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CORRECTIONS

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Wednesday, 16 November 2005

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BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

PROOF

mindful that these measures are directed at securing the future prosperity of Australia, and providing the opportunity for all Australians to participate in that prosperity.

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

Debate (on motion by **Mr Gavan O'Connor**) adjourned.

**FAMILY AND COMMUNITY SERVICES
LEGISLATION AMENDMENT (WELFARE TO
WORK) BILL 2005**

First Reading

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

Second Reading

Mr DUTTON (Dickson—Minister for Workforce Participation) (9.30 am)—I move:

That this bill be now read a second time.

This bill amends the Family Assistance Act and the Family Assistance Administration Act as part of the government's Welfare to Work package of measures to support more Australians to move from welfare to work.

The bill contains two child-care related measures.

The number of hours of child-care benefit a family will be eligible to receive in a week for each child in approved child care, without meeting the work/training/study test, will be increased by four hours, from 20 to 24 hours a week. This measure is included in schedule 1.

Increasing the threshold limit of hours for which a family can receive child-care benefit will assist parents in maintaining ongoing lower levels of work force participation and help their transition to a greater level of participation once their children are older. It also recognises that child-care requirements often exceed actual working hours.

Schedule 2 gives effect to the second measure, which modifies the work/training/study test applicable to those who wish to claim child-care benefit for up to 50 hours care in a week. To be eligible for up to 50 hours of child-care benefit for a week for each child in approved child care, claimants and their partners who have work or work related commitments, or training or study commitments, will be required to demonstrate that they have engaged in these activities for at least 15 hours in that week or for at least 30 hours in a fortnight that includes that week.

This measure ensures that the greatest support is directed to those families with higher levels of work related participation.

Both measures contained in this bill will apply from 3 July 2006 and demonstrate the government's commitment to supporting the child-care needs of parents in work, training and study.

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

Debate (on motion by **Mr Gavan O'Connor**) adjourned.

AUSTRALIAN CITIZENSHIP BILL 2005

First Reading

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

Second Reading

Mr JOHN COBB (Parkes—Minister for Citizenship and Multicultural Affairs) (9.32 am)—I move:

That this bill be now read a second time.

Today, I have the honour to present two bills which embody very significant, indeed historic, changes to our citizenship law. These two bills replace the Australian Citizenship Act 1948 with the Australian Citizenship Act 2005.

On 26 January 1949, this great nation of ours became, for the first time, a nation of Australian citizens. That day marked the commencement of the Nationality and Citizenship Act 1948 and the creation of the concept and reality of Australian citizenship.

Australia today is vastly different from what it was when the Nationality and Citizenship Bill 1948 was introduced to the parliament.

In 1948 the population of Australia was around 7.8 million. For the hundreds of thousands of post-World War II European migrants making their way to a new future, the journey to Australia took many weeks. Travel was expensive and many migrants were unable to return to their country of birth for years, and some not at all.

What a contrast with today: a population of over 20 million, travel to Australia from Europe taking less than 24 hours and the cost of overseas travel within the reach of most people.

Yet, regrettably, some things have not changed. Just as there were following World War II, there are still people in parts of the world who have been displaced as a result of war and tyranny. And, just as we did following the war, Australia does its bit and responds to these humanitarian crises, working closely with the United Nations High Commissioner for Refugees.

We have had very successful migration and humanitarian programs over the years. People from over 200 countries have made their home in Australia, a country where opportunities abound and where, for many people, it is the first time in their lives that they have enjoyed liberty and freedom from persecution.

Our citizenship law and policy have been at the heart of the success of these programs, and our law and policy have changed over time to reflect changes in Australian society and our interaction with the rest of the world.

Citizenship is readily available to those who make their home here and who are prepared to commit to our common future. More than 3.5 million people have chosen to become fully participating members of our community. As Australia has matured, the inclusive and non-discriminatory approach which has developed has seen citizenship become a powerful force in the creation of a united and cohesive society.

It is not compulsory to become a citizen. However, the act of becoming a citizen is a formal commitment to our country and the values that uniquely define us as Australians. Most of those who come under the humanitarian program apply to become full participants of our society as soon as they become eligible. They eagerly grasp the opportunity to feel the sense of belonging, to make the commitment, to become one of us.

The principles underlying the legislation remain unchanged, as does the preamble, although there is a minor change to reflect new terminology. The government believes that the overall inclusive and non-discriminatory approach to Australian citizenship should continue as the basis for our citizenship law and policy. This approach means that we welcome, without undue barriers, migrants and humanitarian entrants who come to Australia and who decide that they wish to become fully participating members of our society.

The draft legislation retains the discretion for the minister to refuse to approve a person's application despite the person meeting the specified criteria. The current discretion is contained in the phrase 'the minister may'. Retaining the discretion reflects the fact that Australian citizenship is a privilege and not a right.

The new act will deliver better structured, clearer, more accessible law, drafted in the language of the 21st century.

Division 1 deals with the circumstances by which citizenship is automatically acquired, division 2 deals with the acquisition of citizenship by application, division 3 deals with the cessation of citizenship, division 4 deals with evidence, and division 5 introduces a framework for the collection, use and storage of personal identifiers.

The personal identifiers framework is an important addition to the law and will increase the government's ability to accurately identify people who are seeking to become citizens and those requiring evidence of their citizenship.

Another significant measure aimed at safeguarding Australia's security is the introduction of a prohibition on approval of an application made by a person who is assessed by ASIO to be a direct or indirect risk to our security. This provision applies to all applications—whether they are for citizenship by descent, by conferral or by resumption.

We do not propose extensive changes to the eligibility criteria for the conferral of Australian citizenship. There is no change to the current provisions which require a basic knowledge of the English language, an adequate knowledge of the responsibilities and privileges of citizenship, that the applicant is likely to reside in or maintain a close relationship with Australia, and, most importantly, be of good character.

However, as announced in July 2004, spouses of Australian citizens will need to meet the same requirements as other applicants. And, as announced by the Prime Minister on 8 September, the residential qualifying period of not less than two years in Australia in the previous five years is being extended to three years. There will be no change to the requirement to have spent one year in Australia in the two years immediately prior to making the application.

The increase in the residential qualifying period will allow more time for new arrivals to become familiar with the Australian way of life and the values to which they will need to commit as citizens. It will also strengthen the integrity of the citizenship process by giving more time for the identification of people who may represent a risk to Australia's security.

The residence exemptions are being strengthened and made more equitable.

One of the existing provisions allows for the possibility that a person could spend just one day in Australia as a permanent resident and then be eligible for citizenship two years later, provided they can demonstrate that their time spent overseas was of some benefit to Australia.

On the other hand, a person who has been here on temporary visas for several years before being granted permanent residence cannot have that time recognised unless they would suffer significant hardship or disadvantage if not conferred citizenship. During those periods prior to the grant of permanent residence, people live and work in our community and develop a close connection with Australia and understanding of our way of life. It would be unreasonable not to be able to count some of that time for the purposes of the citizenship residential qualifying period.

In the future, up to two years spent outside Australia as a permanent resident or in Australia as a temporary resident may be treated as time spent in Australia as a permanent resident, provided the person has been involved in activities beneficial to Australia. These applicants will therefore need to have spent a minimum of 12 months in Australia as a permanent resident.

There will be only two circumstances in which a person will be exempt from the requirement to spend at least 12 months as a permanent resident.

The first circumstance involves the spouse of an Australian citizen. Some spouses have very close fam-

ily and other connections with Australia but find it difficult to accumulate the necessary time as a permanent resident in Australia because they accompany their Australian family overseas—for example, in association with their spouse's employment. The definition of 'spouse' for the purpose of this provision will include a de facto spouse.

The second situation already exists in the legislation and allows for periods of lawful temporary stay in Australia to be treated as permanent residence where a person would suffer significant hardship or disadvantage if not allowed to become a citizen.

There is an important change to the provisions for children. This relates to the consequences when a child's Australian citizen parent or parents renounce their citizenship. The current act provides that children in these cases automatically cease to be citizens, unless they do not have the citizenship of another country. This is being replaced with a discretionary power so that the circumstances of each case can be considered and a decision made whether or not it is appropriate for the child's citizenship to cease. The provision will be consistent with those applicable when a parent or parents are deprived of their citizenship, and will ensure the act is compliant with relevant international obligations.

Registration of citizenship by descent is another area in which important change is proposed. This change is the removal of the age limit.

The policy principle inherent in the legislation is that a person must have had a parent who was an Australian citizen at the time of their birth. This is made very clear in the new subdivision on citizenship by descent, with the statement:

... a person does not become an Australian citizen under this Subdivision unless ... a parent of the person was an Australian citizen at the time of the person's birth ...

While the act has always provided for the registration of children as citizens by descent, the period in which a child had to be registered has changed. Initially children had to be registered within one year of birth, or such further period as the minister allowed. In 1970 it changed to five years or such further period as allowed, in 1984 the time limit was within 18 years of the birth and in 2002 this was changed to 25 years. Unfortunately, not all Australians overseas were aware of these time limits, and some simply did not get around to completing the paperwork. The result was that their children were not registered and could not access their Australian heritage. Many people in this circumstance have identified themselves as Australians but have been unable to obtain legal recognition of this status. The changes in the age limit over the years have attempted to address this issue. However, the changes did not provide any relief for those who were already older than the new age limits. The removal of the age

limit will allow these people to get that formal recognition.

There are two other circumstances in which we have provided for people to access their Australian heritage.

The first covers the adult children of Australians who lost their citizenship under section 17 of the act which was repealed in 2002. Section 17 provided that adult Australians who did 'any act or thing—the sole or dominant purpose of which; and the effect of which; is to acquire the nationality or citizenship of a foreign country, shall, upon that acquisition, cease to be an Australian citizen'. The provision worked by operation of law and took effect as soon as an Australian acquired the new citizenship. No application was necessary and no decision was involved.

Not surprisingly, many Australians—both in Australia and overseas—did not know about this provision. They took advantage of opportunities to become a citizen of the United Kingdom or the United States, for example, to make travel and/or work overseas easier. Many also continued to identify themselves as Australians and even travel on their Australian passports, completely unaware that they were no longer entitled to its protection. The government was also unaware of the change in their status—until, that is, the person tried to renew their Australian passport or register a child as an Australian citizen.

Children born after their Australian parent or parents lost their citizenship are not eligible for registration of citizenship by descent. They do not meet the essential requirement of an Australian citizen parent at the time of their birth. Provision has been made for these people to apply for citizenship by conferral. In recognition of their particular circumstances, they will not be required to make the pledge.

The second involves a small group of people born in Papua, before Papua New Guinea Independence Day in September 1975, who have a parent born in Australia as we know it now. The Australian citizenship legislation drafted to complement the creation of an independent Papua New Guinea did not make allowances for people such as Susan Walsh, whose mother was Papuan and whose father was born in New South Wales. Registration as a citizen by descent is not possible in Ms Walsh's case because those provisions require that the person is born outside Australia. Papua, prior to PNG independence, was a part of Australia for the purposes of Australian citizenship law. While only a handful of people will benefit from this change, it upholds an important principle.

No provision has been made for children born to a former Australian citizen after that parent renounced their citizenship. Unlike those who lost their citizenship under section 17, people who renounced their citizenship were well aware that they had ceased to be Australian citizens. They could have had no reasonable

expectation of access to Australian citizenship for any children born after renunciation.

However, the removal of the age limit for resumption by those who renounced Australian citizenship was announced in July 2004, and it was welcomed by those affected. In most cases of renunciation, people act to retain another citizenship to avoid hardship or economic disadvantage while living in the country of their other nationality. Although many countries now allow dual citizenship, this was not always so. There are also a small number of people who renounce in order to acquire another citizenship so that, for example, they can pursue career objectives overseas which are limited to nationals of certain countries.

Resumption provisions for people who renounced their citizenship to retain another were first introduced in 2002, when we changed the law to allow dual citizenship. An age limit of 25 years was imposed at the recommendation of the Australian Citizenship Council.

A review of the resumption provisions has taken account of the fact that:

- many of those who renounced their citizenship to retain another were already over the age of 25 years in 2002;
- the resumption provisions for people who had lost their citizenship, when acquiring another, had no age limit at all; and
- there are no existing provisions for people who renounce to acquire another citizenship.

It is the government's view that the principles underlying the resumption provisions should apply regardless of whether renunciation was for the purpose of retention or acquisition of another citizenship. In future, the only requirements for resumption will be that the person is of good character and, as indicated earlier, is not a security risk.

Changes to the deprivation powers include:

- the introduction of provisions to revoke citizenship acquired as a result of third party fraud; and
- strengthening of the revocation provisions relating to serious criminal offences.

Australian citizenship is of course a very valuable status. While the incidence of fraud in the case load is low, the risk of fraud is a constant. The existing provisions deal with fraud committed by an applicant. Unfortunately, there is currently no power to revoke citizenship where that status was acquired as a result of fraud by a third party—for example, a government official or migration agent. The changes will mean that consideration can be given to revoke citizenship in all cases involving fraud.

Existing law provides for revocation when a dual citizen has been convicted, after applying for citizenship, of a serious criminal offence committed before

their application was approved. The extension of this provision to include serious criminal offences committed between approval of an application and when the person actually becomes a citizen reflects the existing power to cancel the approval of an application if the person is no longer of good character.

Strengthened proof of identity arrangements is essential to protect the integrity of Australia's citizenship processes. The new act explicitly provides that the minister must be satisfied of the applicant's identity before an application can be approved.

Personal identifiers, namely photographs and signatures, are already collected, stored and used. The new personal identifier division provides a legislative framework for the management of those identifiers and within which we can respond to future decisions, and technology developments, in relation to proof of identity.

It is important to note that personal identifiers collected and stored under the new act will only be able to be used for the purposes of the Citizenship Act.

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

Debate (on motion by **Mr Gavan O'Connor**) adjourned.

AUSTRALIAN CITIZENSHIP (TRANSITIONALS AND CONSEQUENTIALS) BILL 2005

First Reading

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

Second Reading

Mr JOHN COBB (Parkes—Minister for Citizenship and Multicultural Affairs) (9.52 am)—I move:

That this bill be now read a second time.

The Australian Citizenship (Transitionals and Consequentials) Bill 2005 provides for the transitional changes and consequential changes to other legislation which are necessary following the repeal of the old act. The amendments proposed by this bill give effect to the transitional and consequential amendments which are necessary as a result of the amendments proposed by the principal bill.

I am confident that these bills achieve an appropriate balance between the inclusiveness of our citizenship legislation and the challenges of the world in which we live—a world where globalisation means no boundaries, a world where some seek to destroy our way of life and our values. There has never been a better time to be or become an Australian citizen. Today, more than ever, the value of Australian citizenship cannot be underestimated.

I would like to acknowledge the work of my predecessors in the development of this legislation. The Hon. Gary Hardgrave MP undertook the early groundwork for many of the policy changes reflected in the bills.

The Hon. Peter McGauran MP continued that work and was instrumental in obtaining the necessary priority to ensure drafting of the bills.

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

Debate (on motion by **Mr Gavan O'Connor**) adjourned.

WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) BILL 2005

Second Reading

Debate resumed from 8 November, on motion by **Mr Andrews**:

That this bill be now read a second time.

upon which **Mr Stephen Smith** moved by way of amendment:

That all words after "That" be omitted with a view to substituting the following words:

"the House declines to give the bill a second reading, because the House condemns the Government:

- (a) for failing to allow the House of Representatives and the Australian people proper scrutiny of the Bill prior to the debate in the House;
- (b) for spending over \$55 million dollars of taxpayers' money advertising Liberal Party policy proposals before the WorkChoices legislation has entered the Parliament;
- (c) for misleading the Australian people in those advertisements by making unsubstantiated assertions about the benefits of these changes and misrepresenting the extent to which employees will lose their rights under the WorkChoices legislation;
- (d) for creating an industrial relations system that is extreme, unfair and divisive;
- (e) for failing to put working families first in developing its plans to dramatically change Australia's industrial relations laws;
- (f) specifically, for failing to commission and publish a Family Impact Statement as promised during the election for all family related legislation;
- (g) for failing to provide a guarantee that no individual Australian employee will be worse off under the extreme industrial relations changes;
- (h) for attacking the living standards of Australian employees and their families by removing the 'no disadvantage test' from collective and individual agreements;
- (i) by allowing employees to be forced onto unfair Australian Workplace Agreements as a condition of employment
- (j) for abolishing annual wage increases made by the Australian Industrial Relations Commission for workers under Awards with the objective of reducing the Minimum Wage in real terms, and by removing the requirement that fairness be taken into account in the calculation of the Minimum Wage;
- (k) for delaying the next National Wage Case by a period of six months, so that at least 1.7 million workers under

Awards will not receive a wage increase for a period of 18 months or longer;

- (l) for undermining family life by proposing to give employers the power to change employees' work hours without reasonable notice;
- (m) for destroying rights achieved through the hard work of generations of Australian workers;
- (n) for undermining the principles of fairness that underpinned the Australian industrial relations system for the past hundred years;
- (o) for gutting the Australian Industrial Relations Commission and eliminating the role of an independent umpire to ensure fair wages and conditions and resolve disputes;
- (p) for developing proposals that will deliberately distort the workplace bargaining relationship in favour of employers and against employees;
- (q) for denying Australian employees the capacity to bargain collectively with their employer for decent wages and conditions;
- (r) for denying individuals the right to reject individual contracts which cut pay and conditions and undermine collective bargaining and union representation;
- (s) for allowing individual contracts to undermine the rights of Australian workers under collective agreements and Awards, for instance by eliminating penalty rates, shift loadings, overtime and holiday pay and other Award conditions;
- (t) for removing from almost 4 million employees any protection from unfair dismissal;
- (u) for refusing to consult with State Governments in developing a unitary industrial relations system resulting in an inadequate and incomplete national system;
- (v) for launching an unprovoked attack on responsible trade unions and asserting that those unions have no role in the economic and social future of Australia;
- (w) for proposing to jail union representatives or fine them up to \$33,000 if they negotiate to include health and safety, training and other clauses in agreements;
- (x) for ignoring the concerns of the Australian community and Churches of the adverse impact these changes will have on Australian employees and their families;
- (y) for failing to guarantee that wages will be sustained or increased in real terms under these changes; and
- (z) for seeking to justify these measures by asserting that slashing wages will somehow make Australia more competitive, more productive, and increase employment".

Mr SCHULTZ (Hume) (9.55 am)—In continuing my contribution to this debate on the Workplace Relations Amendment (Work Choices) Bill 2005, I make the observation that many of the comments from the opposition are premised on the absurd, archaic notion that Australians are incapable of thinking for themselves and that they are simply going to comply with the arrogant assumption that the ACTU knows what is best for them. I find that remarkable, given that in 1976 the union membership of this country was 51 per cent

of the work force but today it is down to 22 per cent, of which only 17.4 per cent of the private sector are members.

The ACTU's strategy in response to losing its Senate majority is related to the position that it is in now. Its response has not been to reinvent itself and make itself more appealing to workers; instead it has been to fill the workers with fear and loathing in the hope that they will vote Labor at the next election so that the Labor Party can implement the ACTU's roll-back policies and return it to its privileged position. The ACTU's campaign has nothing to do with protecting workers; otherwise it would provide them with accurate information instead of trying to make them feel insecure. It is all about electing a Labor government so the unions can once again return to their complacent position of legislated protection and will not have to adapt to the modern world.

On the *Sunday* program on 29 May 2005 this was illustrated by Greg Combet. He confirmed that this was a purely political campaign in the week he launched the ACTU's campaign when he commented that 'we need a change of government'. Even union leaders concede that the movement has lost relevance and is not focused on the interest of workers. John Robertson, the Secretary of Unions New South Wales, in a reported article in the *Daily Telegraph* on 30 April 2005 that was headed 'The unions disunited: Leader attacks members' said this:

We need to be honest with ourselves ... These laws—
he means IR reform—

are not the biggest threat to the future of the labour movement. We are.

Many of our unions are in a sad state—some have given up recruiting on the basis it will upset internal power balances.

Our political wing (the ALP) is in even worse shape—control of local branches is now being fought out by operatives on the public payroll.

The union movement has no interest in helping small businesses. Its campaign against workplace relations reform has been predicated on the idea that no employee can trust their employer and that all employers are heartless animals, who cannot wait for the chance to exploit or sack their work force. Yet union leaders, deep down, know that their scare campaign based on evil bosses is not realistic and does not portray the reality in small business workplaces. There is no better way to illustrate that than to quote the comments made on *Lateline* on 8 August of this year by the ACTU President Sharan Burrow. She said:

I think you'd be surprised about how flexible small business can be and if they know there's a way of keeping a very skilled employee attached to their enterprise ... They tell us they're worried about losing skilled workers, particularly at a time of increasingly full employment.

So the question needs to be asked: why is she running an \$8 million campaign saying that small business employers will run amok, unfairly sacking their staff under the new system? The President of the ACTU herself has confirmed that she is running a misleading scare campaign.

Despite that scare campaign, the employment rate in this country is the highest it has been for three decades. In the Hume electorate the decrease in the unemployment level, whilst not as impressive as the results in some other electorates, where unemployment has dropped even more sharply—including in the seats of many of the ALP members who are here today opposing these important reforms—has been significant in recent years. That has been on the back of the strong economic leadership and decision making of the Howard government. In Hume today unemployment is estimated at just 4.1 per cent, down from 5.9 per cent during the last year of the previous Labor government. Rural people have suffered years of drought and hardship, but the constituents in Hume are still finding employment at a higher rate today than even 12 months ago—a testament to the solid foundations built by this Howard-led government.

There has been a large amount of negative press about these reforms in the electorate of Hume, as there has been elsewhere. I understand that voters are wary, especially when they have the ALP and union doom and gloomsters preaching the evils of this legislation at every opportunity. They did the same thing in 1996, when the Howard government's workplace reforms began. Since then this government has created more than 1.7 million jobs, seen an increase in real wages of 14.9 per cent, delivered the lowest unemployment rates in three decades and reduced the chaos caused by industrial disputes to its lowest level since records were first kept more than 90 years ago. Despite this success, the ALP doom and gloomsters are doing it again.

I would now like to refer to a matter related to a union instigated meeting in Goulburn in my electorate, where I made the decision not to compromise my commitments to my constituents and enter public debate with the unions over these reforms. That has been criticised in the local press in my electorate. However, I feel strongly, as I have always in the 18 years that I have been a member of parliament, about my long-term commitments. In any case, no amount of fact telling or reassuring will convince those tied up in the union movement that these changes are good, that they are a step forward and that they will one day be noted as a turning point in our history.

These freely available facts have been accessible and offered by me to those interested in having an open mind and sharing the government's vision of this way forward. The facts are that under this bill terms and conditions will not be abolished. Employees will be

able to keep their conditions until they agree to new arrangements with their employer. There is no obligation to enter into a new agreement under the new system. Conditions which exist in awards can also exist in agreements, which will now be able to run for up to five years, rather than the current maximum of three. This is not a new issue; it has been around for some time. It is practised in the public sector when public sector employees offer to forgo some of their conditions in the interests of accommodating some of the financial pressures on themselves or their families.

The minimum standards will be universal and protected by law for the first time at a federal level. This will include minimum and award classification wages as set by the Fair Pay Commission, four weeks paid annual leave with an additional week for shift workers—with the option for employees to cash out up to two weeks leave, but only at their own request—52 weeks unpaid parental leave, 10 days paid personal carers leave, including sick leave, for employees with more than 12 months service, plus two days of paid compassionate leave, plus an additional two days of unpaid carers leave per occasion, which will be available in emergency situations. There will be a maximum 38-hour working week.

Where conditions in an award or an agreement are more generous, those conditions will apply. Award conditions will be protected. Although they will not form part of the Australian fair pay and conditions standard, other conditions will be protected, including public holidays, rest breaks, meal breaks, incentive based payments and bonuses, annual leave loadings, allowances, penalty rates and shift and overtime loadings. Things such as superannuation, notice of termination and arrangements for jury service and long service leave will also remain protected under the existing legislation.

Despite the trade unions' claims, I am delighted to shed light on the fact that employees cannot be forced onto new workplace agreements under this new system. Under WorkChoices it will continue to be unlawful for employers to force employees into new agreements. If a worker does not like what is on offer, they can opt to stay on their current arrangements. It is as simple as that. Help will be provided to employees who require it in dealing with workplace disputes. Australian workers need not fear these reforms. To further protect workers' rights, a strong inspection service will exist under the new arrangements, to assist workers who believe they are not being paid their appropriate entitlements. That is more protection, not less, than under the current arrangements.

Finally, protections against unlawful termination on the basis of family responsibilities, union membership or all types of discrimination will continue to apply for all employees. The onus will be on employers to prove

that the determination was not for a prohibited reason. Australian workers will not be worse off as a result of these reforms, despite the scaremongering that is out there in the community, driven by the ACTU and the ALP. They will be better off—of that I am confident, and I will stake my political reputation on it. Those people in Hume who have taken the time to acquaint themselves with the facts believe so too. I will give the House some illustrations. When asked the question, 'Would you rather negotiate an employment agreement or have a union do it on your behalf?' ordinary Australians in the electorate of Hume agreed that they would prefer to negotiate directly with their bosses. 'I would probably negotiate', said one woman. 'In a small business you've got a relationship with your boss', said another. 'I don't know, really, but I suppose I would choose to do it myself,' a young woman just starting out in the work force said. Even at the other end of the scale, a man with plenty of working years under his belt, whom I would describe as a mature individual, said the same. 'I would do it myself,' he said. So four out of five when answering an unsolicited question said they could see the benefits of fostering an open, flexible relationship between employers and employees. That might only be a small sample, but I believe it is an accurate one.

I will quote from a letter I received from the President of the Southern Highlands Business Chamber Inc., Mr Terry Oakes-Ash, in reply to a letter I sent to him relating to the Workplace Relations Amendment (Work Choices) Bill. He said:

Regarding the increased emphasis on direct bargaining between employer and employees, we fully support these changes.

And here are the pertinent points:

Employers will be forced to bargain wisely and fairly, otherwise they will not retain the workforce that they need to run their businesses.

That is a very pertinent point. He continued:

Employees will be able to negotiate how they want their wages and conditions packaged, a plus for them.

Regarding the unfair dismissal laws as they relate employers with less than 100 employees, we believe that this will enable employers to be more selective of the applicants required to run their business and even more prepared to employ additional people, knowing that if they do not suit the job, then they can be replaced without being taken to court. Employees will adopt more professional approach in their job application, which should lead to great harmony of employer/employee relations.

I think that says it all, and it is one of the reasons why the unemployment level has dropped to its lowest point in 30 years, as I said previously.

In closing, I would like to issue a challenge. I challenge those people in the Hume electorate who may have been brainwashed and stifled by their union, by their friends or by their families about these reforms, to