



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

TONY WINDSOR MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND

Suite 2, Level 1
307 Peel Street
TAMWORTH NSW 2340

All Mail: PO Box 963
TAMWORTH NSW 2340

Ph: (02) 6761 3080
Toll Free: 1800 66 8855
Fax: (02) 6761 3380
e-mail: Tony.Windsor.MP@aph.gov.au
Web Page: www.tonywindsor.com.au

MEDIA RELEASE

27th August 2002

PM concedes his Government can't bind future Governments on Telstra - Windsor

Prime Minister, John Howard has conceded that any regulations put in place by the current Parliament to safeguard country consumers of Telstra Services can be dumped by a future Parliament.

In answer to a question from the Member for New England, Tony Windsor in Question Time yesterday, Mr Howard confirmed that the warning Mr Windsor has been flagging to the electorate that a current government can bind a future government is in fact correct.

In his reply, the Prime Minister said 'We should always operate under the assumption that a law passed by one parliament can always be repealed by another parliament and I would not try and pretend otherwise.'

"Mr Howard's support of the constitutional definition reinforces my opposition to the full sale of Telstra.

Even though the Prime Minister attempted to turn the question into an attack on the Labor Party, he was honest enough to admit to the Parliament that a promise of service delivery and service levels was only as good as the current term of a Parliament.

After that, all bets are off," Mr Windsor said.

Mr Windsor added that the full sale of Telstra could mean that any guarantees given now could be changed but more importantly, that without some form of government ownership any guarantees that new technologies be delivered to country people aren't worth the paper they're written on," Mr Windsor said.

Hansard

Question without Notice: Parliament: Constitution

Parliament: Constitution

Mr WINDSOR (2.57 p.m.) —My question is to the Prime Minister. Under the Constitution, what capacity does this parliament have to bind future parliaments to provide services guaranteed by this parliament?

Mr HOWARD —I am flattered that the member for New England should have such confidence in my understanding of constitutional law as to invite me to give a legal opinion, but I will pass up that opportunity. There is a rough prospect that the member for New England may have been thinking of legislation, for example, to impose a community service obligation on a telecommunications carrier. When I went to the Sydney University Law School, I read of a fellow called Dyson and it put me in mind of some opposition policies, of course. He said that there was a doctrine that said one parliament could not bind another—and that is right.

Mr Melham interjecting—

The SPEAKER —I warn the member for Banks!

Mr HOWARD —We should always operate under the assumption that a law passed by one parliament can always be repealed by another parliament, and I would not try and pretend otherwise. That, of course, is a very good reason for not changing the present government. I can think of a plethora of laws from those who sit opposite. Just imagine how the Labor Party would apply that doctrine to border protection legislation. Just think how they would apply that doctrine to laws relating to family benefits. I thank the member for New England for asking me this question. It gives me a whole new stream of consciousness about the dangers of electing a Labor government.

Let me assure the member for New England that in relation to Telstra, which I am sure is in the honourable member's mind, our policy is that we are not going to sell any further shares in Telstra unless we are satisfied that services in the bush are up to scratch. We have appointed an inquiry. Three very reputable Australians are going to have a look at that. When they give us that report, we will then know whether those services are up to scratch. We remain committed to legislative community service obligations. It is true that if this government were defeated at the next election it would be open to a future government to change and take away the community service obligation. So I think what the member for New England has done is to remind the parliament that, when it comes to guaranteeing telecommunication services in the bush, it is always dangerous to elect a Labor government.