

worse off? How out of touch can you get if you do not know that getting the sack makes you worse off.

I have been asked about the prospect for a successful implementation of the government's policies. Those prospects are being threatened by the confusion and the divisions in the coalition. The opposition leader declared that Work Choices is dead but he was contradicted by the shadow minister for families, who said, 'I think that whatever they put up we should vote against.' But then he was contradicted by the Manager of Opposition Business, who said, 'But the people have spoken and the Labor Party have a mandate to tear up Work Choices.' But he was contradicted by the small business spokesman, who said that Labor's attempts to apply unfair dismissal laws to small businesses would meet his absolute and determined opposition. But then he was contradicted by the shadow Treasurer, who said, 'Labor ran very hard on this issue and they have a mandate for change.' Flip, flop, flap.

**Mr Hartsuyker**—Mr Speaker, I rise on a point of order. The question did not call for alternative policies.

**The SPEAKER**—The question asked for the government's approach to small business, so the Minister for Small Business, Independent Contractors and the Service Economy—and I apologise to independent contractors and the service economy for having called them 'other things'—will stick to the question.

**Dr EMERSON**—I was also asked about the prospects for successful implementation of these policies. The fact is that the opposition is divided and confused. It is out of touch with working families. The Rudd Labor government is building a modern economy to meet the challenges of the 21st century for the nation and for the working families of Australia.

#### University Fees

**Mr FARMER** (3.07 pm)—Mr Speaker, my question is to the Treasurer. We have heard the Prime Minister talking about flip, flop, flap. Will the Treasurer rule out slip, slop or slapping a new tax, levy or compulsory fees on university students?

**Mr SWAN**—I am not ruling anything in or out, whether it is slip, slop, slap or anything else, because we are in a budget process.

#### Judicial Appointments

**Mr ZAPPIA** (3.08 pm)—Mr Speaker, my question is to the Attorney-General. Will the Attorney-General inform the House of what the government is doing to increase transparency in judicial appointments?

**Mr McCLELLAND**—I thank the member for his question. This is an important issue. The Rudd government is committed to open government, and that is why we have introduced greater transparency and broader consultation in respect of the appointment of senior public servants. On the weekend I had the opportunity to give a speech to the Queensland Bar Asso-

ciation, and I outlined similar proposals in respect of the appointment of federal magistrates and federal judges. As a result of vacancies that have arisen on the Federal Magistrates Court, I have had the opportunity to put that process in train.

We have put ads in national newspapers calling for expressions of interest by way of application or nomination. We have sought input from a broad cross-section not only of the legal professional bodies but also of the community legal centres, the Legal Aid Commission, academia and the Australian Women Lawyers Association. I intend to appoint a selection panel made up of the Chief Magistrate, a retired judge and a representative of my department. That panel will assist in the selection of candidates according to criteria which have been published on the department's website—criteria determined to achieve not only selection on the basis of merit but personalities who have empathy with litigants who appear before them. That panel will provide me with a short-list, and it is proposed that I would recommend a suitable candidate from that short-list for the consideration of government. I have outlined options in respect of the appointment of Federal Court and Family Court judges. I have invited input from the profession. I also have invited input from the broader public. Indeed, I would welcome input from members of the House.

It is an incremental step but an important step. We are not advocating a United States-type veto through the Senate or otherwise, but it is an important step to assure Australians that those people who will deliberate in respect of their rights or, if it be in force, obligations against them are chosen not by a narrow select few but by an appropriately qualified panel. It is important that Australians have confidence that all judicial appointments are entirely on the basis of merit, not on personal associations or political affiliations. This is an important step in further developing the Rudd Labor government's commitment to open government.

#### Mr Brian Burke

**Mr PYNE** (3.11 pm)—Speaking of open government, my question is to the Prime Minister. I refer the Prime Minister to his release of emails between him and Brian Burke on 17 February. Given his public admission that the meetings with Brian Burke were through the conduit of his former colleague Graham Edwards, will the Prime Minister release all emails or other correspondence between him and Graham Edwards that are relevant to the relationship with Brian Burke? Further, can he assure the House that he will release any emails or other correspondence between him or Graham Edwards and Julian Grill, Brian Burke's business partner, concerning the arrangements he made for meetings and dinner with Brian Burke?

**Mr RUDD**—I thank the honourable member for his question. I am unaware of any emails between me and