hence the Petitions Committee was formed.

You might want to put up your hands—has any student here ever signed a petition? Fantastic—that is great to see. I am sure some of the teachers and parents that are here today have also signed petitions. I bet you have wondered what happens to a petition once you have signed it. What used to happen in the federal parliament was that every Monday the Speaker would table the petitions in the House of Representatives. A note would then go to the minister of the day to inform them that there was a petition tabled in the House and the terms of that petition. Then the petition would virtually go down to the dungeons.

As far as I and all in the parliament were concerned, that was not good enough. So what happens now is that, of a Monday evening when federal parliament is sitting, I have 10 minutes within the House of Representatives. Sometimes I share it with the deputy chair and other committee members. That petition is then tabled in the House. I think I had better go back. Before the petition is tabled in the House it has to come to our committee, the Petitions Committee. We meet every Wednesday and make sure that the petition is in order. It has to be 250 words and it has to have a principal petitioner. You only have to print your surname and your signature. Once that petition has been tabled in the House, we write to the relevant minister, and

they have to respond to the parliament within 90 days. So you would have a response to your petition within 90 days.

We have a website, so if you are the principal petitioner or if you have signed a particular petition and you want to see what has been happening to that, you can look it up on the website. We also call in relevant departments into our committee room and discuss with them the ministerial response. Sometimes, if the minister has not replied within that 90 days, we are not very happy with that, but I have to say it is a credit to our ministers that 97 per cent of the time they respond within that 90-day framework. I usually say to the deputy chair that I am sure that the ministers are frightened not to respond, because I can actually then get up in the parliament and name and shame them! Fortunately, that has not happened yet. I hope it does not happen and I hope they continue to send those responses to us.

We can also have principal petitioners come in and talk about their petition. Some would have got the ministerial response, and we would have had the department before us. Today at the secondary college we have had one principal petitioner before us regarding a radiotherapy unit at Gosford Hospital. They had a petition of close on 18,000 signatures. This afternoon we have a petitioner coming in who petitioned the parliament on the Northern Territory intervention. That is at 1.30 this afternoon. Please feel free to stay for that, if it is all right with the teachers and you want to see us in action and see the types of questions that we ask principal petitioners. Then we will have another petitioner before us, on a petition on the abolition of the Australian Building and Construction Commission. That is all happening after our wonderful time with all of you students.

I think I have covered enough of that. Some of the students might have further questions to me and committee members on our role with the Petitions Committee, so I am going to pass to Mr Thomson for a brief breakdown. I know it is going to be very hard to do that, Mr Thomson, because you are a hardworking local member. Mr Thomson, over to you.

Mr CRAIG THOMSON—Does anybody know how many federal seats there are in Australia? Does anyone have any idea? There are 150 seats around Australia. Australia is divided up into areas, which are called federal seats. Every three years there is an election in each of those 150 seats and a local MP is elected. Basically the role of that local MP is to represent the area that they have been elected to. For my area, the electorate of Dobell, we start at Wamberal, go across to Wyoming, up to Blue Haven and across to Toukley and also out into the valleys. As the local member, issues that arise in that area or things that people are concerned with, my responsibility is to try and get the best deal that we possibly can. We live in a great part of the world here but there are things that we want to improve. It is the role of the local MP to try and get those improvements for the area. Whether it is trying to get better public transport for the area, or more money for the schools or money for health facilities, they are the sorts of things that we are commonly asked to do by the voters and electors in that area, which are your parents and hopefully will be you at some stage soon.

For example, in the last election we promised, amongst other things, \$20 million to Tuggerah Lakes to help try and clean up the lake system here. That has started and the money is now flowing in that project. As a local member the responsibility is to make sure that the promise we made is actually delivered so that the money does come to the area and that is doing what we promised it would do. We promised to build a pipeline between the Mardi Dam and the

Mangrove Creek Dam. As we all know our water supply on the Central Coast got down to just a little over 10 per cent 18 months ago. The purpose of this pipeline is to pump water from the smaller dam, which always fills up, to the bigger dam, which never gets full. Hopefully this will mean that the Central Coast will not run out of water when we have our next drought and we will in fact continue to have a good water supply.

Another issue is getting to see doctors on the Central Coast. There are not a lot of doctors here relative to the number of people who live here. One of the issues that is always raised is how do we get more doctors here. One of the things we are doing is creating a super GP clinic where we will be putting some money in to get extra doctors and health professionals on the Central Coast. We should be announcing who that is and where that is in the next couple of weeks. Who does surf-lifesaving? Surf-lifesaving is as you know a very big part of us living on the Central Coast. Getting money for the surf-lifesaving organisation is something that, as a local member, we are asked to do. We certainly got extra money for the Central Coast Surf Lifesaving Association at the last election and we will continue to do those sorts of things.

There are those bigger things that affect all of the community that you are asked to do as a local member. There are also a lot of individual issues that you are asked to do. If you have family coming from overseas and you have immigration problems then often you will go to the local member. If there is a taxation issue then someone will go to the local member. If there is a social security issue in terms of proper payments being made, again, they are issues that will go to the local member. For all of us here, it does not matter which electorate we are from, which state we are from or which party we are from, everyone who is in federal parliament is there to represent their electorate as best they can and to respond to what the voters in that electorate want them to do. It is a pretty broad role and what you focus on really depends on the actual needs of your electorate. It is important that you participate in that because that means you get a better result for your area.

If we just take the view that we do not really care what the politicians do or what they spend their time on then we end up being represented in a way where we do not get a better result. It is really up to all of you to participate and make sure that you hold us accountable, not just every time you or your parents go to a vote but every day of the year. So if there are things that you are having problems with and cannot get resolved then get on to your local federal MP and say, 'This is a real issue for us.' It might be a particular road crossing. We have funding that is for black spot roads. It may be a dangerous intersection. It can be any issue at all in the electorate. You need to make sure you get on to your federal MP and say, 'This means to change; we want to do it.' One of the great ways of showing that you have support in the community for the changes that you want to see your local MP bring up is by starting a petition, which brings us right back to this Petitions Committee. That is the best way of demonstrating that a lot of people actually share your concern that that particular issue.

I know that from time to time we have had a number of petitioners from the Central Coast. There was the petition about the radiotherapy unit. We have also had a petition about broadband and mobile phone reception, which we know is always a problem here on the Central Coast because of the particular geography. They are important issues that have been raised with us locally. If an issue is important to you then it is important to every federal member out there and you should go to your local member and say, 'This is something that I think needs to change.' We need to be doing that and working with your community. That is pretty much what we do

locally. I am going to hand over to Mr Adams, who is going to talk about what we do when we go to Canberra.

Mr ADAMS—Okay. I will endeavour to do that. Craig talked about representative government and being a representative, and one of the issues you have is balance. I represent around 70,000 people, so how do I balance that? Some of the student reps might have some feeling about this. When you are representing people, you have to try to balance what people discuss with you, tell you and what you think, because you want to get re-elected. You have to balance what you think the people you represent want, what they are telling you they want and what direction they you want to go in and take decisions on. That is not easy. You also have to balance your party's policies and work within that situation as well.

It is a balancing act of decisions, and you have to make those decisions within yourself. Having people tell you what they want is a great way of doing that. I have always loved people, so it makes life a bit easier for me, I suppose. I have been elected since 1993 to the federal parliament—a long time—so I guess I must be getting some things right. I have been re-elected with a 1.5 per cent margin—an old school friend got to within 1.5 per cent of beating me—and I have been re-elected with as much as a 10 per cent margin. So there must be some things I am doing right. But I guess the challenge is to take on what people want. I like to discuss things with people, whether that is in clubs, pubs, churches, supermarkets or whatever. I think you have to be prepared as a representative to do that. Sometimes that does not always make you that popular in your own party or in your own group, but I think that is the true position of any representative.

Parliaments in Canberra are not that easy to talk about. We have things called bills, which will become laws, and we have debates about those bills which are before us in the parliament. We go to committees and discuss things to try to find better ways through what the laws are going to be. There is the divide between the Commonwealth government, the federal parliament, where we sit, and the state parliaments. We have the Constitution of Australia where all that power comes from. That is our legal power. The Commonwealth looks after things like the defence of the country, foreign affairs—our relationships with other countries. All of those things are the federal government's responsibility, and we share some responsibility in other areas.

Craig mentioned telecommunications. Getting broadband, having speed in broadband—which I am sure you all will be interested in—and having telecommunications are federal issues. Telstra used to be a Commonwealth department. It is now a private company. There are other companies that supply telecommunications around the country, but the Commonwealth has the responsibility of regulating that. We make laws on how that is supposed to operate, as well as laws that govern us. Australia Post is another Commonwealth responsibility, to deliver post and to make sure people get their mail within a certain time. Those are our responsibilities. If you go to the state parliaments, their responsibilities are things like the fire service and the state police. Schools, up to year 12, are a state responsibility, though that is getting more blurred as we go on in life. Splitting the responsibilities between the Commonwealth and the state, what we call federalism, is what we have to start reviewing after a hundred years as a nation. We have to start looking at what federalism means: what the states do and what the Commonwealth does. It is going to test us as a people, but we need to have these discussions and debates.

If we have an argument between the states and the Commonwealth, we go to the High Court and ask them to give us a judgment to sort that out. The Constitution has these defined areas of responsibility for us all. There are a whole range of issues that we discuss in our committees in Canberra. Craig mentioned some in health. These issues are always before us. We have a really great magazine that parliament now puts out. It has a website. On the cover of the magazine is 'Open 24 hours: 24/7 teens', and it discusses the issues of year-11s and year-12s—I know we have some of them here. There are some great statistics—politicians love statistics; they are things to talk about—that show that 1.4 million youth aged between 15 and 19 are going to school, 66.5 per cent of that group work part time, and 1.1 million combine work and full-time study. We are trying to work out how that affects people who are trying to study and make a living, either part time or whatever. These are real issues that can affect people's ability to get on and achieve things. There are some issues here—maybe there needs to be an increase in allowances to allow people to do that study without having to work so much. I recommend this magazine. There is a great photograph of somebody in the Library here asleep on the top shelf. I do not recommend that! There are some copies here—please grab them—and there is a great website.

CHAIR—We will now start with some questions from the students. I have a list in front of me. We have a number of students from the same school, so I will call one from one school at a time; we can come back to the others later on. I call on Cody Havard from Killarney Vale Public School.

Cody Havard—What percentage of petitions presented to parliament result in a change to the way something is done?

CHAIR—That is a very, very good question. It is also a hard question to answer because we have only been going since February 2008. The petitions go to the minister. There are a number of petitions where, when the minister responds to them, they are going to make a decision in the near future. We had one like that from Jewellstown, where a post office was closed down. Due to that petition, the minister sent out a representative from Australia Post to talk to the constituents. A number of petitioners have stated that they will be taking the concerns into consideration. We have the budget coming up when federal parliament returns.

The most important thing is that by signing a petition—and it does not matter if there are 17,000 or 18,000 signatures or even if there are three or four—you get that response from the minister. The minister will explain where the government of the day is coming from and, though not all petitions are going to be successful, hopefully quite a few will be. As I said, that is a hard question to answer because it is early days yet. We are only just a new committee.

Mr BROADBENT—Importantly, one of the things that the petitions do achieve is, when we have the answer from the minister and go back to the principal petitioner or to the group that are concerned about the issue, whether it be international, national or local, the minister's answer usually releases a whole lot of information that the principal petitioner did not know about before, which allows them then to go forward and to take the next step that they might like to take on the issue.

CHAIR—We have Jamie Smith from Wamberal Public School.

Jamie Smith—What is your position on euthanasia?

CHAIR—That is a very sticky question to ask, Jamie. Our position on euthanasia is a conscience vote within the federal parliament. Quite a few years ago—I am afraid that I do not know the year off by heart; I am sure that Mr Broadbent might remember—the Northern Territory government passed legislation to allow euthanasia. That was virtually overturned by the federal government of the day. The only time that a federal government can do that is with a territory—the ACT and the Northern Territory. Mr Kevin Andrews and the Prime Minister of the day, Mr Howard, moved legislation, the Andrews bill, to override the decision of the Northern Territory on euthanasia. My party, along with the opposition and the National Party, allowed us to have conscience votes.

Mr BROADBENT—Explain what a conscience vote is.

CHAIR—A conscience vote is where you do not have to go along party lines. You do not have to support the government of the day if you are a government member, so if you feel deeply about that issue you can just vote the way that you want to. That was lost in the federal parliament. There were a number of speakers; I think nearly all the members of the House of Representatives spoke in that debate. It was a debate that I found very interesting. Unfortunately, I did not have the opportunity to vote in that debate, because I was not a federal member of parliament at that stage. Does that answer your question or do you want to know what our personal views are?

Jamie Smith—That's good!

CHAIR—You are satisfied—great. I think we will go to Mitchell from Wamberal Public School.

Mr BROADBENT—Just before we go to Mitchell, I think we should personally answer. Jamie, you have asked a personal question and I think you have upset us terribly—you really have! Whilst the chair has given you the mechanics, it is very important that you hear what each of us has to say about the issue.

CHAIR—Fine. If I had been a member of the federal parliament when that debate took place, I would have voted in support of euthanasia. Everyone has their own personal reasons why they take their view. I had a very dear friend who had cancer—and I think that a lot of members in their speeches mentioned what had happened through their lives. He suffered so much it was absolutely unreal. He was a Christian, a churchgoer, but he just wanted to pass away with dignity.

I thought that he was denied that right. He had been under a psychiatrist, he had had top specialists, he had had numerous operations, and he was denied that right. Unfortunately, his death was not a pleasant death. His family was absolutely distraught at what that beautiful man had to go through. As I stated, it is a conscience vote, but if it were a vote that I would have in the federal parliament today I would vote in support of euthanasia.

Mr BROADBENT—And I would be opposed to it. I would take the absolutely opposite view. I believe that in Australia we do palliative care very well for those that are dying. I have

just gone through in this last week the death of my uncle's partner and it has been very difficult for all of us. But I believe that the approach we take right across this nation is the correct approach. I believe in the sanctity of life. I am very conservative on these issues—and very radical in others, as most of you would know who have seen me in the past. Then again, I was not there for the vote either, because I had just been thrown out of the parliament at that stage!

Mr CRAIG THOMSON—I am kind of in between—if you can be in between in terms of this issue. I know that really does sound like a politician's answer. I am probably more with Mr Broadbent's position that I am with Mrs Irwin's position, but I was not in parliament the last time this was debated and it would really depend on what the actual legislation was proposing and how it was going to work. But as a general position, I would be opposed to it, but I am prepared to listen to the argument and see how that plays out.

What I am concerned about with euthanasia are the safeguards that are there. My parents are getting older and, say, I had a particular fight with them and wanted to knock them off to get the inheritance—which I clearly do not want to do—

Mr BROADBENT—This is not on *Hansard*, is it?

CHAIR—It is definitely on the record!

Mr CRAIG THOMSON—by way of an example, if I could justify that by laws that said you were able to have euthanasia, then it makes it a very tricky area in which to reach the decisions that made Mrs Irwin take the decision that she took. So I am very sympathetic to people in that situation but I do not think that it is as simple as that and for that reason I would probably be in Mr Broadbent's camp, even though we are on different political parties in relation to where we sit in the parliament.

CHAIR—I think we are going pretty well with two against and one for, so we will just see what Mr Adams has to say.

Mr ADAMS—I was in the parliament and voted against euthanasia. I have sympathy with choice and some of the reasons that the chair gave. I received letters during that debate that said that it was a waste of money keeping some people alive and changing the law would be a good money saver—and things like that. I think that the difficulty—and Craig touched on some difficulties—is making sure that you have very strong safeguards. I know that my mum, who is now not with us, would have said something like, 'I do not want to be a burden on you,' and she would have signed the paper like that. There are dodgy brothers that may take advantage of that. You can work very hard and overcome that.

There is also the issue of life itself. Once we make that decision as a society, it will probably change the way that we look at life. I do not think we are quite there yet. I want to see a lot more discussion and debate about this within our society before we make that decision. Once you make the decision that it is legal to ask a doctor to take someone else's life, that changes the laws of our country, and most countries do not have laws like that. It changes the way that we go on in the rest of our society and the rest of our lives in a big, fundamental way.

CHAIR—We now have a question from Maddison Leidieh from Berkeley Vale Public School.

Maddison Leidieh—How can people in the states of Australia help stop bikie wars and what will the government do?

CHAIR—I should really pass this on to one of my colleagues, but seeing as I have the chair I will start. That is mainly a state issue, but it is an issue that concerns us all. Just outside of my electorate, in the federal seat of Werriwa, we have a clubhouse of the Bandidos, who you have most probably read about in the paper. A lot of people do not realise that some of these bikie clubs do a lot for the local community and for charity as well. It is an issue where I believe the states really have to pull their socks up, as does local government.

Mr BROADBENT—Although it is a state issue, the federal government has a role to play through the Australian Federal Police, who deal with organised crime internationally. If you are a criminal and you ride a motorbike or you drive a Lamborghini, a Rolls-Royce or a Mini-Minor—or a scooter or a bicycle—we as a community will eventually find you, catch up with you and incarcerate you for as long as we possibly can under the law. So if any of you have an intention to go into criminal activity for the rest of your lives, remember Russell Broadbent said: one day they will catch me and one day I will be imprisoned for a long, long time.

CHAIR—And it is not very pleasant behind bars. I have been into Goulburn jail—although not as an inmate!—with a public hearing, and it is not a pleasant place.

Mr CRAIG THOMSON—It is like most problems we have—it is a matter of resources. The federal government plays a role in terms of organised crime. If organised crime is using bikie gangs as a way of conducting illegal activities then we need to be responding—that is, more police, more resources and more intelligence to make sure that we capture them. Criminals, while they will always get caught, as Mr Broadbent said, are always looking at different ways of conducting criminal activities. They will look at adapting and changing their methods. What we are seeing at the moment are criminal activities working through bikie gangs. We need to be making sure we have appropriate laws to enforce the law of the land but also resources to make sure there are enough police to make sure that these things can be cracked down on.

Mr ADAMS—I do not believe that all bikies break the law or that because you have tatts you are a bad bikie or something terrible. The thing is that everybody should respect the law and not break it. Drugs usually drive a lot of bad behaviour. If people are breaking the law they need to be apprehended and dealt with by the courts, whether they are a bikie or anyone else.

CHAIR—Now we are going to go to Jordyn James from Jilliby Public School.

Jordyn James—I am a Jilliby Public School vice captain. Am I able to present a petition today?

CHAIR—We will accept it with pleasure. If you would like to bring your petition down, the deputy chair and I would like to accept it. If you would like to read your petition out, please feel free.

Zac Smith—Jilliby Public School has no permanent toilet blocks for students, and they currently are using a demountable temporary toilet block. We believe permanent toilets should be built at Jilliby Public School to replace the demountable blocks. We have 186 signatures.

CHAIR—Wonderful. If you would like to bring your petition down, we will take that to the Petitions Committee. Can I suggest that you do another petition and send it off to your state member of parliament.

Mr BROADBENT—That is democracy in action, isn't it?

CHAIR—We will take that petition down to Canberra. It will come before the Petitions Committee. We will check that it is in order and I am sure it will get a response. Please also take a petition to your state member. I hope you have success. Mr Thomson, you are the federal member.

Mr CRAIG THOMSON—The government has recently announced a \$42 billion stimulus package. Included in that is \$13.7 billion for primary schools for building and so forth. I will make sure we get a copy of that petition as well, and we will see how we go.

Mr BROADBENT—I think what Mr Thomson is saying is that he is guaranteeing your new toilets! They're on!

CHAIR—And, as this is on the public record, I am sure that Mr Thomson and the state member will be there for the first flush!

Gemma Eager—Why has the Labor government cut funds to the Step to the Future students forum?

CHAIR—I have got no idea. You are finally hearing a federal member of parliament say that they have got no idea about some funding. I think it is a state government issue. We have got one of the teachers saying no.

Brad Hutchinson—Step to the Future is a day when motivational speakers come in and inspire you. It is a day that is open across Australia to anyone and to all students. Without the funding, the tickets will become more expensive.

CHAIR—So it is a program that has been cut and it has just been cut recently?

Brad Hutchinson—Yes.

CHAIR—I will take that on notice, as the chair, and I will get a response for you. Have you ever thought of a petition?

Mr ADAMS—To do with policy, not day-to-day operations.

Brad Hutchinson—We would like to invite all of you to come along to see what it is that actually happens on the day.

Mr CRAIG THOMSON—I will certainly make sure I will be there.

CHAIR—I am sure that Craig will report back to the House, so please take that petition. I will take it on notice.

Taylor Townsend—I am from Jilliby Public School. The Australian government have put a lot of money into technology in schools. In the future, will the government put money into the creative arts?

CHAIR—Mr Thomson, do you want to take that question? I will come back to it. I am just trying to sort out this speaking list.

Mr CRAIG THOMSON—We had just embarked on the biggest infrastructure spend on Australian schools in the history of Australia. You have probably heard Julia Gillard and Mr Rudd talk about the education revolution. We have been in office just under 18 months and we have spent money on computers in schools and are now looking at refurbishing the infrastructure in primary schools and secondary schools. We have a program about trades training in secondary schools. We are introducing a national curriculum across all states in terms of the key teaching guides as to what is going to be taught.

Your question is a good question about what other areas we are going to be looking at. The creative arts area is a vitally important area in terms of making sure that we are teaching people and encouraging the creativity that Australia is very famous for in the arts world. Whether in the fine arts area or dramatic arts area, it does not really matter, we have a fine record in the arts. As a government we are committed to making sure that we can increase the funding and continue to increase funding for education across the board and we need to make sure that we actually address that area as well.

CHAIR—Thank you, Craig. We will go to Mitchell from Wamberal Public School.

Mitchell Legge—I am interested in sport, so what does the sports minister do in his role?

CHAIR—We have actually got a female who is our sports minister. Kate Ellis entered the federal parliament at the elections in 2004. She travels widely throughout Australia. She actually represented us at the Olympic Games in China. Do you want to take this, Mr Adams, because I know you are very interested in sport, aren't you?

Mr ADAMS—I am. The sports minister certainly has a responsibility to the federal parliament to do with the elite sports to start with and the sports institute—and I guess winning gold medals is one of her interests. There are political arguments about how much money we put into the elite sports as opposed to other sports and how much money we bring right down. That is a good argument and I like to see those discussions taking place.

So the federal minister has that responsibility and she has many others as well. Promoting the top end of sport, I guess, sets the benchmarks for us in what we strive for. We know that our sports institute has found a whole range of new ways of doing things and they have taken us to a very high level of support in the world. There are some spin-offs of that. I know that the RMIT in Melbourne designed new bikes, and some of the modern racing bikes that have come out of

RMIT over the last 10 or 15 years have been developed in Australia. That then goes right down to where you might own a bike which is a better bike and operates better and more efficiently. So the sports minister has a lot of roles. She also has a role in youth affairs as well. But I think that issue about how we make sure that sport is not just at the elite end, that it does support everybody's right and ability to participate right down to the community level is important.

Iggy Moore—Ignatius Moore from St Cecilia's, Wyong. We are presently reading the book, *Girl Underground*, and it is about refugees. We want to know why we lock up refugees in Australia.

CHAIR—I will answer this very briefly then I will hand over to the deputy chair. I admire Russell Broadbent greatly. Even though we are on opposite sides of the chamber, there are times when we do agree with each other, especially on refugees. Many years ago they were not called detention centres—they were called reception centres—and, if people came to this country illegally, we had a turnaround of six weeks. I was vocal in my own party room—and I know that Mr Broadbent was too—about putting people behind barbed wire. I am sure Mr Broadbent will not mind answering this question after that wonderful praise.

Mr BROADBENT—Thank you, Chair. Any of you who know our history know that we did go through a very difficult time as a nation with how we handled the refugees coming into this country and how we cared for them once they were here. I, with the most marginal seat in Victoria, ended up taking a stand on behalf of the women and children locked up behind bars for too long. That was unacceptable in this country. It had grown out of apathy on behalf of a number of governments and agencies. It was time to say no. That was a very difficult thing to say to my own Prime Minister.

Besides that, we do need to detain people when they come to this country for health reasons and legal reasons, but we then have found a way to deal with them. We no longer have women and children locked up for any period of time. We get them out into the community and house them in the community. We care for them as we would appropriately care for people coming into this country. It will always be a very difficult situation. There are millions of people who want to come here. Some will risk their families and their whole future to get on a boat and float here. Others will come by plane and overstay their visas. Our biggest refugee intake comes from people who overstay their tourist visas, not from those who come on boats.

You are the most treasured group for me because you are the first group this Petitions Committee have spoken to. I thank you for the question. I really want to say something that is very important to me on this issue. We are a wonderful nation. We do care about what happens around the world. We do take refugees from all over the world. It is right that we are never tempered by people on the far Right or the far Left as to how we manage this country. We have the best democratic system in the world even though it may not be perfect. We may not have perfect health and education, and a number of you had a couple of inquiries today.

I am very proud of my community. In Sydney last week the Chinese and ethnic communities of Sydney donated nearly \$300,000 to the Red Cross for the fires. When this nation was tested, when multiculturalism was tested and when there were 600 people in a room who had donated, cared for and identified and associated themselves with those who had been traumatised, had died or had been severely affected in the fires, we stood as one nation together—red, yellow,

black and white. That was the dream that I had when I said that we should not be keeping women, children and men behind bars for such a long time. I do not want to go on with this, but I thank you for the question.

CHAIR—I think you realise how passionate Mr Broadbent is. I admire him for his courage, because when you are a member of parliament, especially if you are in government, it is very hard to tell the Prime Minister of the day that you feel that he is wrong.

Zach Young—I am from Jilliby Public School. Seeing that there is a sports school in Newcastle, will there be another sports school closer to us?

CHAIR—That is an excellent question. I wonder if Mr Thomson would like to answer that.

Mr CRAIG THOMSON—That is really a question for the state government rather than the federal government. I have actively supported having a sports school on the Central Coast so our kids do not have to travel to the Hunter. It is a decision of the state government. This highlights where there are different powers for the federal and state governments. It is something that I support. We should have one here, but you really need to direct your question to one of the state MPs rather than to the federal parliament.

CHAIR—You are probably looking at us thinking: they are just telling us to go and talk to our state MP. Even though you have not turned 18 you still have the right to be listened to. This is what I love about the democratic society that we have in Australia. The local high school in my electorate, Cecil Hills High School, is just down the road from my office. Sometimes the students will call in because they are a little bit concerned about what might be happening in federal, state or local government. You might say to mum and dad: stand up for us. But if you go and knock on your MP's door I am sure that they will see you. We now have a question from Sarah Burgess of Killarney Vale Public School.

Sarah Burgess—What was the most difficult petition you had to deal with?

CHAIR—I do not think we have really had any difficult petitions at this stage. I have to be very open—there have been some petitions that have come before the committee that in my own heart I did not agree with. But we cannot be vocal about that because, if it is in order, it goes off to the minister. Every person, regardless of their age, has a right to petition the parliament and to get a response. We have had some sad petitions. Today there was one that moved me, and I notice the principle petitioner is now in the room. That petition was on the radiotherapy unit that they have been trying to get at Gosford Hospital. It is sad to hear some of the stories about cancer patients who have to pay thousands and thousands of dollars to go into private hospitals. There are some people out there that have not got the money to do the three- or four-hour drive all the way from the Central Coast down to the feeder hospital, which is the Royal North Shore, day in and day out. So that particular petition touched me. We now have a question from Zoe Stimson of Chittaway Bay Public School.

Zoe Stimson—Do you know what is going to happen with home birth when the time has come for us to have our babies?

CHAIR—So you want to know what is going to happen to home birth. Are you concerned that it might not be allowed? Do you agree with it or disagree with it?

Zoe Stimson—I am worried that it might not be an option.

Mr BROADBENT—Most of our health regulations are state health regulations. I notice there have been a number of articles in the last four weeks on the very issue of home birth. As you know, there are two sides to every argument. This argument has three sides, because there are all sorts of different types of home birth. Some professional doctors actually believe that some of the home birth procedures are dangerous. But we live in a free country and can do what we want to do. So some day you will have to make a decision to the best of your ability as to how you are going to have your children. I am sure you will take on all of the knowledge you possibly can for the protection of your children.

In every argument, everybody is right. Our role—and that has come through today, I hope—is to respect the right of everybody to put their position. Eventually, yes, we have to make a decision, and many of you may find you do not like a decision that is made, like many in my electorate did not like the decision that I made on refugees. But I survived because they respected the fact that I stood up and made that decision.

So what does that have to do with your question about homebirths? Everybody is right on this issue, so it is very hard. I would like to see you consider, when you go back to your class, how you are going to prosecute your case from the position your family or your mum is taking, or your teacher and peer group are taking. I would not like to be trying to make the decision—and I will not be making that decision on whether homebirth is correct, because I am a federal politician. There are a number of members of parliament whose births I would have stopped in the first place! I did not mean to say that.

CHAIR—That is definitely on the public record. Mr Adams?

Mr ADAMS—It is a broad issue, but I think there is a lot of self-interest involved. I think the health system has a lot of self-interest in the issue. That is what you as a generation need to start focusing on: we need to start opening up some of the closed shop, closed mentality and self-interest within the whole health delivery system in Australia and start to put pressure back on them. I think if somebody wants to give birth at home—and there are the right procedures to follow in relation to that—then there is no reason not to do so. There is always a right way and a wrong way to do anything.

I think there has just been a major resolution of some issues in relation to insurance which is going to allow the continuation of home birthing in Australia and midwifery to be registered in a way that allows midwives to overcome their insurance problems. So I am pleased about that. But please focus on the way that health care is delivered into the future.

CHAIR—I have to agree with what Mr Broadbent and Mr Adams have said. My grandmother, bless her soul, had seven girls, and they were all born at home. She was a country lady, nowhere near a hospital. When I had my children, Rebecca's birth was fantastic, but my son Blake's birth was not as great and if I had had Blake at home he might not be with us today. But I feel that it has got to be up to the individual; it has got to be your choice. I think Mr Adams

has covered it very well, and I know that there have been a few sticking points with insurance and things like that. If you are really concerned, talk to medical practitioners and follow through exactly what the New South Wales state government is doing. We have the lucky last, Jaimie Caldersmith from Jilliby Public School.

Jaimie Caldersmith—I am a pupil in year 6 at Jilliby Public School. It is proposed that the sinking of the HMAS *Adelaide* will occur off Terrigal Beach later this year. What precautions will take place to ensure the marine life and coastal beaches will not be adversely affected; and how will boats and ships know it is there so they will not crash into it?

CHAIR—Terrigal is in the federal seat of Robinson, I think—yes, Robinson—but I will get Mr Thomson to answer that question. Like you I have got a few concerns, but I am sure that the government of the day has got that under control. My son is actually a diver, so when he heard this he was so excited about coming up here and having a look at the wreck. It will bring quite a bit of money and tourism to the area. I will pass to Mr Thomson.

Mr CRAIG THOMSON—That is right. There are a lot of procedures that the ship needs to go through. The ship is stripped back. It is actually at Garden Island at the moment, where they are taking all the dangerous parts off it so that it is just the shell of the ship that is there. So there is less danger in terms of that. It costs around \$5.2 million to sink the ship because of all the processes and procedures you need to go through to make sure that it is safe—and that is wherever you do it around Australia.

This is not the first Navy ship that has been sunk and used as a dive wreck, nor will it be the last. It actually encourages the marine life around it because it creates a habitat, an artificial reef, for them. What is very important in plotting where it goes is the effect it will have on the beach as the tides come in and out—how that is going to affect the flow of the sands to beach. All of that work has been done in relation to Terrigal. What we will see is a new tourist attraction for divers. There are beacon markers there to alert other vessels that there is a wreck there, but it is offshore and out of direct shipping paths in any event. For us here on the Central Coast it should be a good thing. It will create another dive centre and hopefully attract more tourists, which would create more jobs and work for people living on the Central Coast.

CHAIR—Are there any other questions that students want to ask? I know that Mr Broadbent is going to talk a bit about question time. We have one question.

Gus Banfield—I am school captain of Tuggerah Lakes Secondary College. I have a general question: what would you say is the best way for a student to get involved in politics after school around here in the Australian parliament and in the local community?

CHAIR—I can talk about my journey into the federal parliament. I started off in the debating team at my local high school, and one issue was conscription to Vietnam—this is going back many, many moons ago. I was very distraught at the time because our young boys under the age of 21 were going to Vietnam, and in those days you had to be 21 to have a vote. So one of my teachers said, ‘Have you ever thought of joining a political party?’ I always say to people who come and see me who would like to join a party to get on to the various parties—whether it is the National Party, the Australian Labor Party or the Liberal Party—read their policies and then decide. I started off with Young Labor and I got involved through them. I just worked my way

up through the party and also with the trade union movement. I am sure that, if you are interested in becoming an activist within the Australian Labor Party, we have a great federal member here with us—and I am sure Mr Broadbent will not mind me saying that. I am not quite sure there is a Young Labor group up here. That is what I would encourage you to do. I met some wonderful people when I was in Young Labor: Paul Keating, who became Prime Minister of Australia; Leo McLeay, who became Speaker of the House; and a few judges that are in the High Court today. That is why I would encourage you.

Mr CRAIG THOMSON—Just to add to that, I think Mrs Irwin's first comments about a particular issue that got her involved are also important because it is not just about going along to a party and saying, 'I want to be a member of the party because I want to be a member of the party'; it is also about being active in your community on particular issues. You will find that after a while the issues themselves drive you towards representation—be it at local council or wherever. It is always important to remember that, if you want to best represent people in your community, you need to be in touch with your community, so you come to it from the issues that are common to people in your community. One of the things you can do, to bring it back to this committee, is to look at a petition on an issue that people feel particularly strongly about. That is a great way to get started in being involved in the political process.

CHAIR—I actually met my husband when I was in Young Labor. He is still my best friend today, after 37 years, even though sometimes we do not agree on everything.

Mr ADAMS—Also, if you think you are inclined to be more on the Liberal, Labor, Greens, Democrats, National Party or whichever side, going along to a member volunteering to work in their office is another way of learning. But I think Craig gave you the best advice. It is best to pursue your own ideals about what you believe in your own community and that will drive you on to find the mechanism and things will open up for you to find a direction. In politics the idea is to have principled positions, but you have to negotiate. It is how much you give up to achieve your goals. If you have been reading you would have seen that last week there was a lot of discussion in the Senate to achieve the present Labor government's bills. There had to be compromises to achieve the goals. It is knowing where you are coming from to achieve what you want to achieve, basically. That is the best advice I can give you.

Question time

Mr BROADBENT—I thought we were doing question time in 15 minutes; we are now going to do it in five. At two o'clock on a parliamentary sitting day the Speaker says that the debate is to be adjourned and to be continued at the next sitting, with the person who is speaking to continue. He then calls on questions without notice, which we are going to do here right now. The parliament then takes two hours to answer 20 questions—the two longest hours I ever put in in a day! We are going to have only 40 seconds for the question and the answer. There is the government, us, and the opposition asking the questions, all of you. What you have to do to get your question up is to stand in your place. You have to, as we say in the parliament, 'jump' in your place and get the notice of the Speaker. I am the Speaker—this is the most powerful I will probably be all day! If you want a question, when I say go, jump in your place and I will recognise you. Shout out your first name and your question and I will point to who is going to answer it. Let's go. Somebody stand up, quickly. This is your big chance to get your question up. Gus, where are you?

Questioner—What are you doing for petrol allowances for kids with their P plates?

Mr ADAMS—I thank the honourable member for his question. I think the debate about P-platers having petrol allowances has passed us by. I do not think P-platers should have any advantage over anybody else and therefore should pay the same taxes as everybody else.

Mr BROADBENT—Thank you, Minister. Next question.

Questioner—Why hasn't smoking been banned?

Mr CRAIG THOMSON—I think that is a very good question and one that we should be spending more time looking at. Clearly the effects of smoking on people are terrible. It costs the health system a lot of money and it is something we should look at.

Questioner—What is your favourite colour?

Mr CRAIG THOMSON—Grey.

Mr ADAMS—Blue.

Mr BROADBENT—Next question—quick! There should be three or four of you up all at the one time.

Questioner—What do you think about binge drinking by underage students?

CHAIR—I think binge drinking is absolutely shocking with our young ones. Alcopops—shame on the—

Mr BROADBENT—You are out of time! Sit down, please. Teachers and principals are allowed in here.

Questioner—Do you think it is fair that Indigenous students get extra UAI points?

Mr ADAMS—Thank you for the question. I think we have left our Indigenous brothers and sisters behind in our country. We needed to lift them up and to discriminate in favour of bringing them on in a more advanced way. It was a very correct policy position. The more of them we can lift them up, the better off we will be.

Mr BROADBENT—I would like you to ask that question to one of the members directly before you leave here.

Questioner—Why are they different to any of us here now?

Mr BROADBENT—Are you talking about Indigenous students?

Questioner—Yes.

Mr ADAMS—I guess you have to go back to where we come from. It is 200 years since the settlement of Australia—

Mr BROADBENT—What he actually means is you should not be any different and we should be working through it.

Questioner—Why are so many underage children allowed to have babies when they are not even allowed to legally drink?

Mr CRAIG THOMSON—Sixteen years of age is the age of consent whereas 18 is the age for drinking legally, so there is a two-year age gap. That is clearly going to create people who are going to fall within that gap.

Mr ADAMS—Not bad!

Questioner—What are the current laws on fake IDs?

CHAIR—They are definitely illegal and I would advise you not to get one!

Questioner—How come you have to be aged 18 or over to go on the pokies?

Mr ADAMS—Because, if you were any younger, you would put all your money in them.

Questioner—What is your view on schoolies?

Mr CRAIG THOMSON—Provided there is not binge drinking there, it is great to celebrate ending your exams.

Questioner—How much progress has there been on raising the price of alcohol to cut down on people binge drinking like they do with cigarettes?

CHAIR—As honourable members know, we have just had legislation before the House—

Mr BROADBENT—The member's time has expired!

CHAIR—I say shame on the opposition!

Mr BROADBENT—The member's time has expired and our time has expired. I hand back to the Chair.

CHAIR—Thank you very much, Mr Broadbent. This is something I will have to do when I visit some of the schools in my electorate. I think it is wonderful to do a question time.

Mr BROADBENT—I see those two girls that asked that question a minute ago that I could not quite understand. Can you come down and sit in the corner here for a while, please?

Mr ADAMS—You can put it on notice.

CHAIR—Yes, put it on notice and I am sure that Mr Broadbent and other members of the committee will definitely get back to you. Students, thank you very much for coming today. Before you all go, we are typical politicians; we never give up a good photo opportunity. We want all of you on the front of, hopefully, *About the House*, which goes right throughout Australia. If you can stay where you are, we will come up for that quick photo.

Proceedings suspended from 12.32 pm to 2.07 pm

McCLELLAND, Mr Peter Lee, New South Wales President, Construction and General Division, Construction Forestry Mining and Energy Union

Workplace Relations

CHAIR—Although the committee does not require you to speak under oath, you should understand that this meeting is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Peter, if you wish, you can make an opening statement.

Mr McClelland—Thank you. I will say at the outset that our union—and, I believe, the trade union movement more broadly—believes that no group of workers should be discriminated against under the law as a consequence of the occupations which they make their livelihoods from. That is the situation today in Australia, where building workers have a different set of laws governing their workplace than do other workers.

When I speak about the Building and Construction Industry Improvement Act, I always go back to where it started, and that was the Royal Commission into the Building and Construction Industry, which was headed by Justice Cole. Justice Cole found that, in his opinion, the industry demonstrated a disregard for the rule of law and had intimidation abounding in it et cetera. However, I would suggest that the evidence is quite the contrary. There were only two persons who were prosecuted as a consequence of that royal commission, one of whom was convicted on the basis of perjury, which did not directly relate to an industrial matter but to a relationship that he suggested he had with a particular employer that he did not have. Of course, that was a number of years ago. There were a number of volumes. No other prosecutions for unlawful conduct have come out of those proceedings of the royal commission. I believe that the royal commission was established to set an environment to justify, as best could be done, the introduction of these laws. To that end, I think the Cole royal commission fulfilled what it was intended to do.

I know that many people who do not make their living from the building and construction industry are not overly focused on the wages and conditions of building workers, but they are very focused on the attack on civil liberties that this current legislation, the building industry improvement act, comprises. Most people I speak to cannot understand that there are laws like this today, where a person who is not charged with committing any offence is told that they must appear at a time and a place not of their choosing to give statements, to undergo interrogation, and where failure to comply could see them jailed for up to six months. That sort of process happens nowhere else, to my knowledge. As I said, these are people who have not been charged with anything, let alone found guilty.

I think that the legislation has been designed to break down the confidence of workers in institutions which have historically and traditionally been about supporting them and looking after their general interests. It is legislation which is designed to create an atmosphere of fear in the workplace. On those issues, the legislation, one could argue, has achieved what I think was its original intent. Do not accept that it has improved productivity in the building and construction industry, despite the economic analysis that the ABCC seek to get from time to

time. It is evident that wages and conditions in the construction industry have plummeted under this legislation because of the environment that has been created by the legislation and that occupational health and safety have extremely deteriorated because confidence has been destroyed. It has been destroyed or lessened in a whole variety of areas. It is a question of confidence not just in a trade union, in their remunerations and the stability of the security of employment but also in occupational health and safety. I will conclude my opening statement with that.

I have some documents here which I would not mind submitting. Firstly, this is part of the submission that my union made to the inquiry headed by Justice Wilcox. I will not deal with it at great length, but the pages that I am referring you to contain comments that have been made in some regard by Federal Court judges, members of the AIRC et cetera.

For example, comments have been made about many of the cases which have been launched by the ABCC, set up by a highly artificial, manufactured device. I will not take you to the actual pages, but these are comments that are in there. 'Cases'—meaning the ABCC's cases—'are beset with legal difficulties.' Their case was 'hopeless' and was instituted 'without reasonable cause'. Other comments in other cases include, 'This action is much ado about nothing.' Further on that particular matter, 'No harm has been done to anyone. The contravention was inadvertent. In these circumstances it would be quite wrong to punish the respondents'—meaning the CFMEU and our members.

Finally, last November in *Duffy v the Construction, Forestry, Mining and Energy Union*, the Federal Court described the approach of the interviewers—this is the ABCC's inspectors interviewed—as 'biased against the union' and the tone of the inspector to be 'anti-union'. We have found in all our dealings with the inspectors of the ABCC that they have that anti-union bias.

I will finish with one other example. In November last year two Federal Court judges made scathing observations about the ABCC's bias. In one case, Justice Spender suggested that, if the ABCC was even-handed in the exercise of its powers, the employer involved in the case should have been prosecuted for a range of offences. Of course, the ABCC only saw fit to prosecute a union, a prosecution that Justice Spender found was 'ill-conceived, without merit and should never have been taken before the court'.

I understand that recently the ABCC through its inspectors announced that it was going to deal with the question of sham subcontracts within the building and construction industry. They are very prevalent and done to avoid people's obligations to the ATO and for the principal contractor engaged to establish for him or herself a competitive edge within the market. We now have evidence that the inspectors were not worried about the sham arrangements that people entered into so as to avoid their statutory obligations to what should be their employees and to avoid ATO commitments. They were simply interested in asking whether the supposed ABN employee, for want of a better description, was previously on wages working for this particular employer and had now been forced onto an ABN system when the facts were that, regardless of how they might have gone about it, they were engaged in a sham arrangement. Additionally, people are told in the building industry—and you can see it in the few ads now appearing in the daily papers—that a builder's labourer or a single bricklayer 'must have ABN'. The workers in our industry are not given an effective choice. They are told, 'This is what is going to happen,'

and they have an entire authority with a budget of approximately \$33 million a year to enforce a particular ideology of the previous government.

Finally I want to make reference to an International Labour Organisation *Report of the Committee of Experts on the Application of Conventions and Recommendations*. The committee of experts is an independent body composed of legal experts charged with examining the applications of ILO conventions. Australia is a signatory to many of these international conventions. In summary the committee urges the Australian government to indicate in its next report the measures taken to bring the building industry improvement act into conformity with the conventions, which Australia is a signatory to. The committee of experts does use very diplomatic language and if you read the document in detail you can see that they are quite damning of this particular legislation. I am happy to answer any questions.

CHAIR—Before I go to questions, the external monitoring paper, the first one you gave me, is that a paper or is it a document?

Mr McClelland—It is a 101-page document submission which our union gave to the Justice Wilcox inquiry.

CHAIR—Thank you very much for that. I am going to ask two questions in one. I am just going to read out a small section of your petition where you state that it denies: in the building and construction industry, basic democratic and work rights; undermines the safety and conditions of thousands of hardworking Australians in industry; and has made workers a target of court prosecutions and fines by the politically motivated office of the ABCC. In your opening statement you stated that people are looking at being jailed for up to six months and there was interrogation. Without naming the people can you give us two examples of where this has happened?

Mr McClelland—I can give you more than two. The ABCC itself has indicated, I think, something in the order of approximately 100 interviews that they have conducted. How many have actually been conducted under the threat of, ‘You have 14 days to appear,’ I cannot be sure. I would hazard to guess that, with respect to our members, the number would be in double figures. Of course people that undergo these interrogations are forbidden from speaking to even their spouses about the nature of the questions et cetera.

CHAIR—Thank you. Before I hand over to other members of the committee, you would be aware that the government has stated that they will make changes to the legislation in 2010. How do you see the situation developing over the next 12 months?

Mr McClelland—Developing in regard to—

CHAIR—The ABCC. Do you think it is going to get worse than what the workers are experiencing at the moment?

Mr McClelland—I think the ABCC is attempting to discredit the construction industry unions and to make allegations in regard to the poor conduct et cetera in the industry. These claims of increasing productivity as a consequence of the act as it stands at the moment in their monitoring role are being used as a justification for their continued existence.

CHAIR—Thank you. Mr Adams.

Mr ADAMS—I understand the problem with the present ABCC. You have just said that, after you have been interviewed by this body, you cannot even tell your family what you have been asked or what evidence you have given to somebody in a closed room. Is that true? Is that the position?

Mr McClelland—That is absolutely the position. In addition to that, the ABCC has the ability to deny a person the legal representation of their choice if that legal representation is involved in representing someone else within the broad scope of their inquiry. I understand that the ABCC has had that position held up as a consequence of using decisions relating to the operations of the crime commission. We are talking about workplace issues here; we are not talking about mobsters, gangsters, terrorists et cetera.

Mr ADAMS—Do you or your union know if there is anywhere else in the world where that sort of law applies in industrial law?

Mr McClelland—Not to my knowledge where industrial laws as such do apply. I am not aware. Other international organisations which do have outstanding reputations for honesty and integrity have made similar statements that these laws are quite extraordinary, particularly in a developed democracy.

Mr ADAMS—I have read that a couple of Queen's Counsel—I think we call them Senior Counsel now; the men or women who have silk—have opposed these laws, saying that they believe that they are well out of balance with what Australia should have on its books. Have any other parts of the legal fraternity made comments about these laws?

Mr McClelland—There have been, as you rightly point to, a number of members of the legal fraternity who have made comments about these laws, including, as I understand it people who actually presided over some of the cases of the ABCC who are simply outraged at the waste of money, which is not in the public interest. The New South Wales Council of Civil Liberties has consistently made statements that these laws just do not have a place in a democracy.

Mr ADAMS—Thank you very much.

Mr CRAIG THOMSON—The complaint from the union is one that intimidation through the law has had the effect that the union is not as effective at the workplace and that has resulted in reduced levels of occupational health and safety, because your union plays a particularly strong role in that than in perhaps many other industries. I think you also said in your evidence that wages either have not moved as much as they would have or have been dampened by this and conditions have been cut back. Is that what you see as being the principal effects for workers through this legislation?

Mr McClelland—Yes, it has happened.

Mr CRAIG THOMSON—I am talking more about the workers than perhaps the union officials. Where you have given the examples—

Mr McClelland—About the effect on workers?

Mr CRAIG THOMSON—Yes.

Mr McClelland—That was what I was going to lead towards. We have had a number of enterprise bargaining rounds and, while the increases contained in those have been adequate, the breadth of their application throughout the industry is diminishing, which is meaning more and more workers are having their wages suppressed because of the inability of the industry to in all cases have a reasonable wage outcome because of the disregard for employee statutory entitlements et cetera, which is occurring through the proliferation of ABN sham subcontracting arrangements within the industry.

Mr CRAIG THOMSON—Do you see that as the intent of this legislation—to remove the union, to remove those sorts of structures and to reduce the costs for the employers?

Mr McClelland—Absolutely. That was the intent of the legislation, in my view—to remove from the process a third party, being the union. In the building and construction industry, many companies employ fewer than 15 employees. Relatively few companies engage more than that, when you look at the number of companies that operate within the industry.

Mr CRAIG THOMSON—When these laws came into effect, we were in a boom. Taking your hypothesis, I suppose you could say that has been the motivation for keeping costs down during the boom time, when normally you would expect labour to have an economic advantage in terms of negotiations. Have the changing economic circumstances that we now face had any effect in terms of employers' attitudes to using the full extent of these laws?

Mr McClelland—It is having a devastating effect on the working lives of the employees. With regard to the employers of the industry, any economic downturn in the building industry has dreadful consequences for both employers and employees. The lower you are in the food chain, the worse you get it. The builders at the moment, with the decline in building—I do not know who is making the money, but I know it is diminishing as it goes down that food chain. The builders are squeezing the life out of the subcontract companies, using their economic power to delay payments to them, which are critical in order for them to pay their employees, and the subcontractors are carving each other up in the marketplace. This is not competition based on an individual's ability to manage their company effectively; it is based on 'We've got to cut'—and, in the construction industry, it is wages and conditions which they look at.

Mr CRAIG THOMSON—I am slowly getting to the point that I want to ask you, and that is: if the justification from an employer point of view was to have an effect on the market strength of labour in terms of negotiations over wages and conditions in a boom time—if that were strongly part of the motivation for this legislation—surely, with the changed economic conditions that are there, that argument falls away as being a reason for continuing with this legislation, because the market itself has changed that power relationship.

Mr McClelland—Definitely. When there is a greater level of activity within the industry, the employees' bargaining position is enhanced. In a period of low activity, when there are greater threats to employment security, the employers' bargaining position is enhanced.

Mr BROADBENT—Thank you for coming through the Petitions Committee; it is another avenue of expression of your concerns. My question is: if you feel that there is an injustice here, or an unjust result that affects a minority of people across our community unfairly, where are you going to take it to from here for some consideration of the matters you put before the Petitions Committee?

Mr McClelland—We will continue to lobby government to change these particular laws. We will seek to activate community opposition to these laws because, at the end of the day, it is only people such as yourselves, the politicians, who are in a position to actually bring some justice back into the building industry in terms of industrial relations laws.

Mr BROADBENT—What about the antidiscrimination commissioner?

Mr McClelland—I am not sure whether that avenue has been looked at. I would be surprised if it had not, but that sort of work is dealt with by our national office and I am only a state official.

Mr BROADBENT—I think it is important to be a state official. If we wait for the national office and not state officials, we would all be dead. What about the industry ombudsman?

Mr McClelland—We have used the industry ombudsman on a couple of occasions. It is more a question of where we have been unable to assist a particular worker with an injustice that has allegedly been perpetrated against him or her where we have not had the capacity to effectively deal with it in a short space of time, because there is an enormous amount of work. Our industry, if I can put it this way, is a very short-term industry in terms of employment. It is a very casualised industry and your job is only there while the structure you are working on is yet to be completed. When you have a worker who goes onto a construction site, that construction site might have a construction timetable, effectively, of nine months but the bricklayer might only have, for example, three months of employment on that job. It is very hard under the current arrangements, if there has been an injustice, to resolve that within such a short time frame. We do the best we can, but we also try to alert the ombudsman from time to time about these problems.

Mr BROADBENT—Is it a fact that when what you have just alluded occurs you need to say, ‘Here is the law as it stands, here is the discrimination and here is an example of that discrimination’?

Mr McClelland—I thought I had.

Mr BROADBENT—In particular instances?

Mr McClelland—In particular instances, we have had, for example, a worker by the name of Barry Hemsworth who objected to the employer requiring the employees of that particular company, Botany Cranes, to sign off on a ‘work methods statement’ which they were not adequately trained to do. As a consequence of their signing off, they would alleviate any liability of the employer. The employer was actually trying to pass the onus back on to the employees. He objected to that. He was terminated for that. He was a union delegate. We undertook numerous legal proceedings in a number of jurisdictions and, after more than 12 months without

getting any completion because people were able to appeal to higher courts and so forth, that particular worker remained unemployed—for more than 12 months. The laws used were both the Workplace Relations Act and the Building and Construction Industry Improvement Act. There are aspects of the building industry improvement act which were used which did discriminate against Mr Hemsworth.

Mr BROADBENT—Was there resolution of the issue?

Mr McClelland—There was. Following the defeat of the previous federal government, the employer decided that he would sit down and sensibly negotiate an outcome with the union. As to why he did that at that particular time, you would have to ask that individual.

CHAIR—Are there still a lot of employers out there that are using this legislation against the workers?

Mr McClelland—It is being used as an implement to say, ‘This can happen.’

CHAIR—Like a threat?

Mr McClelland—It is a threat. For example, the Building and Construction Industry Improvement Act has a different definition of industrial action to the Workplace Relations Act. It has a definition which says it is industrial action if work is performed in a manner it is not customarily performed. It is quite a broad definition of industrial action. We had a situation in Western Australia—you will probably hear this elsewhere—where a safety officer was dismissed regardless of the advice of the union. A group of workers on that site took industrial action and were all subject to financial penalties. We had a situation in the Victoria where, on the death of a workmate, workers had a whip around after their lunch break and were threatened with prosecution under the Building and Construction Industry Improvement Act for engaging in unlawful industrial action. These things occur in the industry. Other people see them. As I said, the intent of the legislation, in my view, is to create this atmosphere of fear.

Mr ADAMS—Is it common in the culture within your industry for people to pull together to support the family of somebody who has been killed on the job?

Mr McClelland—Absolutely, and for a variety of community causes—for example, for the Victorian Bushfire Appeal. There have been numerous other instances around issues such as schizophrenia, an area of mental health which, in my view, has not had the attention it should have. Our union is a big supporter of that organisation and does assist in the funding of it. Under these arrangements in the Building and Construction Industry Improvement Act, if our members decide to talk about this in the process of their work, they are performing their work in a manner it is not customarily performed and, of course, are laying themselves open to the threat by others that they are not doing the work as they should.

CHAIR—You have surely been lobbying government members—

Mr McClelland—Unsuccessfully so far.

CHAIR—and the minister. You have only given us a few examples today, but are the government aware of exactly what is happening out there in the workforce? Have you brought that to the attention of the government with examples?

Mr McClelland—I believe that examples have been brought forward to the government. I have to say I have been shocked in many of the discussions I have had with members of parliament around the detail of the legislation by how little understanding they have of the detail.

CHAIR—As you know a petition was presented in the federal parliament on 23 February, and ministers have to respond to a petition within 90 days according to standing orders. I hope to get a response by the minister to that petition by 22 May. I am sure that the CFMEU and committee members will look forward to the response from the minister. After getting that response, we can also probably have the department appear before us. Are there any further questions?

Mr ADAMS—Wilcox is going to report some time, isn't he?

Mr McClelland—Yes. As I understand it he was required to hand his report to the federal government by the end of this month. I understand that people from our national office who are involved in that process believe he will meet that particular deadline.

CHAIR—Peter, we will be sending a copy of today's *Hansard* to the department so they will be well aware of what has been stated here today. I would like to thank all the principal petitioners that have come before the committee today, the secretariat staff, Hansard who always do a great job, Andrew Newman, the Principal of this school, for allowing us to use the auditorium and to all the students that were in attendance today.

Resolved (on motion by **Mr Thomson**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 2.47 pm