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SITTING DAYS—2011

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

House of Representatives Officeholders
Speaker—Mr Harry Alfred Jenkins MP
Deputy Speaker—Hon. Peter Neil Slipper MP
Second Deputy Speaker—Hon. Bruce Craig Scott MP
Members of the Speaker’s Panel—Ms Anna Elizabeth Burke MP, Hon. Dick Godfrey Harry Adams MP, Ms Sharon Leah Bird MP, Mrs Yvette Maree D’Ath MP, Mr Steven Georganas MP, Ms Kirsten Fiona Livermore MP, Mr John Paul Murphy MP, Mr Peter Sid Sidebottom MP, Mr Kelvin John Thomson MP, Ms Maria Vamvakinou MP

Leader of the House—Hon. Anthony Norman Albanese MP
Deputy Leader of the House—Hon. Stephen Francis Smith MP
Manager of Opposition Business—Hon. Christopher Maurice Pyne MP
Deputy Manager of Opposition Business—Mr Luke Hartsuyker MP

Party Leaders and Whips
Australian Labor Party
Leader—Hon. Julia Eileen Gillard MP
Deputy Leader—Hon. Wayne Maxwell Swan MP
Chief Government Whip—Hon. Joel Andrew Fitzgibbon MP
Government Whips—Ms Jill Griffiths Hall MP and Mr Ed Husic MP

Liberal Party of Australia
Leader—Hon. Anthony John Abbott MP
Deputy Leader—Hon. Julie Isabel Bishop MP
Chief Opposition Whip—Hon. Warren George Entsch MP
Opposition Whips—Mr Patrick Damien Secker MP and Ms Nola Bethwyn Marino MP

The Nationals
Leader—Hon. Warren Errol Truss MP
Chief Whip—Mr Mark Maclean Coulton MP
Whip—Mr Paul Christopher Neville MP

Printed by authority of the House of Representatives
## Members of the House of Representatives

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<td>Washer, Malcom James</td>
<td>Moore, WA</td>
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<td>Wilkie, Andrew Damien</td>
<td>Denison, TAS</td>
<td>Ind</td>
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<td>Windsor, Anthony Harold Curties</td>
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<td>Wyatt, Kenneth George</td>
<td>Hasluck, WA</td>
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<td>Zappia, Tony</td>
<td>Makin, SA</td>
<td>ALP</td>
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**PARTY ABBREVIATIONS**

ALP—Australian Labor Party; LP—Liberal Party of Australia; LNP—Liberal National Party; CLP—Country Liberal Party; Nats—The Nationals; NWA—The Nationals WA; Ind—Independent; AG—Australian Greens

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing  
Clerk of the House of Representatives—B Wright  
Secretary, Department of Parliamentary Services—A Thompson
GILLARD MINISTRY

Prime Minister
Deputy Prime Minister, Treasurer
Minister for Regional Australia, Regional Development and Local Government
Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Minister for School Education, Early Childhood and Youth
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Trade
Minister for Defence and Deputy Leader of the House
Minister for Immigration and Citizenship
Minister for Infrastructure and Transport and Leader of the House
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Sustainability, Environment, Water, Population and Communities
Minister for Finance and Deregulation
Minister for Innovation, Industry, Science and Research
Attorney-General and Vice President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Minister for Resources and Energy and Minister for Tourism
Minister for Climate Change and Energy Efficiency

Hon. Julia Gillard MP
Hon. Wayne Swan MP
Hon. Simon Crean MP
Senator Hon. Chris Evans
Hon. Peter Garrett AM, MP
Senator Hon. Stephen Conroy
Hon. Kevin Rudd MP
Hon. Dr Craig Emerson MP
Hon. Stephen Smith MP
Hon. Chris Bowen MP
Hon. Anthony Albanese MP
Hon. Nicola Roxon MP
Hon. Jenny Macklin MP
Hon. Tony Burke MP
Senator Hon. Penny Wong
Senator Hon. Kim Carr
Hon. Robert McClelland MP
Senator Hon. Joe Ludwig
Hon. Martin Ferguson AM, MP
Hon. Greg Combet AM, MP

[The above ministers constitute the cabinet]
<p>| Minister for the Arts                        | Hon. Simon Crean MP |
| Minister for Social Inclusion               | Hon. Tanya Plibersek MP |
| Minister for Privacy and Freedom of Information | Hon. Brendan O'Connor MP |
| Minister for Sport                           | Senator Hon. Mark Arbib |
| Special Minister of State for the Public Service and Integrity | Hon. Gary Gray AO, MP |
| Assistant Treasurer and Minister for Financial Services and Superannuation | Hon. Bill Shorten MP |
| Minister for Employment Participation and Childcare | Hon. Kate Ellis MP |
| Minister for Indigenous Employment and Economic Development | Senator Hon. Mark Arbib |
| Minister for Veterans’ Affairs and Minister for Defence Science and Personnel | Hon. Warren Snowdon MP |
| Minister for Defence Materiel                | Hon. Jason Clare MP |
| Minister for Indigenous Health               | Hon. Warren Snowdon MP |
| Minister for Mental Health and Ageing and Minister Assisting the Prime Minister on Mental Health Reform | Hon. Mark Butler MP |
| Minister for the Status of Women             | Senator Hon. Mark Arbib |
| Minister for Social Housing and Homelessness | Hon. Gary Gray AO, MP |
| Special Minister of State                    | Senator Hon. Nick Sherry |
| Minister for Small Business                  | Hon. Brendan O'Connor MP |
| Minister for Home Affairs and Minister for Justice | Hon. Tanya Plibersek MP |
| Minister for Human Services                  | Hon. Mark Dreyfus QC, MP |
| Cabinet Secretary                            | Senator Hon. Kate Lundy |
| Parliamentary Secretary to the Prime Minister | Senator Hon. Kate Lundy |
| Parliamentary Secretary to the Treasurer     | Hon. David Bradbury MP |
| Parliamentary Secretary for School Education and Workplace Relations | Senator Hon. Jacinta Collins |
| Minister Assisting the Prime Minister on Digital Productivity | Senator Hon. Stephen Conroy |
| Parliamentary Secretary for Trade            | Hon. Justine Elliot MP |
| Parliamentary Secretary for Pacific Island Affairs | Hon. Richard Marles MP |
| Parliamentary Secretary for Defence          | Senator Hon. David Feeney |
| Parliamentary Secretary for Immigration and Multicultural Affairs | Senator Hon. Kate Lundy |
| Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing | Hon. Catherine King MP |
| Parliamentary Secretary for Disabilities and Carers | Senator Hon. Jan McLucas |
| Parliamentary Secretary for Community Services | Hon. Julie Collins MP |
| Parliamentary Secretary for Sustainability and Urban Water | Senator Hon. Don Farrell |
| Minister Assisting on Deregulation and Public Sector Superannuation | Senator Hon. Nick Sherry |
| Minister Assisting the Attorney-General on Queensland Floods Recovery | Senator Hon. Joe Ludwig |
| Parliamentary Secretary for Agriculture, Fisheries and Forestry | Hon. Dr Mike Kelly AM, MP |
| Minister Assisting the Minister for Tourism | Senator Hon. Nick Sherry |
| Parliamentary Secretary for Climate Change and Energy Efficiency | Hon. Mark Dreyfus QC, MP |</p>
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<td>Hon. Tony Abbott MP</td>
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<td>Hon. Julie Bishop MP</td>
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<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Warren Truss MP</td>
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<tr>
<td>Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations</td>
<td>Senator Hon. Eric Abetz</td>
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<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts</td>
<td>Senator Hon. George Brandis SC</td>
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<tr>
<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<tr>
<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
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<tr>
<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
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<td>Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee</td>
<td>Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Energy and Resources</td>
<td>Hon. Ian Macfarlane MP</td>
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<td>Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship</td>
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<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Universities and Research</td>
<td>Senator Hon. Brett Mason</td>
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<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
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<td>Shadow Minister for Regional Development</td>
<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Special Minister of State</td>
<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Minister for COAG</td>
<td>Senator Marise Payne</td>
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<td>Shadow Minister for Tourism</td>
<td>Hon. Bob Baldwin MP</td>
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<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<tr>
<td>Shadow Minister for Veterans’ Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Senator Concetta Fierravanti-Wells</td>
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<td>Hon. Bronwyn Bishop MP</td>
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<td>Senator Mitch Fifield</td>
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<td>Senator Marise Payne</td>
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<td>Mr Jamie Briggs MP</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Hon. Philip Ruddock MP</td>
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<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
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<td>Hon. Teresa Gambaro MP</td>
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<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
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<td>Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee</td>
<td>Hon. Tony Smith MP</td>
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<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
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<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator Hon. Ian Macdonald</td>
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<td>Mr Don Randall MP</td>
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<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
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<td>Senator Gary Humphries</td>
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<td>Senator Hon. Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
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<td>Mr Andrew Laming MP</td>
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<td>Senator Cory Bernardi</td>
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<td>Hon. Teresa Gambaro MP</td>
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Wednesday, 24 August 2011

The SPEAKER (Mr Harry Jenkins) took the chair at 09:00, made an acknowledgement of country and read prayers.

MOTIONS

Pairing Arrangements

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:01): I seek leave of the House to make a statement relating to pairing arrangements.

Leave not granted.

Mr ALBANESE: I move:

That so much of the standing and sessional orders be suspended as would prevent the Leader of the House from making a statement relating to pairing arrangements.

In moving this motion before the House, I wish to draw the attention of all honourable members to the way that this parliament functions in a mature way and in the national interest. Today there is a funeral of a great Australian, Margaret Olley. The Australian government was to be represented at that funeral, as is appropriate, by the Hon. Simon Crean, the Minister for the Arts, and also represented was the opposition by her friend Malcolm Turnbull.

Last week in this chamber we acknowledged Margaret Olley's passing. In that, the Prime Minister moved the motion of condolence. It was supported by the Leader of the Opposition. That Leader of the Opposition had this to say:

I rise to support the eloquent words of the Prime Minister.

She—

that is, Margaret Olley—

did habitually what we all find difficult: doing good without being found out.

The member for Wentworth gave an extraordinary contribution. His eloquent words are, I think, worth quoting for all members. He said:

I do not know whether death surprised Margaret Olley or indeed that anything could surprise her, but when death came to take her they took her as full of life as she had been when William Dobell painted her, working right to the end—a great Australian never to be forgotten ...

It is indeed extraordinary that the Australian government will not be represented at her funeral today. I say to the opposition that they should have a good look at themselves for the way that they are determined to wreck proper processes, wreck parliamentary conventions and wreck common decency, when it comes to their behaviour.

Also, this morning we have the visit of the President of the Seychelles. The Prime Minister will greet the President, as is normal practice for our nation; yet, just as the pair for the arts minister was withdrawn, despite it being agreed to in writing, the pair for the Prime Minister has been withdrawn.

Why has this occurred? This has occurred so that the Manager of Opposition Business can yet again engage in part of his grubby and hypocritical attempt to tear down proper parliamentary processes.

The government believes in due processes. We know that there is only one member of the Australian parliament currently under charges—that we know of, because we do know that that member was charged in May and no-one found out anything about that until July. So much for the transparency nonsense that those people opposite argue. Of course, we know that there is a history on that side of the chamber. They lost nine ministers and parliamentary
secretaries over various issues and scandals while they were in office. Indeed, there were multiple police investigations into members opposite, including the great 'printgate' affair, with the member for Bonner, the member for Bowman and the member for Moreton, over allegations of misusing public money. This is what the Leader of the Opposition said about the member for Bonner at the time—and the member for Bonner has returned—

Mr Hockey interjecting—

Mr ALBANESE: I will get to you, Joe.

Mr Hockey: Mr Speaker, I rise on a point of order going to relevance. I kindly request that you bring the Leader of the House back to the actual motion before the House.

The SPEAKER: I remind the Leader of the House that this is a motion for the suspension of standing and sessional orders to allow him to do something. He cannot do the something before he gets that motion up.

Mr ALBANESE: Indeed, Mr Speaker. I am arguing why we need this suspension of standing orders—

Ms Saffin interjecting—

The SPEAKER: Order! The Leader of the House will resume his seat. The member for Page should really consider her position in this place. I am giving her the option and saviour of warning her, because I believe that she would be in desperate strife if I gave her 94A. She should be very careful and she perhaps should read House of Representatives Practice to know that this is a suspension motion, where the Leader of the House will convince the chamber why there should be a suspension. She should stand as an example to other members if they wish to participate in what might be a crucial vote.

Mr ALBANESE: Indeed the standing orders should be suspended because I should be permitted to make a statement about exactly what is at stake here in terms of the proper functioning of the parliament. People would be aware that we have processes of pairing such as the Australian government and opposition sending a representative to the United Nations in New York, and yet the opposition's representative, the member for Moncrieff, has been told that he will have to come back from that visit representing Australia.

I would hope that he would have the decency to not suggest that Australian taxpayers' funds should be used to fly him back for a vote on the carbon price, in which the outcome has already been made clear because 76 members of this chamber have indicated their support for it, and then fly him back over to New York. I would hope he would have the decency to not even request that taxpayers' funds be used—

Mr Chester interjecting—

The SPEAKER: Order! The same warning applies to the member for Gippsland, which would make him popular with his colleagues.

Mr ALBANESE: in that way. The fact is we have had a history in this House of people arguing due process. The Leader of the Opposition said this on the matter about the member for Bonner:

The matter is really now before the police and perhaps the Criminal and Misconduct Commission in Queensland, and let's let those authorities make their investigations and come to any conclusion.

He's a backbench member of parliament and I think he's entitled to stay in the parliament until these bodies have come to their conclusions.

The former Prime Minister had this to say: …a lot of people who are under investigation end up having nothing to answer for.

It's a police investigation and the appropriate thing for me to do is to let the police investigation
run its course and then if it is appropriate I will have something to say.

Mr Pyne: Mr Speaker, on a point of order: this is a debate about whether the standing and sessional orders should be suspended to allow the Leader of the House to move a motion to speak for 10 minutes about pairing arrangements. The debate that he is currently engaging in could not possibly be relevant to that and, if he intends to have that kind of debate, he should have moved an entirely different motion.

The SPEAKER: Order! The Manager of Opposition Business will resume his seat. The Leader of the House will relate his remarks and material to the reasons requiring the suspension of standing and sessional orders.

Mr ALBANESE: I will indeed, because the reason I should be permitted to make a statement about pair arrangements, which are agreed to, and the reason given by the opposition for breaching those arrangements and the reason why we should have a debate about it is the opposition's obsession in a hypocritical way with the issue in which they have indicated publicly they want to move a motion this morning.

George Brandis had this to say in the past:

I think people who let us remind ourselves [that we] are entitled to the presumption of innocence…

Particularly since these people are Members of Parliament …

That is what George Brandis said. Brandis on Brandis—he likes quoting himself in terms of his legal advice to his own political party as shadow Attorney-General. He had that to say on ABC online on 5 September 2007. That is appropriate because we know that those opposite are just driven by this relentless negativity— (Time expired)

Question put:

That the motion (Mr Albanese's) be agreed to.

The House divided. [09:16]

(The Speaker—Mr Harry Jenkins)

Ayes ..........................68
Noes ..........................74
Majority .................6

AYES

Albanese, AN
Bowen, CE
Brodemann, G
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Crean, SF
D’Ath, YM
Elliot, MJ
Emerson, CA
Ferguson, MJ
Garrett, PR
Gibbons, SW
Grierson, SJ
Hall, JG (teller)
Husic, EN (teller)
Kelly, MJ
Leigh, AK
Lyons, GR
McClelland, RB
Mitchell, RG
Neumann, SK
O’Neill, DM
Parke, M
Plibersek, TJ
Rishworth, AL
Roxon, NL
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Thomson, KJ
Zappia, A

NOES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Billson, BF
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM

Alexander, JG
Andrews, KL
Bandt, AP
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Mr PYNE: I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Sturt from moving forthwith the following motion: That the Member for Dobell attend this Chamber without delay to make a personal explanation for a period not exceeding ten minutes with respect to the following matters:

(1) reported widely in the press but claimed by him to be misrepresentations, that:

(a) during the period he was national secretary of the Health Services Union he misused the union's funds to purchase airline tickets, accommodation, restaurant meals, electronic goods, liquor, artworks, running shoes and escort services and took cash amounts totalling $101,000;

(b) during the period he was national secretary of the Health Services Union he misused the union's funds to pay for his campaign in Dobell in 2007, spending $39,454 that he then failed to declare to the Australian Electoral Commission in breach of the Electoral Act; and

(c) he misled Fair Work Australia in relation to the misuse of the Health Services Union funds by creating an alibi that a third party was responsible for the misuse of the union's funds and by failing to reveal the extent of the misuse;

(2) to provide the factual basis for his statements on 1 August 2011 in the press that these allegations are a misrepresentation because while he had authorised payment of these transactions he did so on behalf of a third party who had stolen his credit card, his driver's licence, his mobile phone and forged his signature; and

(3) to explain to this House why he did not register the payment of a substantial gift to him by the NSW Branch of the Australian Labor Party, reported as being either $40,000, $90,000 or $150,000 towards the costs incurred in
abandoning defamation proceedings against Fairfax Media Ltd in the Register of Members’ Interests until at least 77 days after his receipt of those funds.

The motion speaks for itself.

Mr Albanese: Mr Speaker, on a point of order: that was like the motion that was read out the other day. Firstly, I move a point of order relating to the length of the motion. Motions should not be written in a way as to subvert the standing orders. In the past, motions which have been overly lengthy have been ruled out of order by the Speaker.

The SPEAKER: Order! First of all, no other motion is being considered by the House and, secondly, that was a much shorter motion than was in the previous procedure. The length would not be something that would trouble the chair; it would be the amount of argument and material. In this case, it would be something that would be allowed.

Mr Albanese: Mr Speaker, on another point of order going to a matter already determined by the parliament: the Manager of Opposition Business moved a very similar motion just two days ago. I would ask you to consider that the government has not been given the benefit of having access to the motion. It appears that the Manager of Opposition Business is conceding that it is the same—

The SPEAKER: The Leader of the House will resume his seat. As I stated earlier, there is no decision by the House on this matter. We will attempt to circulate the terms of the motion as soon as possible. Is the motion seconded?

Mr Keenan: I second the motion and reserve my right to speak.

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:27): It is somewhat difficult to speak to this motion, not having a copy of it, but—

The SPEAKER: It was actually difficult for me to make learned rulings to your point of order without a copy as well.

Mr ALBANESE: Nonetheless, Mr Speaker, your ruling might change when you read the motion.

The SPEAKER: No—I doubt it.

Mr ALBANESE: The hypocrisy of those opposite in coming in here and moving this motion, which directly contradicts everything that they said when they sat on the government benches, is just extraordinary. I have already indicated the examples of the member for Moreton, the member for Bonner and the member for Bowman. What they said then—the former Prime Minister, the shadow Attorney-General and the new Leader of the Opposition—was that it was entirely inappropriate for the parliament to consider matters which are under investigation. They could not have been clearer. The shadow Attorney-General, Senator Brandis, said:

I think people who let us remind ourselves [that we] are entitled to the presumption of innocence ... Particularly since these people are Members of Parliament ... I ask you to compare that rhetoric with what is in the motion moved by the member for Sturt. It has argument and it purports to find outcomes relating to the member for Dobell without any process whatsoever. We in this country have a separation of the judiciary from parliamentary processes. It is a very dangerous slippery slope when the parliament sets itself up for the sort of engagement and grubby behaviour that we are seeing here.

Opposition members interjecting—
The SPEAKER: Slow learners! Worry about what is important.

Mr ALBANESE: The fact is that former Prime Minister John Howard had this to say about the investigation into his three MPs, one of whom, the member for Bowman, is back in the chamber today, having been investigated by the police, who found no findings against him, and then running for parliament and being duly elected—he had proper process—

The SPEAKER: Order! I remind the Leader of the House to relate his remarks to the suspension.

Mr ALBANESE: I will, Mr Speaker. He said:

A lot of people who are under investigation end up having nothing to answer for.

... ... ...

It's a police investigation and the appropriate thing for me to do is to let the police investigation run its course, and then, if it is appropriate, I will have something to say.

If this suspension motion is carried, it throws that process out the door completely.

We know, of course, that the mob opposite were involved in many issues that were raised over the years, but nothing happened in terms of sacking them even from senior frontbench positions. Wilson Tuckey used a ministerial letterhead to ask the South Australian police minister to review his son's conviction on a traffic charge. Do you remember Peter Reith's $50,000 phone card bill? The family and friends were making thousands of phone calls and taxpayers' money was being used, but he was not sacked over that; he was allowed to sit there. This is what Peter Reith had to say at the time on the ABC PM program: 'I did give the card to my son and I should not have done so.' And John Howard did not sack Peter Reith for misleading the public about 'children overboard'. There is a bit of a history of cards and issues being debated in the parliament. Peter Reith was allowed to sit here as a minister in the cabinet—indeed, as the Leader of the House in the cabinet—but that did not seem to matter. Also, when he was Prime Minister, John Howard did not sack someone for setting up a farm accommodation business at their original Malanda cattle farm just two days after the then Minister for Small Business and Tourism, Mr Hockey, launched a taxpayer funded ad campaign for farm stays. That was back in May 2004. Now the member for North Sydney has sought to engage in this debate. We had Alexander Downer. He said that he was ignorant about kickbacks with regard to the AWB scandal. We know that the member for Wentworth handed out $10 million to the speculative Australian Rain Corporation whose chairman, Matt Handbury, was a member of Mr Turnbull's fundraising body.

This motion before us also speaks about payments from the Labor Party to the member for Dobell. That is what this motion says.

The SPEAKER: Order! Again, I remind the Leader of the House—

Mr ALBANESE: That will be debated if this suspension motion is carried. Yet I am surprised, actually, that there is nothing about the payments this year by the Victorian Liberal Party to one of their senior people, who is now a minister in the Victorian government. He had his legal fees paid for by the Victorian Liberal Party. What did the parliamentary Liberal Party of Victoria, of which the shadow finance minister is a prominent member, have to say about it? 'Oh, that's normal.'

I notice that the Leader of the Opposition has not moved this suspension motion, and that is not surprising. To have the Leader of the Opposition stand up and move a
suspension of standing orders to speak about late declarations would indeed be problematic for the Leader of the Opposition, because we know that the Leader of the Opposition was also twice extremely problematic with his late declarations about a range of issues, and just said, 'Oh well, don't worry about that.' We know that the Leader of the Opposition has a great deal of form when it comes to these issues, because he established a fund when he was part of the government. This is what he had to say about where the money, the $100,000, came from to go into that fund. Did he come in here and give an explanation to parliament? Did he say that everyone should have a right to know? No. The Leader of the Opposition told the *Sydney Morning Herald* on 5 September 2003 ‘there are some things the public has no particular right to know’. That is a mantra he lives his life by. But we also know that he told the ABC that he did not give Terry Sharples a loan guarantee for his costs, even though the *Sydney Morning Herald* had a copy of a note witnessed and dated 11 July 1998, which had the statement ‘My personal guarantee that you will not be further out of pocket’. We never found out where all that money came from or what it was used for. The Leader of the Opposition thought that was fine. But it has carried on.

On 20 June this year the *Australian* newspaper ran a story about jeweller Peter Dracakis, a shop owner in Mr Abbott's electorate, who was complaining about having to pay workers overtime rates—this is something I have raised in parliament before. Peter's father, Paul, was listed as the President and Financial Controller of the Warringah Club, which is the Leader of the Opposition's personal fundraising group, the same group that has raised $110,000 for the Leader of the Opposition since August 2008, probably something that he thought no-one needed to know about. Certainly the *Australian* newspaper was not told about this before it was splashed on the front page of the newspaper—this innocent small-business owner just having a view out there, not connected to the Liberal Party, not connected to the Leader of the Opposition whatsoever. Once again, this shows the Liberal Party's response and hypocrisy.

This is a very dangerous road that the opposition go down. They go down this road because they are absolutely desperate to trash any convention whatsoever. This is not a conservative leading the opposition; this is a reactionary who is prepared to tear up due process, to tear up our parliamentary conventions and to tear up the principles of innocence which everyone is entitled to under the rule of law. As he said himself: 'You do not have to judge me by my words; you can me judge by my actions.' *(Time expired)*

**Mr STEPHEN SMITH** (Perth—Minister for Defence and Deputy Leader of the House) *(09:37)*: I take the call as Deputy Leader of the House. The issue before the House is whether standing orders should be suspended to enable the member for Dobell to address the House. That is in the context of two very important factors which the House needs to bear very carefully in mind. Firstly, there is a Fair Work investigation under way with respect to those matters. Secondly, the New South Wales Police have indicated that they are contemplating an investigation in this respect. That is in the context of two very important factors which the House needs to bear very carefully in mind. Firstly, there is a Fair Work investigation under way with respect to those matters. Secondly, the New South Wales Police have indicated that they are contemplating an investigation in this respect. That must cause the House to proceed very carefully and very carefully before inveigling itself into such a matter.
This is not the first occasion this year that this parliament has had to consider such a matter. We know in the other place there is a senator who is the subject, firstly, of a criminal investigation and, secondly, of criminal charges. The parliament, generally and quite rightly, has been respectfully silent about that matter because the senator concerned is entitled to the presumption of innocence and is, of course, entitled to see those processes go to their logical conclusion. The same should occur here. When the House knows that an investigation is underway it should be cautious and very careful about suspending standing orders to inveigle itself into those procedures.

There is, of course, an appropriate action which the member for Dobell has already taken. The member for Dobell has made a change to his declaration of interest to reflect a contribution made to his lawyers by the New South Wales branch of the ALP. On his own acknowledgement he has said that in making that declaration he was late. As members know, he is not the first person in this place to be late with the declaration. That is regrettable. It is not the first time it has occurred. I suspect it will not be the last time it will occur. The Leader of the Opposition well knows the regret which comes from being late in a declaration or disclosure. That is an appropriate parliamentary response which does not require the House to suspend standing orders, and that has already been effected.

Secondly, the member yesterday indicated that it was appropriate for him to resign from the position of chair of a committee of the House of Representatives so as to ensure that the deliberations of that committee would not be caught up in any controversy. So the two appropriate parliamentary responses have already been effected: firstly, a change to the register of interests and, secondly, a resignation from the relevant House committee that the member chaired.

The suspension of standing orders suggested by the Manager of Opposition Business would take the House into very risky and dangerous grounds, which previous occupants of high office, in particular former Prime Minister John Howard, have made crystal clear in the past to the House. We have two investigations clearly underway: firstly, an investigation by Fair Work Australia looking at the issues which relate to a registered organisation under the Fair Work legislation—namely, the Hospital Services Union; and, secondly, an indication yesterday by the Commissioner of the New South Wales Police that the New South Wales Police were contemplating whether an investigation was warranted in these circumstances. In that context, as the Leader of the House has outlined, it is very dangerous for the House to seek to inveigle itself into these matters.

When the House comes to contemplate whether standing orders should be suspended or not, we need to look very carefully at precedents and practice in the past. I regret on this occasion that what motivates those opposite is not respect for the standing orders, it is not respect for the practices and the procedures of the House, it is not respect for the presumption of innocence, it is not respect for the separation of powers and not seeing a merging between the parliament, the executive and the judiciary; it is crass political opportunism. Why would that surprise us? For the reasons that I have outlined, which reinforce submissions made by the Leader of the House. The House should not suspend standing orders on this occasion and should let those investigations underway or contemplated by the New South Wales Police take their natural course.
Mr FITZGIBBON (Hunter—Chief Government Whip) (09:42): There are many things about the so-called new paradigm that make this chamber a more challenging place. Some of them are interesting in a positive way. For example, the additional time private members in this place have available to them to make important contributions—not only about important matters of national policy but also about matters in their own constituencies. There are other aspects that are dragging this chamber down. You have to be asking yourself what those in the electorate are thinking about the behaviour of the Leader of the Opposition today. Some of those changes, of course, include the denial of question time, for example. These days we have fewer question times because of the Leader of the Opposition's propensity for stunts. Question time is the most important feature of this chamber. It is the period each day when members of the executive are held to account. The Leader of the Opposition does not think that is all that important any more. He prefers the sound bites; he prefers his 10 minutes on ABC television every day. He takes the view, and uses that opportunity to promote it, that if he cannot run the country then no-one can. If he cannot be in charge, he will simply wreck the place and therefore, by definition, wreck this country.

This matter before the House today is about the member for Dobell. The member for Dobell is entitled to natural justice, the rule of law and the presumption of innocence. We should not sit here as a Star Chamber, particularly given that the Leader of the House and the Deputy Leader of the House have pointed out this has not been the approach of oppositions in the past and, of course, this was not the approach of former Prime Minister John Howard. It was not his approach when the member for Moreton was in trouble, it was not his approach when the member for Bonner was in trouble and it certainly was not his approach when the member for Bowman was in trouble.

The Australian people expect high standards of us. They expect us to behave in this place, they expect us to maintain legal standards and they expect us to respect one another. More particularly, they expect us to run this place in the interests of the country. No-one on the other side—and I note so far we have not heard from anyone on the other side on this matter—could possibly argue that what is being played out in this place this morning is in the national interest. But the Leader of the Opposition sees another political opportunity. This is one of the great features of the so-called new paradigm. Every time the Leader of the Opposition sees an opportunity to muster 76 votes in this place, to wreck this place and to get his political message out there to promote his political message, he does so despite the consequences.

On this occasion, the consequences are very grave indeed. They set a very dangerous precedent in this place. I note the Leader of the Opposition has chosen not to speak on this matter—not surprising—has chosen not to cast judgment on the member for Dobell—not surprising because he does not know what is around the corner. On many occasions, members of his party have been in trouble—sometimes guilty, sometimes innocent. The fact is you do not know until the court has come to its conclusions. In this case, Mr Thomson has a number of legal processes under way. He maintains his innocence. It is a very dangerous game for this place to sit as a star chamber, as I said, and to begin to cast judgment on those processes before they have run their course.

I am not surprised that Leader of the Opposition is not on his feet this morning. I am not surprised the Leader of the
Opposition has not cast judgment, very wisely, on the member for Dobell. Having said that, it is not surprising he has come in here once again and used this place as a way to promote his stance. They say people in glass houses should not throw stones. The Leader of the Opposition should be reflecting on that old adage. He should start looking behind him and think what might be sitting behind him now and in the future. Mr Thomson paid a heavy price yesterday when he stood down as Chair of the Standing Committee on Economics. (Time expired)

Question put:
That the motion (Mr Pyne's) be agreed to.

The House divided. [09:52]
(The Speaker—Mr Harry Jenkins)

Ayes...............73
Noes...............71
Majority..........2

AYES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Fletcher, PW
Frydenberg, JA
Gash, J
Haase, BW
Hawke, AG
Hunt, GA
Jensen, DG
Katter, RC
Kelly, C
Ley, SP
Marino, NB
Matheson, RG
Mirabella, S
Neville, PC
O'Dwyer, KM
Pyne, CM
Randall, DJ
Robert, SR
Ruddock, PM
Scott, BC
Simpkins, LXL
Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ
Wyatt, KG

NOES

Adams, DGH
Bandt, AP
Bowen, CE
Brodman, G
Burke, AS
Byrne, AM
Cheesean, DL
Collins, JM
Crean, SF
D'Ath, YM
Elliot, MJ
Emerson, CA
Ferguson, MJ
Garrett, PR
Gibbons, SW
Grierson, SJ
Hall, JG (teller)
Husic, EN (teller)
Kelly, MJ
Leigh, AK
Lyons, GR
McClelland, RB
Mitchell, RG
Neumann, SK
O'Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, CR
Vamvakionu, M
Zappia, A

AYES

Secker, PD (teller)
Slipper, PN
Somlyay, AM
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wilkie, AD

NOES

Albanese, AN
Bird, SL
Bradbury, DJ
Burke, AE
Butler, MC
Champion, ND
Clare, JD
Combet, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Fitzgibbon, JA
Georganaa, S
Gray, G
Griffin, AP
Hayes, CP
Jones, SP
King, CF
Livermore, KF
Marles, RD
Melham, D
Murphy, JP
Oakeshott, RJM
O'Neill, DM
Parke, M
Piliberskij, TJ
Roxon, NL
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Thomson, KJ
Windsor, AHC

PAIRS

Macklin, JL
Establishment of the Parliamentary Budget Office

The Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2011 establishes a new Parliamentary Budget Office as a fourth parliamentary department.

This bill will enhance the credibility and transparency of Australia's already strong fiscal and budget frameworks.

It will promote greater understanding in the community about the budget and fiscal policy.

And it will ensure that the Australian public can be better informed about the budget impacts of policies proposed by members of the parliament.

The bill is consistent with the recommendations of the Joint Select Committee on the Parliamentary Budget Office and the government's response to those recommendations, which has been tabled in the parliament.

The PBO will be independent and dedicated to serving the Australian parliament through the provision of non-partisan and policy neutral analysis of the budget cycle, fiscal policy and the financial implications of policy proposals. Accordingly, the bill seeks to provide for the appointment of a Parliamentary Budget Officer who will be:

- appointed by the Presiding Officers following approval by the Joint Committee of Public Accounts and Audit;
- employed under conditions in line with provisions in the Auditor-General Act 1997; and
- accountable to the parliament via the Presiding Officers, not to the executive.

The functions of the Parliamentary Budget Office will be to:

- prepare election policy costings upon request of authorised party representatives and Independent members of parliament;
- prepare policy costings outside of the caretaker period upon request of individual senators and members of parliament;
- prepare responses to budget-related non-policy costing requests of individual senators and members of parliament;
- initiate its own work program in anticipation of client requests, including research and analysis of the budget and fiscal policy settings; and
- provide formal contributions on request to relevant parliamentary committee inquiries.

The election costing service of the Parliamentary Budget Office will be fully transparent and consistent with similar processes under the Charter of Budget Honesty Act 1998.

The Joint Committee on Public Accounts and Audit will have oversight of the officer and the Parliamentary Budget Office in
respect of its annual work plan, draft budget estimates and annual report.  

Amendments to the Charter of Budget Honesty  

This Bill also amends to the Charter of Budget Honesty Act 1998, so that all parties with at least five members in the parliament will be able to request election costings from Treasury and Finance under the charter.  

Previously this was a service currently only afforded to the government and the opposition.  

Independent members of parliament and parties with less than five members in the parliament will be able to have their policies costed by the Parliamentary Budget Office, both during and outside of caretaker periods.  

Amendments to other Acts  

This bill also amends the Remuneration Tribunal Act 1973, the Long Service Leave (Commonwealth Employees) Act 1976, and the Freedom of Information Act 1982 (FOI Act) to encompass the Parliamentary Budget Office and the officer.  

Conclusion  

The Parliamentary Budget Office is an important new institution that will further strengthen Australia’s fiscal and budget frameworks.  

It will bring greater accountability and transparency to policy costings processes, particularly during election periods.  

And it will ensure that no party or member of parliament will have an excuse to avoid the scrutiny of its policy costings.  

It will ensure that the Australian public can be better informed about the costs of election policy proposals before they cast their vote at the election.  

I commend the bill to the House.  

Debate adjourned.

National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011  

First Reading  

Bill and explanatory memorandum presented by Ms Roxon.  

Bill read a first time.  

Ms ROXON (Gellibrand—Minister for Health and Ageing) (10:03): I move:  

That this bill now be read a second time.  

I am pleased to introduce this legislation which will bring into effect a key part of the government’s national health reforms. The establishment of the Independent Hospital Pricing Authority will help to deliver a more sustainable, efficient and transparent health system for Australians.  

The introduction of this bill and, once enacted, the establishment of the Pricing Authority build on this government’s strong track record in delivering health reform and will complement the work of the Australian Commission on Safety and Quality in Health Care and the National Health Performance Authority.  

This bill is a direct result of the government’s Council of Australian Governments agreement with all states and territories. The final terms of this agreement were signed on 2 August.  

There are a number of critical elements of these reforms—including 1,300 more sub acute beds across Australia, new targets and reward funding for emergency departments and elective surgery, transparent performance reporting through the MyHospitals website and the establishment of local hospital networks and Medicare Locals to improve local governance.  

In total the agreement will mean an additional $19.8 billion for hospitals over this decade from the Commonwealth government. $1 billion of this has already
flowed to states for new sub acute beds and faster access for patients to services.

The Commonwealth will be a true partner in the hospital system with a commitment to funding 50 per cent of the growth funding for hospital services. This will be fully implemented from 1 July 2017, with a 45 per cent commitment from 1 July 2014. This extra growth funding will apply to the increase in the cost of services—as well as the increasing demand for new services with the ageing of the Australian population.

This commitment to growth is vitally important as the states would not have the capacity to fund the increasing cost of services on their own—particularly since the Commonwealth’s share of hospital funding has been dropping over the past decade. This agreement will once and for ever put that to an end.

This also creates a better incentive for the Commonwealth to invest in primary and preventative health services to keep people healthy and out of hospital.

However, we were not going to agree to extra funding without critical reform. Currently, the Commonwealth provides funding for public hospitals through a block grant, negotiated through health care agreements. It is up to the individual states to determine how this funding is distributed across public hospitals and health services.

The previous health agreement negotiated in 2008 provides $64 billion—which is a lot of money for the Commonwealth not to know what services are being funded, or the level to which they are funded. It is without significant levers to drive change and improvement across those public hospitals.

So in this new health system there will be no more billion dollar block grants: no more blank cheques with no accountability for where that money is spent.

This is why the reform agreement will deliver activity based funding across the country from 1 July 2012. Local Hospital Networks will be paid for the services that they actually provide.

This is a major microeconomic reform that will help to increase the efficiency of services because the introduction of price signals will mean there is an incentive for hospitals to maximise the services they deliver at or below the efficient price. This will ensure that more services can be delivered locally. It will also be important for growing areas of Australia where often under the old system public hospital funding does not catch up with the demands that they have.

And it is important for taxpayers that their funding is transparently reported, with funding according to services provided paid directly to local hospital networks through a new national health funding pool. This means Australians will know what is being bought through our massive investment in hospitals—what services are delivered, by which local hospital network they are delivered, and at what cost. The reform will also help to identify underperforming hospitals so that those causes can be remedied and the lessons of highly performing hospitals can be shared.

The introduction of activity based funding was a key recommendation of the National Health and Hospitals Reform Commission. They concluded that the introduction of activity based funding would result in efficiencies of between $500 million and $1.3 billion—the equivalent of which would be hundreds of extra hospital beds.

It is also of interest to the private health sector where activity based funding has been in operation for some time. Once in national operation across public hospitals there will be an unprecedented amount of information
available. In the future this will help to consider smarter deployment of resources. This is a system that has been successfully deployed in Victoria and South Australia previously.

However, a key difference from the system currently in place in Victoria and South Australia is that the price for services will be determined independently from government and health department bureaucrats.

That means that the decision will be based on an assessment of the costs, facts and projections—rather than the political or budgetary interests of the government at the time. This is done by creating a new authority—at arm’s length from all levels of government—to independently determine the efficient price.

The authority will have strong independent powers: it will be for public hospitals what the independent Reserve Bank is for monetary policy. This is unprecedented for the public hospital system.

The result will be a thorough and rigorous determination without fear or favour to governments. The government is confident that the authority will provide the health system with the stability and robustness that the Reserve Bank has provided for monetary policy for decades.

And because the government will fund growth at a fixed percentage of the price that the pricing authority determines, the funding that hospitals will receive will not come down to the traditional blame game negotiations but rather what is actually needed to be invested. The umpire’s ruling will be final and the Commonwealth will pay its share of growth on that basis. In deciding the efficient price, the authority will take submissions from the public, stakeholders and governments and then make its own determination of what is an efficient price.

It will have regard to core principles such as access, clinical safety and quality, efficiency and effectiveness and the financial sustainability of the system. It will also consider the actual costs of delivering services in a wide range of hospitals and the expected changes in the costs of services from year to year.

These reforms will help to ensure that hospital financing can dynamically adjust to:
• shifting populations;
• local demographic characteristics;
• changing costs of delivering medical services from technological and clinical innovation; and
• the complexity and location of delivering hospital services.

The hospital pricing authority will also have a role in determining amounts for block funding, which will be used in hospitals that have low levels of activity and therefore would not be able to meet their community service obligations on activity based funding alone. This will provide important protection for rural hospitals, and for specialised units such as bone banks.

The authority will also determine loadings to apply on top of the national efficient price—taking into account factors for legitimate and unavoidable variations in the cost of service delivery, including those driven by hospital size, type and location.

The bill outlines specifically the functions of the authority that give effect to the COAG agreement. These include:
• determining the national efficient cost and price for health care services provided by public hospitals;
• developing classification systems for health care and other services;
• determining adjustments to the national efficient price to reflect legitimate and
unavoidable variations in the costs of delivering health care services;

- formulating data standards and requirements relating to public hospital functions and costs, to be provided by states and territories; and

- providing assessments or recommendations in regards to health care cost-shifting and cross-border disputes.

The last point is particularly important as the Australian health system has never had a mechanism before to help resolve cost-shifting and cross-border issues in a definitive, long-lasting and nationally consistent manner.

The membership of the authority is prescribed in this legislation. The chair will be appointed by the Commonwealth, the deputy chair appointed with the agreement of the states and territories, and seven remaining members appointed on agreement of the Commonwealth, states and territories.

COAG agreed last Friday to two important appointments to this authority—the chair, who will be Mr Shane Solomon, and the deputy chair, who will be Mr Jim Birch. Both have extensive experience in health administration and in activity based funding in Victoria and South Australia respectively.

At least one member of the authority will have particular healthcare expertise in rural and regional areas. This will ensure the pricing authority understands the challenges that our country’s expanses pose as we strive to deliver world-leading health care to all Australians.

There will also be two important committees established under the legislation—for clinical expertise and for jurisdictional representations. Having appropriate clinical expertise will be crucial to classifying hospital activity in clinically meaningful ways. Likewise it will be important for the authority to have dialogue with representatives from the states, territories and the Commonwealth, particularly so that the implementation of the new arrangements happens successfully.

As specified in the COAG agreement, there will be an interim authority established as a Commonwealth executive agency. This will be until the permanent body is established as a statutory authority through this bill.

Both the chair and deputy chair will start work with the interim authority to ensure a smooth transfer to the statutory authority once that starts operation.

Consistent with COAG’s original decision in April 2010 and reaffirmed in the National Health Reform Agreement, the pricing authority is to be established as an independent, statutory authority under the Financial Management and Accountability Act 1997, providing assurance as to its operational autonomy and integrity.

A chief executive officer will be responsible for the day-to-day management of the pricing authority, appointed by the pricing authority in consultation with the minister. The chief executive officer will serve on a full-time basis for a period of up to five years and is eligible for reappointment. In carrying out its primary functions, the pricing authority will inevitably come into possession of confidential material, including personal information.

The bill establishes stringent safeguards to protect that information by creating an offence for unlawfully disclosing that information. This recognises the potential seriousness that flows from improper use of such information.

This legislation is already a bipartisan bill, as it comes to the parliament based on the
COAG agreement reached with three states with Liberal premiers. However, the government also hopes that this can be a bipartisan bill in this federal parliament and that the Leader of the Opposition will see the importance of reforming the health system.

We know that he is already a supporter of activity based funding. We know this because he said so just last week to the dinner of the Australian Medical Association in Parliament House: 'I’m pleased that we are moving towards a system of case mix or efficient price funding because in the end it’s important that if people do more, they get more. We have to fund activity, which is what case mix funding does. Block funding tends to fund inactivity.'

That was not the only time either. On 15 February this year he described it as 'a positive step', and on 5 August 2010 he said that he would implement such a system if he won the last election. However, that last pledge has to be taken with a grain of salt since he also promised to cut all the funding we had allocated to make this happen.

But even earlier than that the Leader of the Opposition supported these reforms way back when he was the health minister, saying on 18 September 2007 it meant a 'focus on services rather than on global budgets'.

So this legislation will be yet another test for the Leader of the Opposition. Does he support what he has been clear he thinks is the right policy or will he continue with his cheap and cynical approach of opposing all reform that this government works on?

I hope for the sake of the millions of Australians who rely on public hospital services that he chooses the former. Patients, doctors and nurses have been waiting too long for the efficiency, transparency and proper funding that this bill will help to deliver.

I commend the bill to the House.
**net refund assessment position:** an entity is in a **net refund assessment position** for an income year if:

(a) an excess remains after the entity's tax offsets for the income year are applied against its basic income tax liability for the income year; and

(b) that excess is wholly or partly refundable.

Note: The excess will be wholly or partly refundable if some or all of the tax offsets are refundable tax offsets.

**quarterly credit** means a credit referred to in item 3.

**refundable R&D tax offset:** an entity is entitled to a **refundable R&D tax offset** for an income year if:

(a) the entity is an R&D entity that is entitled under section 355-100 of the *Income Tax Assessment Act 1997* to a tax offset for the income year; and

(b) that tax offset is a refundable tax offset.

**refundable tax offset** means a tax offset that is subject to the refundable tax offset rules.

**relevant Acts** means the following Acts:

(a) the *Income Tax Assessment Act 1936*;

(b) the *Income Tax Assessment Act 1997*;

(c) the *Industry Research and Development Act 1986*;

(d) the *Taxation Administration Act 1953*.

**total credits:** an entity's **total credits** for an income year is an amount equal to the sum of the entity's quarterly credits for the income year.

(2) Subject to subitem (1), an expression used in this Schedule that is also used in the *Income Tax Assessment Act 1997* has the same meaning in this Schedule as it has in that Act.

**Part 2—Power to make regulations to modify operation of Acts**

2 **Regulations may modify operation of Acts to allow quarterly credits**

(1) The Governor-General may make regulations modifying the operation of one or more of the relevant Acts for the purpose of achieving the objectives set out in this Part. The regulations have effect accordingly.

(2) The Minister must recommend to the Governor-General that the Governor-General make regulations under subitem (1) before 1 January 2014.

3 **First objective—quarterly credits in anticipation of refundable tax offset**

(1) The first objective is that an R&D entity will be credited by the Commissioner quarterly amounts for an income year if particular requirements are satisfied.

Note 1: These requirements include the R&D entity satisfying eligibility criteria and other matters (for example, see Part 3).

Note 2: Receiving quarterly credits may result in the R&D entity being paid an amount out of the Consolidated Revenue Fund (see section 16 of the *Taxation Administration Act 1953*).

(2) Three of the eligibility criteria for a quarterly credit for an income year are:

(a) that it is reasonable to expect that the R&D entity will be entitled to a refundable R&D tax offset for the income year relating to R&D activities conducted during the income year; and

(b) if Innovation Australia makes one or more findings about the R&D activities or purported R&D activities—that those findings are positive; and

(c) that the quarter begins on or after 1 January 2014.

Note: There may be additional eligibility criteria (for example, see subparagraph 5(1)(a)(ii)).

4 **Second objective—tax neutral consequences**

(1) The second objective is that, as far as practicable, there be tax-neutral consequences for an R&D entity receiving quarterly credits.

Note 1: This objective is for the R&D entity to be in the same position, for income tax purposes, whether:

(a) the R&D entity receives quarterly credits for an income year; or

(b) the R&D entity does not receive those quarterly credits, and becomes entitled, after the end of the income year, to the refundable R&D tax offset for the income year.
Note 2: Achieving this objective could include providing for a reconciliation and other integrity measures (for example, see paragraphs 5(1)(l) and (p) and subitem 5(4)).

(2) For the purposes of subitem (1), disregard consequences relating to time.

Part 3—Modified Acts may provide for certain matters

5 Some matters the modified Acts may provide for

(1) As a result of the regulations, the collective operation of the relevant Acts may provide for any or all of the following matters:

(a) eligibility criteria for quarterly credits, including:
   (i) matters relevant to working out when paragraph 3(2)(b) is satisfied; and
   (ii) additional criteria to those mentioned in subitem 3(2);

(b) how applications for quarterly credits may be made, including that:
   (i) applications must be in an approved form; and
   (ii) applications may be varied;

(c) that Innovation Australia may make findings (the IA findings) about the activities that relate to an application, or proposed application, for quarterly credits;

(d) how IA findings may be made, including that IA findings may be made on application in an approved form;

(e) fees relating to applications for quarterly credits or applications for IA findings, and a method for indexing the fees;

(f) how applications for quarterly credits or IA findings are considered (and approved or rejected);

(g) that applicants for quarterly credits or IA findings are notified of specified decisions or matters;

(h) that further information may be requested from applicants for quarterly credits or IA findings;

(i) deadlines for doing things in relation to quarterly credits or the making of IA findings;

(j) how amounts of quarterly credits are worked out;

(k) that each quarterly credit is a credit the R&D entity is entitled to under a taxation law for the purposes of Part IIB of the Taxation Administration Act 1953;

(l) that an R&D entity's total credits for an income year become a debt due to the Commonwealth at a specified time after the end of the income year;

(m) that each of the following may be varied or revoked:
   (i) an approval of an application for quarterly credits;
   (ii) an IA finding;

(n) that internal review may be sought of specified decisions relating to quarterly credits or the making of IA findings;

(o) that review by the Administrative Appeals Tribunal may be sought of internal review decisions relating to quarterly credits or the making of IA findings;

(p) integrity measures;

(q) that specified findings, decisions or requests made by Innovation Australia relating to quarterly credits are binding on the Commissioner (or vice versa);

(r) that Innovation Australia is authorised to disclose to the Commissioner (or vice versa) information relating to quarterly credits or the making of IA findings;

(s) matters of a transitional, application or saving nature;

(t) matters of a consequential, ancillary or incidental nature.

Note 1: Innovation Australia's findings (see paragraph (c)) could be made before, during or after the consideration of an application for quarterly credits.

Note 2: Innovation Australia could make decisions on its own initiative or on application. For example, Innovation Australia could make a finding, or vary a finding or an approval, on its own initiative.
(2) Without limiting paragraph (1)(a), examples of additional eligibility criteria include the following:

(a) that it is reasonable to expect that the R&D entity will be in a net refund assessment position for the income year;

(b) that the R&D entity has been assessed as being entitled under section 355-100 of the *Income Tax Assessment Act 1997* to a tax offset (whether a refundable tax offset or not) for an earlier income year.

(3) Fees referred to in paragraph (1)(e) must not be such as to amount to taxation.

(4) Without limiting paragraph (1)(p), examples of integrity measures include the following:

(a) if an R&D entity's total credits for an income year exceeds the amount of the R&D entity's entitlement to a refundable R&D tax offset for the income year—that the R&D entity may be liable to pay a penalty on the excess;

(b) if the approval of an R&D entity's application for quarterly credits for an income year is revoked—that the R&D entity's total credits for the income year become a debt due to the Commonwealth at a specified time.

(5) As a result of the regulations, the collective operation of the relevant Acts may provide for a disclosure referred to in paragraph (1)(r) may be made despite:

(a) subsection 47(1) of the *Industry Research and Development Act 1986*; and

(b) sections 355-25, 355-155 and 355-265 in Schedule 1 to the *Taxation Administration Act 1953*.

(6) This item does not limit item 2.

6 Other matters the modified Acts may provide for

(1) As a result of the regulations, the collective operation of the relevant Acts may make different provision for a matter for different kinds of entities.

Note: For example, different provision could be made for members of consolidated groups or MEC groups.

(2) As a result of the regulations, the collective operation of the relevant Acts may make provision for a matter by:

(a) empowering a person to make a decision of an administrative character; and

(b) if appropriate, requiring the person to make that decision in accordance with decision-making principles.

Any decision-making principles must be legislative instruments.

(3) This item does not limit item 2.

7 Alternative constitutional basis

(1) Without limiting its effect apart from this subitem, the modified operation of each relevant Act as a result of the regulations has the effect it would have if:

(a) subitem (2) had not been enacted; and

(b) the relevant Act applied so that quarterly credits could only be worked out for an R&D entity that:

(i) is a constitutional corporation; or

(ii) has its registered office (within the meaning of the *Corporations Act 2001*) or principal place of business (within the meaning of that Act) located in a Territory.

(2) Without limiting its effect apart from this subitem, the modified operation of each relevant Act as a result of the regulations has the effect it would have if:

(a) subitem (1) had not been enacted; and

(b) the relevant Act applied so that quarterly credits could only be worked out in respect of activities, or parts of activities, conducted or to be conducted:

(i) solely in a Territory; or

(ii) solely outside of Australia; or

(iii) solely in a Territory and outside of Australia; or

(iv) for the dominant purpose of supporting core R&D activities conducted, or to be conducted, solely in a Territory.
Part 5—Other matters

8 Varying the regulations

The Governor-General may vary, in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, regulations made under item 2. However, the Governor-General must not repeal those regulations.

Note: Those regulations may be varied on or after 1 January 2014.

9 Another way of dealing with transitional, application or saving matters

(1) The Governor-General may make regulations dealing with matters of a transitional, application or saving nature relating to the making of regulations under item 2.

Note: This is another way of dealing with these kinds of matters. These kinds of matters could also be dealt with under item 2. That is, as a result of regulations made under item 2, the collective operation of the relevant Acts could make provision for some or all of these kinds of matters (see paragraph 5(1)(g)).

(2) Item 7 applies to regulations made under subitem (1) in a corresponding way to the way it applies to the modified operation of a relevant Act.

(9) Schedule 4, item 1, page 112 (line 7), omit "1 July 2010", substitute "1 July 2011".

(10) Schedule 4, item 1, page 112 (lines 9 and 10), omit "1 July 2010", substitute "1 July 2011".

(11) Schedule 4, item 1, page 112 (line 14), omit "1 July 2010", substitute "1 July 2011".

(12) Schedule 4, item 1, page 112 (lines 15 and 16), omit "1 July 2010", substitute "1 July 2011".

(13) Schedule 4, item 1, page 112 (lines 18 and 19), omit "1 July 2010", substitute "1 July 2011".

(14) Schedule 4, item 1, page 112 (line 21), omit "2010-11", substitute "2011-12".

(15) Schedule 4, item 3, page 113 (line 29), omit "1 July 2010", substitute "1 July 2011".

(16) Schedule 4, item 3, page 113 (line 31), omit "1 July 2010", substitute "1 July 2011".

(17) Schedule 4, item 3, page 113 (line 34), omit "1 July 2010", substitute "1 July 2011".

(18) Schedule 4, item 3, page 113 (line 35), omit "1 July 2010", substitute "1 July 2011".

(19) Schedule 4, item 3, page 113 (line 38), omit "1 July 2010", substitute "1 July 2011".

(20) Schedule 4, item 3, page 114 (line 2), omit "1 July 2010", substitute "1 July 2011".

(21) Schedule 4, item 3, page 114 (line 15), omit "1 July 2010", substitute "1 July 2011".

(22) Schedule 4, item 3, page 114 (line 18), omit "1 July 2010", substitute "1 July 2011".

(23) Schedule 4, item 3, page 114 (line 21), omit "1 July 2010", substitute "1 July 2011".

(24) Schedule 4, item 3, page 114 (line 23), omit "1 July 2010", substitute "1 July 2011".

(25) Schedule 4, item 8, page 116 (line 10), omit "1 July 2010", substitute "1 July 2011".

(26) Schedule 4, item 12, page 118 (line 6), omit "1 July 2010", substitute "1 July 2011".

(27) Schedule 4, item 12, page 120 (line 21), omit "1 July 2010", substitute "1 July 2011".

(28) Schedule 4, item 14, page 123 (line 13), omit "1 July 2010", substitute "1 July 2011".

(29) Schedule 4, item 15, page 124 (line 24), omit "2010-11", substitute "2011-12".

(30) Schedule 4, item 15, page 124 (line 28), omit "2010-11", substitute "2011-12".

(31) Schedule 4, item 15, page 125 (line 17), omit "1 July 2010", substitute "1 July 2011".

(32) Schedule 4, item 15, page 128 (line 22), omit "1 July 2010", substitute "1 July 2011".

(33) Schedule 4, item 15, page 132 (line 12), omit "2010-11", substitute "2011-12".

(34) Schedule 4, item 15, page 132 (line 17), omit "1 July 2010", substitute "1 July 2011".

(35) Schedule 4, item 15, page 132 (line 27), omit "1 July 2010", substitute "1 July 2011".

(36) Schedule 4, item 15, page 132 (line 33), omit "1 July 2010", substitute "1 July 2011".

(37) Schedule 4, item 15, page 133 (line 6), omit "1 July 2010", substitute "1 July 2011".

(38) Schedule 4, item 15, page 133 (line 24), omit "1 July 2010", substitute "1 July 2011".

(39) Schedule 4, item 15, page 133 (lines 29 and 30), omit "1 July 2010", substitute "1 July 2011".
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(40) Schedule 4, item 15, page 134 (line 16), omit "1 July 2010", substitute "1 July 2011".
(41) Schedule 4, item 15, page 134 (line 25), omit "1 July 2010", substitute "1 July 2011".

Income Tax Rates Amendment (Research and Development) Bill 2010

Consideration of Senate Message

Bill returned from the Senate with a requested amendment.

Ordered that the amendment be considered at a later hour this day.

Senate's requested amendment—

(1) Schedule 1, item 4, page 3 (line 21), omit "1 July 2010", substitute "1 July 2011".

Cybercrime Legislation Amendment Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr ROBERT (Fadden) (10:19): I rise to lend some brief comments on the government's Cybercrime Legislation Amendment Bill 2011. Whilst the coalition broadly support the bill, a range of concerns have been raised that coalition speakers have previously moved through. In its simplest form, the bill seeks to require carriers and carriage service providers to preserve the stored communications and telecommunications data for specified persons when requested by certain domestic agencies; to ensure agencies are able to obtain and disclose telecommunications data for the purposes of foreign investigations; and to provide for extraterritorial operation of certain offences. It will amend the computer crime offences in the Criminal Code Act and create confidentiality requirements in relation to authorisations to disclose telecommunications data.

The Joint Select Committee on Cybersafety's review of the bill came up with a range of recommendations in their final report. The committee took the approach of ensuring that thresholds that applied to domestic investigation are equally applied to foreign countries seeking access to Australian communications materials. One of the recommendations is that the Australian Federal Police guidelines on police-to-police cooperation in possible death penalty scenarios be tightened and only occur in exceptional circumstances and with the consent of the relevant ministers—in this case, the Attorney-General and the Minister for Justice and Minister for Home Affairs. A range of recommendations like that have been put forward. Whilst we support the objectives of the bill and are broadly satisfied with the safeguards the Attorney-General has put forward, we remain concerned and will watch with great interest to see if the legislation operates as the Attorney-General intends.

There was a range of submissions to the committee, which complained that the convention did not contain sufficiently robust privacy and civil liberty protections to offset the increased surveillance and information-sharing powers it implements. The powers governing the real-time collection and preservation of computer data were identified as being of some concern. However, powers for mass surveillance, such as wire-tapping and eavesdropping—the black arts—are not enhanced by this legislation because the amendments are limited to telecommunications legislation which still requires the issue of a warrant and does not extend to surveillance devices.

I will make the point that, whilst the coalition broadly support the direction of the bill, we believe that the government must continue to address the issue of cybersecurity not just on a legislative basis but also in
terms of our capacity to protect. There is no question that the art of cyberattack is growing and is one of the most pervasive and fastest growing asymmetric means of attack, not only globally but within our region. The Cyber Security Operations Centre, when the then minister—who was two ministers ago; we are now on our third Minister for Defence in four years—launched it in May 2009, was broadly supported, the intent being to maximise the government's ability to detect and rapidly respond to fast-evolving, aggressive cyber attacks. The original funding was something like $14 million. The intent was to have a continually staffed watch office and an analysis team able to respond immediately to cybersecurity threats as they are detected. The new centre was established in DSD, which incidentally possesses its own significant cybersecurity expertise. It would be good if the government would report back on exactly how the Cyber Security Operations Centre is going, how the 24-hour watch is progressing. It would be good to get some statistics on the amount of asymmetric cyber attack the nation is experiencing.

I am concerned, however, that the former head of the defence department's military cyber unit, Tim Scully, has called on the government to 'speed up its response to the emerging cyber arms race', saying more funding is needed for key civilian agencies. Those comments were reported by Dylan Welch, the Sydney Morning Herald's National Security Correspondent. It does bring to the fore the question: is the government doing enough to protect the nation from the threat of cybercrime and to ensure law enforcement agencies and others have access to the legislation they need to be able to do their job?

In terms of the Cybercrime Legislation Amendment Bill, I have taken the Attorney-General at his word that the safeguards are in place and the necessary provisions are indeed there in the legislation for the purposes of law enforcement, among others. But I would stress to the Attorney-General, who is sitting at the table, that we need to continue to stay at the forefront when it comes to cybersecurity and cyber legislation to be able to defeat the asymmetric attacks that cybercrime and foreign espionage services will use in this space. It is fundamental that Australia maintains a leading technological edge in dealing with cybercrime and the threat it poses to our national security and our national interests.

Mr McCLELLAND (Barton—Attorney-General) (10:24): I thank all speakers for their contribution to this debate. I must say I was impressed by the substance of all contributions, and I think that does credit to all those who did speak. Just to address some of the matters raised by the member for Fadden, yes, certainly I can obtain for him some statistics from the Cyber Security Operations Centre. That is actually under the responsibility of the Minister for Defence; nonetheless, it is a multi-agency task force and I will obtain details. In addition, the member for Fadden should be aware of the activities of AusCERT, the Australian Computer Emergency Response Team, based in the Attorney-General's Department. That essentially provides a one-stop shop for businesses and members of the community who have concerns about cybersecurity incidents. In turn, AusCERT can obtain expert advice from the Cyber Security Operations Centre. I would also advise the member for Fadden of the fact that the Australian Security Intelligence Organisation has established at its headquarters a dedicated cybersecurity espionage centre dealing with state-sponsored espionage. More broadly, I refer him and members generally to those matters that may affect our constituents, and I would recommend as a
first port of call, at least, the website Stay Smart Online, which is www.staysmartonline.gov.au. The site has reference to a number of useful links in respect of the variety of circumstances that our constituents might confront in the cybersecurity area.

I will comment on a number of other matters that members raised and address those issues, as well as some that have been reported in the media. With Australian families, businesses and governments conducting more and more activities online, cybercrime has already overtaken the drug trade as the most profitable form of crime in the world, and addressing this requires a consistent international framework that deals with the global nature of cybercrime by supporting cooperation between jurisdictions. I would like to acknowledge the outstanding work of all agencies in investigating cybercrime and, in particular, the Australian Federal Police.

In addition, in response to matters honourable members have commented on in the course of the debate—for instance, the member for Richmond, who is at the table, and the member for Canberra in their contributions yesterday—I can report that at a recent meeting of Commonwealth law ministers, represented, I think, by 44 law ministers from around the Commonwealth, we were briefed on an international police operation that smashed the largest child sex abuse case in world history. After three years of investigation into a website entitled boylover.net, police agencies identified some 70,000 persons who were using that site, and the investigations resulted in the rescuing of some 230 children from situations of horrific abuse as well as the successful prosecution of a number of perpetrators. The successful police investigation into this site would not have been possible without cooperation between overseas agencies and their modern, online crime-fighting capabilities—and, I should say, the voluntary cooperation of internet service providers and carriers.

Child abuse is one aspect of cybercrime—unquestionably, its most abhorrent—but there are also other aspects that have the potential to affect any citizen. These include identity theft, online fraud or even using the internet to plan an organised criminal activity in the real world. I note, for instance, that evidence of electronic communication has been a feature of virtually all terrorist prosecutions in Australia.

The Council of Europe's Convention on Cybercrime is in fact the only binding international treaty on cybercrime. It sets out the procedures that support cooperation among its signatories. By acceding to the convention, Australian law enforcement agencies will be able to access and share information necessary to support local and international cybercrime investigations. While many of the convention's obligations are already provided for in Australian law, the bill makes amendments that ensure Australia's full compliance with the convention. This will mark a significant step forward in our efforts to address the growing threat to the Australian community posed by cybercrime and the need to protect the community from internet abuses. For cybercriminals, our accession to the convention will mean that there are fewer places to hide.

The bill has recently been considered by the Joint Select Committee on Cybercrime, which reported to parliament late last week. I note a number of contributors have referred to the report. I would certainly like to thank the committee members for their detailed work on the bill, particularly the chair, Senator Bilyk. I am currently considering the committee's recommendations and will respond in time for the debate to proceed in
the Senate. In the meantime, the passage of the bill through the House is a significant step forward and a clear sign to our international colleagues that Australia is committed to pursuing its proposed accession. I appreciate the bipartisan support for that.

Amendments to the Telecommunication (Interception and Access) Act, the interception act, the Mutual Assistance in Criminal Matters Act and the Criminal Code are needed to fully comply with the convention. Under the interception act, state and territory enforcement agencies can apply for a warrant to access communications held by carriers on their networks. However, carriers' business practices differ and they often mean that communications are deleted before agencies have the opportunity to exercise a warrant to obtain access. One carrier, for instance, deletes messages within 24 hours of a message's creation.

Whilst other carriers have voluntarily provided assistance in the past—and I have referred to the international paedophilia law enforcement action—the bill amends the interception act so that an agency can formally require a carrier to preserve stored communications by reference to an individual or telecommunications service. This formality is desirable both from a law enforcement perspective and from the point of view of the service providers and carriers. The approach will mean that computer data, SMS messages, emails and other communications stored by the carrier will remain available while ensuring the interception act remains technologically neutral. Importantly, access to these communications will continue to be and only be available by way of warrant.

The bill will rely on Australia's existing mutual assistance frameworks to enable the improved exchange of stored communications and non-content data to assist in the investigation of certain foreign offences. The grounds for refusal in the mutual assistance act, including dual criminality and a ground to refuse assistance where the request would involve abuse of process or relates to a political offence, will continue to apply to requests for both access to stored communications and for access to prospective telecommunications data. Whilst not including new offences in the Criminal Code, the bill does expand the scope of the Criminal Code so that it can deal with criminal conduct outside of its existing limitations. The Criminal Code already contains saving provisions that ensure the continued operation of state laws in a number of areas. Importantly, the amendments contained in the bill will achieve Australia's full compliance with the cybercrime convention and support our effort to counter cybercrime.

Finally, I would like to take this opportunity to clarify some concerns that have been raised relating to the proposed amendments. I note there have been concerns expressed that the government is going beyond its convention obligations in requiring the broad retention of telecommunications data. The explanatory memorandum clarifies, however, that preserving the contents of a stored communication will also mean that details such as the name and number of the senator or recipient will also be preserved. This is to ensure that a communication can be linked to a person. The bill does not provide for a regime like the European Data Retention Directive where a carrier would be asked to retain information about every phone call, email or other types of communications passing over their networks. I think that point needs to be made.

I note some have expressed concern believing or alleging that the bill does not
sufficiently clarify what communications can be preserved and, as a result, it has been asserted that it may permit the preservation of all communications over a network. This is, in fact, incorrect. The reality is that the existing interception act enables warrants in relation to a telecommunications service, that is, a phone number or an email address, not—I repeat not—an entire system. It is important that that point be understood.

In relation to the concerns about the access of information by foreign agencies, it is also worth reiterating that assistance to foreign agencies is subject to the protections of the Mutual Assistance in Criminal Matters Act. This includes grounds for refusal to provide information where it would involve abuse of process or other injustice or would be otherwise contrary to the national interests or national security of Australia. The bill will not add any layers of bureaucracy. In fact, it will aid and improve cooperation between agencies in exchanging this electronic form of information.

The mutual assistance act also includes grounds for refusal relating to the death penalty. The act states that a request for assistance must be refused where a person has been charged with or convicted of a death penalty offence unless there are special circumstances that warrant the provision of assistance—that is, section 8(1A). Also a request may be refused where it may result in the death penalty being imposed on a person: for example, where the request is made at the investigation stage—that is, section 8(1B). Those provisions are administered by me and the Minister for Home Affairs and Minister for Justice on a pretty regular basis. The bill also requires that information provided under the mutual assistance arrangements occurs only if it is used for the purpose for which it is requested and that it is destroyed once it is not necessary for that purpose.

I also point out that significant protections exist to ensure the privacy and integrity of any information while it is preserved. The interception act contains a general prohibition on the use or disclosure of information obtained by telecommunications interception warrant, stored communications warrant or authorisation to disclose telecommunications data. The interception act also contains protections about the existence of telecommunications interception and stored communications warrants. It will be an offence, subject to certain exceptions in the interception act, to use or disclose preserved information or information about preservation notices. In addition to this criminal mechanism, preserved information will also need to be managed in a manner that is consistent with the National Privacy Principles as set out in the Privacy Act. This applies to those provisions bound by the Privacy Act, including to manage the information securely. With respect to this matter, I reiterate that cybercrime is an offence that applies literally right around the world. It can be perpetrated by a computer system sitting in the northern regions of Siberia, to choose an example, as easily as it can be perpetrated by a computer at the next-door neighbour of any citizen. It applies in areas that include, most abhorrently, as I have indicated, the exploitation of children, but its tentacles extend to the daily lives of all citizens, including obviously the issue of identity theft. The figures that have been recently released show that literally every Australian has either some experience or knows someone who has experienced identity theft. Equally, the use of the internet and other electronic communications to perpetrate fraud is a growing element.

In terms of our nation's national interests, research that has been undertaken in the United Kingdom shows that the United Kingdom is losing intellectual property each
year via electronic extraction at the rate of about £16 billion. Similar research has not been undertaken in Australia. I commend the bill to the House. (Time expired)

Question agreed to.

Bill read a second time.

Third Reading

Mr McCLELLAND (Barton—Attorney-General) (10:40): by leave—

I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Tax Laws Amendment (Research and Development) Bill 2010

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

(1) Clause 2, page 2 (table item 7), omit "Schedule 4", substitute "Schedules 3A and 4".

(2) Schedule 1, item 1, page 12 (line 11), omit "1 July 2010", substitute "1 July 2011".

(3) Schedule 1, item 1, page 12 (line 13), omit "1 July 2010", substitute "1 July 2011".

(4) Schedule 1, item 1, page 29 (line 31), omit "1 July 2010", substitute "1 July 2011".

(5) Schedule 1, item 1, page 29 (line 33), omit "1 July 2010", substitute "1 July 2011".

(6) Schedule 1, item 1, page 38 (line 21), omit "1 July 2010", substitute "1 July 2011".

(7) Schedule 1, item 1, page 38 (line 23), omit "1 July 2010", substitute "1 July 2011".

(8) Page 111 (after line 24), after Schedule 3, insert:

Schedule 3A—Quarterly credits

Part 1—Introduction

1 Definitions

(1) In this Schedule:

- **net refund assessment position**: an entity is in a net refund assessment position for an income year if:
  
  (a) an excess remains after the entity's tax offsets for the income year are applied against its basic income tax liability for the income year; and
  
  (b) that excess is wholly or partly refundable.

  Note: The excess will be wholly or partly refundable if some or all of the tax offsets are refundable tax offsets.

- **quarterly credit** means a credit referred to in item 3.

- **refundable R&D tax offset**: an entity is entitled to a refundable R&D tax offset for an income year if:
  
  (a) the entity is an R&D entity that is entitled under section 355-100 of the Income Tax Assessment Act 1997 to a tax offset for the income year; and
  
  (b) that tax offset is a refundable tax offset.

- **refundable tax offset** means a tax offset that is subject to the refundable tax offset rules.

- **relevant Acts** means the following Acts:
  
  (a) the Income Tax Assessment Act 1936;
  
  (b) the Income Tax Assessment Act 1997;
  
  (c) the Industry Research and Development Act 1986;
  
  (d) the Taxation Administration Act 1953.

- **total credits**: an entity's total credits for an income year is an amount equal to the sum of the entity's quarterly credits for the income year.

  (2) Subject to subitem (1), an expression used in this Schedule that is also used in the Income Tax Assessment Act 1997 has the same meaning in this Schedule as it has in that Act.

Part 2—Power to make regulations to modify operation of Acts

2 Regulations may modify operation of Acts to allow quarterly credits

(1) The Governor-General may make regulations modifying the operation of one or more of the relevant Acts for the purpose of achieving the objectives set out in this Part. The regulations have effect accordingly.
Wednesday, 24 August 2011

HOUSE OF REPRESENTATIVES

(2) The Minister must recommend to the Governor-General that the Governor-General make regulations under subitem (1) before 1 January 2014.

3 First objective—quarterly credits in anticipation of refundable tax offset

(1) The first objective is that an R&D entity will be credited by the Commissioner quarterly amounts for an income year if particular requirements are satisfied.

Note 1: These requirements include the R&D entity satisfying eligibility criteria and other matters (for example, see Part 3).

Note 2: Receiving quarterly credits may result in the R&D entity being paid an amount out of the Consolidated Revenue Fund (see section 16 of the Taxation Administration Act 1953).

(2) Three of the eligibility criteria for a quarterly credit for an income year are:

(a) that it is reasonable to expect that the R&D entity will be entitled to a refundable R&D tax offset for the income year relating to R&D activities conducted during the income year; and

(b) if Innovation Australia makes one or more findings about the R&D activities or purported R&D activities—that those findings are positive; and

(c) that the quarter begins on or after 1 January 2014.

Note: There may be additional eligibility criteria (for example, see subparagraph 5(1)(a)(ii)).

4 Second objective—tax neutral consequences

(1) The second objective is that, as far as practicable, there be tax-neutral consequences for an R&D entity receiving quarterly credits.

Note 1: This objective is for the R&D entity to be in the same position, for income tax purposes, whether:

(a) the R&D entity receives quarterly credits for an income year; or

(b) the R&D entity does not receive those quarterly credits, and becomes entitled, after the end of the income year, to the refundable R&D tax offset for the income year.

Note 2: Achieving this objective could include providing for a reconciliation and other integrity measures (for example, see paragraphs 5(1)(l) and (p) and subitem 5(4)).

(2) For the purposes of subitem (1), disregard consequences relating to time.

Part 3—Modified Acts may provide for certain matters

5 Some matters the modified Acts may provide for

(1) As a result of the regulations, the collective operation of the relevant Acts may provide for any or all of the following matters:

(a) eligibility criteria for quarterly credits, including:

(i) matters relevant to working out when paragraph 3(2)(b) is satisfied; and

(ii) additional criteria to those mentioned in subitem 3(2);

(b) how applications for quarterly credits may be made, including that:

(i) applications must be in an approved form; and

(ii) applications may be varied;

(c) that Innovation Australia may make findings (the IA findings) about the activities that relate to an application, or proposed application, for quarterly credits;

(d) how IA findings may be made, including that IA findings may be made on application in an approved form;

(e) fees relating to applications for quarterly credits or applications for IA findings, and a method for indexing the fees;

(f) how applications for quarterly credits or IA findings are considered (and approved or rejected);

(g) that applicants for quarterly credits or IA findings are notified of specified decisions or matters;

(h) that further information may be requested from applicants for quarterly credits or IA findings;

(i) deadlines for doing things in relation to quarterly credits or the making of IA findings;
(j) how amounts of quarterly credits are worked out;

(k) that each quarterly credit is a credit the R&D entity is entitled to under a taxation law for the purposes of Part IIB of the Taxation Administration Act 1953;

(l) that an R&D entity's total credits for an income year become a debt due to the Commonwealth at a specified time after the end of the income year;

(m) that each of the following may be varied or revoked:

(i) an approval of an application for quarterly credits;

(ii) an IA finding;

(n) that internal review may be sought of specified decisions relating to quarterly credits or the making of IA findings;

(o) that review by the Administrative Appeals Tribunal may be sought of internal review decisions relating to quarterly credits or the making of IA findings;

(p) integrity measures;

(q) that specified findings, decisions or requests made by Innovation Australia relating to quarterly credits are binding on the Commissioner (or vice versa);

(r) that Innovation Australia is authorised to disclose to the Commissioner (or vice versa) information relating to quarterly credits or the making of IA findings;

(s) matters of a transitional, application or saving nature;

(t) matters of a consequential, ancillary or incidental nature.

Note 1: Innovation Australia's findings (see paragraph (c)) could be made before, during or after the consideration of an application for quarterly credits.

Note 2: Innovation Australia could make decisions on its own initiative or on application. For example, Innovation Australia could make a finding, or vary a finding or an approval, on its own initiative.

(2) Without limiting paragraph (1)(a), examples of additional eligibility criteria include the following:

(a) that it is reasonable to expect that the R&D entity will be in a net refund assessment position for the income year;

(b) that the R&D entity has been assessed as being entitled under section 355-100 of the Income Tax Assessment Act 1997 to a tax offset (whether a refundable tax offset or not) for an earlier income year.

(3) Fees referred to in paragraph (1)(e) must not be such as to amount to taxation.

(4) Without limiting paragraph (1)(p), examples of integrity measures include the following:

(a) if an R&D entity's total credits for an income year exceeds the amount of the R&D entity's entitlement to a refundable R&D tax offset for the income year—that the R&D entity may be liable to pay a penalty on the excess;

(b) if the approval of an R&D entity's application for quarterly credits for an income year is revoked—that the R&D entity's total credits for the income year become a debt due to the Commonwealth at a specified time.

(5) As a result of the regulations, the collective operation of the relevant Acts may provide that a disclosure referred to in paragraph (1)(r) may be made despite:

(a) subsection 47(1) of the Industry Research and Development Act 1986; and

(b) sections 355-25, 355-155 and 355-265 in Schedule 1 to the Taxation Administration Act 1953.

(6) This item does not limit item 2.

6 Other matters the modified Acts may provide for

(1) As a result of the regulations, the collective operation of the relevant Acts may make different provision for a matter for different kinds of entities.

Note: For example, different provision could be made for members of consolidated groups or MEC groups.
(2) As a result of the regulations, the collective operation of the relevant Acts may make provision for a matter by:

(a) empowering a person to make a decision of an administrative character; and

(b) if appropriate, requiring the person to make that decision in accordance with decision-making principles.

Any decision-making principles must be legislative instruments.

(3) This item does not limit item 2.

Part 4—Alternative constitutional basis

7 Alternative constitutional basis

(1) Without limiting its effect apart from this subitem, the modified operation of each relevant Act as a result of the regulations has the effect it would have if:

(a) subitem (2) had not been enacted; and

(b) the relevant Act applied so that quarterly credits could only be worked out for an R&D entity that:

(i) is a constitutional corporation; or

(ii) has its registered office (within the meaning of the Corporations Act 2001) or principal place of business (within the meaning of that Act) located in a Territory.

(2) Without limiting its effect apart from this subitem, the modified operation of each relevant Act as a result of the regulations has the effect it would have if:

(a) subitem (1) had not been enacted; and

(b) the relevant Act applied so that quarterly credits could only be worked out in respect of activities, or parts of activities, conducted or to be conducted:

(i) solely in a Territory; or

(ii) solely outside of Australia; or

(iii) solely in a Territory and outside of Australia; or

(iv) for the dominant purpose of supporting core R&D activities conducted, or to be conducted, solely in a Territory.

Part 5—Other matters

8 Varying the regulations

The Governor-General may vary, in accordance with subsection 33(3) of the Acts Interpretation Act 1901, regulations made under item 2. However, the Governor-General must not repeal those regulations.

Note: Those regulations may be varied on or after 1 January 2014.

9 Another way of dealing with transitional, application or saving matters

(1) The Governor-General may make regulations dealing with matters of a transitional, application or saving nature relating to the making of regulations under item 2.

Note: This is another way of dealing with these kinds of matters. These kinds of matters could also be dealt with under item 2. That is, as a result of regulations made under item 2, the collective operation of the relevant Acts could make provision for some or all of these kinds of matters (see paragraph 5(1)(s)).

(2) Item 7 applies to regulations made under subitem (1) in a corresponding way to the way it applies to the modified operation of a relevant Act.

(9) Schedule 4, item 1, page 112 (line 7), omit "1 July 2010", substitute "1 July 2011".

(10) Schedule 4, item 1, page 112 (lines 9 and 10), omit "1 July 2010", substitute "1 July 2011".

(11) Schedule 4, item 1, page 112 (line 14), omit "1 July 2010", substitute "1 July 2011".

(12) Schedule 4, item 1, page 112 (lines 15 and 16), omit "1 July 2010", substitute "1 July 2011".

(13) Schedule 4, item 1, page 112 (lines 18 and 19), omit "1 July 2010", substitute "1 July 2011".

(14) Schedule 4, item 1, page 112 (line 21), omit "2010-11", substitute "2011-12".

(15) Schedule 4, item 3, page 113 (line 29), omit "1 July 2010", substitute "1 July 2011".

(16) Schedule 4, item 3, page 113 (line 31), omit "1 July 2010", substitute "1 July 2011".

(17) Schedule 4, item 3, page 113 (line 34), omit "1 July 2010", substitute "1 July 2011".
(18) Schedule 4, item 3, page 113 (line 35), omit "1 July 2010", substitute "1 July 2011".
(19) Schedule 4, item 3, page 113 (line 38), omit "1 July 2010", substitute "1 July 2011".
(20) Schedule 4, item 3, page 114 (line 2), omit "1 July 2010", substitute "1 July 2011".
(21) Schedule 4, item 3, page 114 (line 15), omit "1 July 2010", substitute "1 July 2011".
(22) Schedule 4, item 3, page 114 (line 18), omit "1 July 2010", substitute "1 July 2011".
(23) Schedule 4, item 3, page 114 (line 21), omit "1 July 2010", substitute "1 July 2011".
(24) Schedule 4, item 3, page 114 (line 23), omit "1 July 2010", substitute "1 July 2011".
(25) Schedule 4, item 8, page 116 (line 10), omit "1 July 2010", substitute "1 July 2011".
(26) Schedule 4, item 12, page 118 (line 6), omit "1 July 2010", substitute "1 July 2011".
(27) Schedule 4, item 12, page 120 (line 21), omit "1 July 2010", substitute "1 July 2011".
(28) Schedule 4, item 14, page 123 (line 13), omit "1 July 2010", substitute "1 July 2011".
(29) Schedule 4, item 15, page 124 (line 24), omit "2010-11", substitute "2011-12".
(30) Schedule 4, item 15, page 124 (line 28), omit "2010-11", substitute "2011-12".
(31) Schedule 4, item 15, page 125 (line 17), omit "1 July 2010", substitute "1 July 2011".
(32) Schedule 4, item 15, page 128 (line 22), omit "1 July 2010", substitute "1 July 2011".
(33) Schedule 4, item 15, page 132 (line 12), omit "2010-11", substitute "2011-12".
(34) Schedule 4, item 15, page 132 (line 17), omit "1 July 2010", substitute "1 July 2011".
(35) Schedule 4, item 15, page 132 (line 27), omit "1 July 2010", substitute "1 July 2011".
(36) Schedule 4, item 15, page 132 (line 33), omit "1 July 2010", substitute "1 July 2011".
(37) Schedule 4, item 15, page 133 (line 6), omit "1 July 2010", substitute "1 July 2011".
(38) Schedule 4, item 15, page 133 (line 24), omit "1 July 2010", substitute "1 July 2011".
(39) Schedule 4, item 15, page 133 (lines 29 and 30), omit "1 July 2010", substitute "1 July 2011".

(40) Schedule 4, item 15, page 134 (line 16), omit "1 July 2010", substitute "1 July 2011".
(41) Schedule 4, item 15, page 134 (line 25), omit "1 July 2010", substitute "1 July 2011".

Mr SHORTEN (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:41): I move:

That the amendments be agreed to.

The Tax Laws Amendment (Research and Development) Bill 2010 and Income Tax Rates Amendment (Research and Development) Bill 2010 passed the House on 22 November 2010 and were introduced into the Senate the following day. The Senate has made amendments to the Tax Laws Amendment (Research and Development) Bill 2010 that will allow firms that will receive a refundable tax offset to apply to effectively anticipate that offset for quarterly credits from 1 January 2014. This will provide more timely assistance to those firms through increased cash flows. This is another example of the Gillard government acting to assist business. At this point, I would like to acknowledge the assistance of the crossbench in advancing industry views on quarterly credits.

The amendments moved by the government show that the government has continued to listen to industry throughout the development process to frame the best program possible. The precise rules governing whether and how a particular firm will be available to receive quarterly credits and the most efficient and effective means of providing quarterly credits in general will be determined in light of the experience with operation of the new R&D tax incentive. Consequently, it is not feasible to include those details in these amendments, which instead provide for the regime to be implemented for regulations. However, the amendments demonstrate the government's clear commitment that a quarterly credits
regime is to be part of the new R&D tax incentive. The government also moved amendments in the Senate to defer the start date for the new R&D tax incentive by 12 months such that the new tax incentive will apply for income years commencing on or after 1 July 2011.

I share the disappointment of many businesses over the delay in starting the program, especially those small businesses who might have hoped that the program would start from 1 July 2010. However, businesses will now be able to plan their research and development activities with confidence, knowing their entitlement to access increased benefits is available from 1 July 2011. In relation to those amendments, the Senate has requested a consequential amendment to the Income Tax Rates Amendment (Research and Development) Bill, deferring its application by one year. I commend these amendments to the House.

Mrs MIRABELLA (Indi) (10:44): This legislation is yet another example of the extraordinary disconnect that this government has with industry. The Assistant Treasurer spoke about delays. That is right. The bill was passed in last November. Why was it not presented to the Senate for debate and discussion until after 1 July this year? That is because the industry minister lacked the advocacy skills to convince the crossbenches, as they existed before 1 July, and the courage to argue his case. From the very first time these changes were mooted the government asked industry for input. There were discussion papers, there were drafts, and industry took time from its business activities to assist the government. In return for that goodwill, what did the government do? It utterly ignored the advice and the suggestions of industry. We know that the ideas for changes to the R&D regime did not come from the minister; they came from Treasury. We know; we were in government and they had similar proposals. They were in the bottom drawer and they wanted to pull them out because they claim that these changes would be revenue neutral, but in fact this is a revenue-raising measure.

There is a fundamental problem with the changes that the government wants to pursue. Those fundamental changes will mean that, by restricting access to the regime, by changing the definitions, for example, as they relate to dominant purpose and feedstock, the very industries that this week this government says it wants to assist, says that it still wants manufacturing to survive, are going to be hardest hit. So the changes the government is making to the R&D tax regime will make it far more difficult for the manufacturing businesses, the manufacturing industry and the mining industry to actually access the new tax regime.

We have heard great praise from the other side about the crossbenchers—that is, the Greens. The Greens voted for this to pass in the Senate, but do they actually understand what these changes are all about? Obviously, from their comments, they do not. We have had Senator Milne talk about those big, bad, large companies who dominate the scheme. Senator, it is not a competitive scheme; it is an entitlement scheme. Under the old regime, if you satisfied the requirements to be eligible, you got the concessions. Because a large company or a small company may have been eligible and successful did not preclude others from doing the same. A very important assumption on which the Greens have based their support for this bill is based on a lack of fundamental understanding of what the regime actually was, and at a time when the member for Melbourne, another member of the Greens, goes around touting the importance of R&D, one has to wonder what they are doing in supporting this legislation.
When I was made shadow minister for innovation, industry and science, the very first topic, the very first issue, I was bombarded with from dozens of industry players, large and small companies across the country, was changes to the R&D tax regime. We would not be standing here opposing it if it were an actual improvement and industry across Australia told us it would be to their benefit. But they have told us that it is to their detriment, and the government have never been able to provide the modelling to show that their changes to the R&D tax regime would improve investment in R&D, would be good for small business. They cannot prove it because Treasury, in demanding this, never conducted the modelling. It is not their concern whether there is actual investment in R&D in the manufacturing sector, in the mining sector. The government cannot prove that this legislation is a good thing because that is not what they have been told by industry. They do not have the evidence. They have not done the modelling and the hard work. At a time that the domestic manufacturing industry is suffering all sorts of other economic issues, why would the government make it even more difficult for them to take the important steps of investing in new technologies? (Time expired)

Mr SHORTEN (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:49): I do not doubt the member for Indi's interest in R&D issues, but there a couple of points which I must briefly take issue with. There is a general discussion in her comments about consultation. The government consulted extensively in developing the new R&D tax incentive. It published a consultation paper and two exposure drafts of legislation. The Senate Economics Legislation Committee held a public inquiry into the bill. In addition, there have been extensive discussions with key industry representatives and advisers over the last three years. The government has made some significant changes where stakeholders have made constructive suggestions for improvement, as well as minor clarifying changes in response to concerns raised by the Senate Economics Legislation Committee.

Our budget announcement in 2009 followed an independent review of the National Innovation System, and most recently, between 11 July and 5 August 2011, interested parties were invited to review exposure draft regulations, the decision-making principles and their accompanying explanatory statements. Submissions were generally supportive of the regulations and decision-making principles, and in fact there were a total of 17 submissions received as part of the consultation from groups of various sizes, registered research agencies and firms.

Again, I take issue in terms of manufacturing. The purpose of what we are doing is to help manufacturers minimise the risk involved in research and development. We believe that Australian firms that innovate are more productive and profitable than those firms that do not. Finally, whilst I noticed the member for Indi be very critical of the Greens, it begs the question why the Liberal Party preferred the Greens ahead of the Labor Party in Melbourne if they are so concerned about the Greens.

Question agreed to.

Income Tax Rates Amendment (Research and Development) Bill 2010

Consideration of Senate Message

Bill returned from the Senate with an amendment.

Ordered that the amendment be considered immediately.

Senate’s amendment—
Wednesday, 24 August 2011

(1) Schedule 1, item 4, page 3 (line 21), omit "1 July 2010", substitute "1 July 2011".

Mr SHORTEN (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:51): I move:

That the amendment be agreed to.

I refer the House to the words I spoke when speaking to the earlier amendments to the previous bill. This amendment is a consequential change to the income tax rates following the changes which have just been passed by the House.

Question agreed to.

Tobacco Plain Packaging Bill 2011
Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011
Second Reading
Cognate debate.

Dr SOUTHCOTT (Boothby) (10:52): I rise to speak on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. Despite the way the Minister for Health and Ageing has portrayed this issue, I would like to state from the outset that the coalition has always supported sensible measures to reduce the rate of smoking in Australia. The coalition therefore supports plain packaging and the public health intent behind this proposal. The coalition will be supporting the plain packaging bills at the second reading stage.

I would like also to remind the House of the strong track record the coalition has with regard to reducing smoking rates in Australia. Robert Menzies first introduced a voluntary tobacco advertising code for television in 1966. It was the Fraser government in 1976 that first implemented a ban on the advertising of tobacco products on TV and radio. In May 1989 the Parliamentary Joint Committee on the National Crime Authority, comprising representatives from all major political parties, unanimously recommended to parliament that tobacco advertising be completely banned.

In opposition, the Liberal Party supported the prohibition on tobacco advertising in 1992. Dr Michael Wooldridge announced as health minister in June 1997 what, at the time, was the biggest ever national advertising campaign against smoking, with a federal government spend of $7 million over two years. It was the Howard government that reformed cigarette taxation from a weight basis to a per stick basis as part of the New Tax System in 2000. This was a recommendation of many health organisations at the time—ASH, the Cancer Council and the peak health bodies. It is something that I personally pushed for within the Howard government.

Under the Howard government Australia signed the Framework Convention on Tobacco Control in December 2003 and ratified this in October 2004. As Chair of the Joint Standing Committee on Treaties I supported the ratification of the framework convention. The committee in its recommendations stated:

The FCTC will have a positive effect on public health within Australia, and enhance Australia's leadership role in relation to tobacco control internationally.

It was the Howard government, and Tony Abbott as health minister, who introduced the graphic health warnings on tobacco products in 2006. This constituted warnings of 30 per cent on the front of the pack and 90 per cent on the rear of the pack. These are the same graphic health warnings that the government is now expanding. In opposition it was the coalition who first proposed an increase in the tobacco excise in May 2009 a
measure later adopted by the government. As recently as this year the coalition supported an amendment to the Tobacco Advertising Prohibition Act to facilitate the banning of tobacco advertising on the internet. The results are there for all to see.

The coalition presided over the biggest declines in smoking rates whilst in government. Under the coalition government the prevalence of smoking declined from 21.8 per cent in 1998 to 16.6 per cent of Australians over the age of 14 by 2007. This was amongst the lowest rates of smoking in the world. The decline in smoking rates in Australia—a fall of 40 per cent for men and 44 per cent for women between 1989 and 2007—was among the biggest in the OECD. The fall in smoking rates amongst women was the biggest in the OECD. Only Sweden and the United States have lower smoking rates than Australia. It is worth noting that at a time when Australia's smoking rates have been decreasing several European countries such as France and Germany have seen rises and Greece has seen a dramatic rise in smoking rates during the same period. So the message is: it is not all one-way traffic, there is no cause for complacency.

But the suggestion that the coalition is soft on tobacco companies is just plain nonsense. Most public health experts in Australia understand that tobacco control has been a bipartisan affair in Australia for a long time. It should be a national goal to see the smoking rates in Australia fall below 10 per cent. I agree with the Preventive Health Task Force of 2009 which suggested this as a goal. This goal has been adopted by COAG.

Australian researcher Melanie Wakefield has produced a number of research papers on plain packaging and its impact on consumer choice and consumer perceptions. Dr Wakefield's research has shown that tobacco packets with increasingly fewer brand design elements are perceived increasingly unfavourably. I believe that plain packaging will have an impact on the smoking rates within Australia. I believe it will reduce the number of people who take up smoking and it will increase the number of people thinking of quitting to take the next step and give it up for good. It is supported by the public health research.

On tobacco control more broadly, it is very clear that for tobacco control to be successful it needs to be part of a comprehensive tobacco control strategy. There is no silver bullet. California demonstrates what a concerted tobacco control strategy can achieve. Its current smoking rates are below 10 per cent. I have looked extensively at the research on the effects of plain packaging and the effects of graphic health warnings on consumer choice and behaviours. There is no doubt that plain packaging will have some impact on smoking rates and there is no doubt that increasing the graphic health warnings will have some impact. In fact, increasing the graphic health warnings is a measure that I support. My reading of the research is that increasing the graphic health warning on the front of the packet from 30 per cent to 75 per cent will have a much larger impact on reducing the smoking rate in Australia than plain packaging itself will. After all, when more than 80 per cent of the front and back of the cigarette package is graphic health warning and less than 20 per cent is plain packaged in drab brown what is having the greater impact on your eyeballs? We must remember that plain packaging is only one tool in the armoury in the push to reduce smoking rates in Australia. I want to turn to concerns with the bill. There are broadly three concerns which have been raised with the bill before us. There have been issues raised as to the legal grounds of this proposal, there have been comments made as
to the impact on small business and small retailers, and there have been comments made as to the effect of plain packaging on illicit and counterfeit tobacco. I would like to briefly address these issues.

Firstly, on the legal issues, there has been much discussion as to the impacts of the plain packaging proposal on intellectual property rights and the use of trademarks. The minister's office has on many occasions assured the opposition that its legal advice surrounding their plain packaging proposal is robust and that they are on strong legal ground. We have accepted the government's assurance on face value. We have had to accept the government's assurance on this, as they have refused to release or provide us with a copy of their legal advice. It is, however, interesting to note that, despite claiming that they are on strong legal ground, they have drafted a 'get out of jail free' clause into the Tobacco Plain Packaging Bill. The government claims that the bill has been drafted so as to avoid any potential for any acquisition of property on other than just terms, because to do so would be contrary to section 51 of the Constitution. However, the government must not be too confident in their drafting skills, as clause 15 of the bill provides that the bill would not apply to the extent that it would cause acquisition of property on other than just terms. What this means is that if this act is found to constitute acquisition of a tobacco company's trademarks on other than just terms then those trademarks can again be used but their size and location will be governed by the regulations.

There have also been concerns raised that the government's proposal may violate article 20 of the TRIPS agreement and/or the 1993 Australia-Hong Kong investment treaty. Mr Chris Reid, the general counsel for the Department of Health and Ageing, stated during the House of Representatives Standing Committee on Health and Ageing's public hearing:

… we are confident that, should proceedings of that kind be taken, we would expect to win those proceedings.

Once again, I would like to make it clear that we have accepted Minister Roxon's assurances that the government stands on strong legal ground with regard to these issues.

I would like to turn to the impact on small retailers. One of the main reasons that plain packaging has not been adopted in any other jurisdiction has been the concerns of small retailers. The government's consultation of small business and especially small retailers has been lacklustre at best. Simon Cotterell, the assistant secretary of the tobacco control task force in the Department of Health and Ageing, stated during the health and ageing committee's public hearing:

… we have agreed to meet and discuss this legislation with any retailer or retail organisation that has approached us.

Unfortunately, you would have thought that, considering the expected impact on retailers, the department would have been a little more proactive in consulting with them. It is really easy to sit back and say, 'This is what we're doing; come and complain.' It was obviously too much effort to engage with small business and small retailers. It was too much effort to be proactive in the government's consultation of small retailers. Mr Cotterell also went on to say during that hearing that he was not aware that the minister had personally conducted any consultations with small business, and it seems as if this has been left entirely to the department. In fact, until the opposition started asking questions about this in estimates, the government maintained that its consultation with small retailers had been conducted by the Preventative Health Taskforce back in 2009—not even by the government itself. It
was only when the coalition started asking questions about this in Senate estimates that the department actually went out and started consulting with small business.

Based on the concerns raised by small business during the coalition's consultations, the coalition will be moving an amendment to the Tobacco Plain Packaging Bill. This amendment seeks to address some of the concerns raised by small business and small retailers—the same concerns which have fallen on the deaf ears of this government. The Department of Health and Ageing have treated the concerns of small business as not core business for them. They have really been blind to the issues regarding small business and counterfeit tobacco, and the minister has been deaf to them. It seems as if the government have lumped these issues into the 'too hard' basket. The coalition's amendment seeks to allow the use of a tobacco company trademark on one of the two smallest outer surfaces of a cigarette carton. It is intended that this will aid in the stock management concerns of retailers without undermining the public health impact of the plain packaging proposal. Cartons of cigarettes are used almost exclusively in retailers' storerooms and, with the exception of duty-free stores at airports, are almost never on public display. Cartons of cigarettes are very rarely purchased by consumers, and they are not carried around by consumers. It is hoped that this measure will go, at least in some small way, to helping retailers who will be inconvenienced by this measure.

Turning to the issue of counterfeit tobacco, while Australia is generally seen as a country which has a low rate of illicit and counterfeit tobacco, there are concerns that plain packaging may increase the rate of illicit and counterfeit tobacco. The Australian Customs and Border Protection Service annual report shows that over the last three years it has seized 743 tonnes of tobacco and 217 million cigarettes. The 2010 National Drug Strategy household survey report run by the Australian Institute of Health and Welfare and released last month claims that illicit tobacco in Australia is smoked regularly by 4.6 per cent of smokers. The World Health Organisation Framework Convention on Tobacco Control recognises that illicit tobacco is a public health concern. I do not for a minute accept the claims which have been made by the tobacco companies on the levels of chop-chop, illicit or counterfeit tobacco that we may see under this proposal; however, I do feel that the government has not adequately addressed this issue. The minister has always been quick to point out that Australia was the first signatory to the framework to implement the WHO recommendation for plain packaging. What the government never says is that Australia signed the WHO Framework Convention on Tobacco Control during the Howard government years, in 2003. Turning to the point of illicit tobacco, this is really the blind spot in the government's proposal. The government are inexplicably silent on the fact that article 15 and article 20 of the WHO framework recommend implementing a track-and-trace regime for tobacco products and strengthening the legislation against illicit trade in tobacco products. This is something that the government have just not done.

The Department of Health and Ageing have regarded this as too difficult; they have not addressed it properly. They have not made any reasonable attempt to actually deal with the issue. Articles 7.2 and 7.12 of the Draft Protocol to Eliminate Illicit Trade in Tobacco Products, as published by the World Health Organisation, also states that the obligations of each party of the FCTC shall not be performed by or delegated to the tobacco industry. Unfortunately, the
government have completely ignored the WHO recommendations on the control of illicit tobacco, and as their own plain packaging of tobacco products consultation paper states, on page 14, they are proposing that any alphanumeric code markings can be used by tobacco companies on a voluntary basis. Not only is the scheme not compulsory but it runs contrary to World Health Organisation best practice in this area, and it runs explicitly against the World Health Organisation recommendations that you do not put the anti-counterfeit measures in the hands of the tobacco industry.

WHO recommends that you do not put any track-and-trace measures in the hands of the tobacco industry. Even the tobacco companies requested, during their consultation with the government, that a unique alphanumeric code on each pack be generated by a government-endorsed and licensed machine, a suggestion which the government subsequently rejected. The opposition calls on the government to implement a neutral track-and-trace system for tobacco products. This scheme could be managed by the Australian Customs and Border Protection Service in conjunction with the Australian Taxation Office. Along these lines, the House of Representatives Standing Committee on Health and Ageing, on page 18 of their report on these bills, noted that there were:

… a range of sophisticated anti-counterfeiting measures which could be adopted.

So the opposition offers this as a constructive suggestion to the government and encourages the government to this. Do what the framework says; do not put your counterfeit measures in the hands of big tobacco but actually establish a neutral track-and-trace scheme. Look at what is done in California, in Massachusetts and in Canada. They are all jurisdictions which have an excellent reputation in the public health area.

We encourage the government to move towards this because it is not good enough to implement plain packaging without having the counterfeit and illicit side squared off.

In turning to the House of Representatives inquiry into these bills, these bills were referred off to the House of Representatives Standing Committee on Health and Ageing with a wide-ranging brief to inquire into them. They were sent to this committee with an exceptional wide-ranging brief to avoid having to refer these bills to three different committees. The coalition did not want to hold up or delay this legislation, and that is why we did this. It is disappointing to note that the committee paid very little attention, none really, to the issues I have raised earlier: the issues of the impact on small business, the legal standing, the IP issues and the issues around counterfeit and illicit tobacco. There was really no consideration of these. The committee focused solely on the health impacts of this bill, which are not the subject of any dispute or disagreement. Even the chair of the committee has suggested that there were issues that needed dealing with by other committees, and these are the same issues that the minister has ignored.

What it comes down to is that it is really like an old-style Labor trade union demarcation dispute. They are saying, 'Look, it's not health; we will not deal with it.' It is really disappointing that the House committee has not done its job here. Let us be very clear: this is a health bill. The Minister for Health and Ageing has carriage of it. All of the material has been prepared by the Department of Health and Ageing. They have prepared the exposure draft and the discussion papers. The notion that it needed to be sent to three committees to get to the bottom of the legal, IP, small business and counterfeit issues is just a cop-out, but it is consistent with the approach that the
government has taken from the very top, from the minister and from the Department of Health and Ageing. If the Department of Health and Ageing are competent to conduct the consultation with small business and to address the counterfeit, IP and legal issues then I think the health committee could have given this a go.

From opposition I am not sure how robust the government's interdepartmental committees are or how robust the cabinet system of government is, because this was a bill that needed input in lots of different areas. It is fair to say that even members of the government feel that there have been times when the normal processes of government have ceased to function with this government. In this case, it will be small business who have not been listened to by this dysfunctional government.

I want to touch briefly on the minister's conduct. It is disappointing, again, that the minister has sought to politicise the issues surrounding plain packaging and tobacco control for her own political gain, rather than taking an approach where the nation's health interests were at its core. She seems to have the attitude that no-one took any interest in tobacco control before she came along. If the minister had spent 10 per cent of the time that she spent talking about the coalition competently and properly implementing this proposal then we would be in a much better position today.

The Minister for Health and Ageing has taken the attitude that if you do not agree with her 100 per cent then you must be in the pockets of the tobacco companies. This is puerile. Let us be clear: this is the first opportunity the opposition have had to vote on this issue, and we will be supporting the bill at the second reading stage.

The minister has had a lot to say about the coalition but has been silent on her own relationship with big tobacco. What we now know is that her own relationship with big tobacco was much closer and cosier than anyone ever realised. The minister has never fully disclosed to parliament the extent to which she was involved with big tobacco. It was not all that long ago that she was going to the football as a guest of Philip Morris, and she has never been up front to the parliament about that. In the minister's Register of Members' Interests she has declared a number of football matches she has attended, but she has never declared the one she attended as a guest of Philip Morris.

I would like to turn now to the drafting of these two bills. Given that the government have had more than two years since they first received the Preventative Health Taskforce recommendation to implement plain packaging, there has been no shortage of time to draft these bills. Considering that the government have, from the outset, claimed that they expected this proposal to be the subject of legal challenges, I would have thought that every possible care and attention would have been paid to the exact and proper drafting of these pieces of legislation. They released their exposure draft in April of this year, almost two years after the Preventative Health Taskforce handed down its recommendations.

The Senate Standing Committee for the Scrutiny of Bills have reported on both of these bills, and I would like to take a moment to inform the House of their findings. In brief, they found a lot of problems with the drafting of these bills. The committee has pointed to clause 27 in the Tobacco Plain Packaging Bill 2011 as potential inappropriate delegation. There was a concern from the committee that too many of the important details regarding the plain packaging proposal have been left to the regulations, rather than being included in the primary legislation. There was also concern
raised that the various penalties in chapter 3 part 2 of the Tobacco Plain Packaging Bill 2011 may be considered to trespass unduly on personal rights and liberties due to the strict liability nature or the fact that the onus of proof has been placed on the defendant for certain elements of the offence. Thirdly, clause 83 of the Tobacco Plain Packaging Bill 2011 partially abrogates the longstanding principle that there is a privilege against self-incrimination. The committee was concerned that the public benefit which is to be achieved may not decisively outweigh the resultant harm to the maintenance of civil rights. Finally, the Senate Scrutiny of Bills Committee also pointed out the presence of a Henry VIII clause within the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011—the second bill.

I would like to make some specific comments on the Trade Marks Amendment (Tobacco Plain Packaging) Bill. The first we saw of this bill was when the minister introduced it into the House on 6 July. It was not flagged or issued as part of the government's exposure draft or consultation paper. This is a bill which, until 6 July, was not seen as necessary by the Department of Health and Ageing or the minister. On this specific bill the opposition has four simple questions for the minister. When did she realise that there were problems with her Tobacco Plain Packaging Bill that were in the exposure draft from April? What were the problems that were identified with the exposure draft? The third question is: why did she decide not to draft legislation which trumped regulation in the normal way as has been done by every other minister since Federation? And, fourthly: is the purpose of the bill to clarify the interaction between the bill and the Trade Marks Act, as said by the Department of Health and Ageing's submission to the inquiry, or is it so the government can quickly remedy any unintended interaction between the new Tobacco Plain Packaging Act and the Trade Marks Act, which is in the EM, or is it to ensure that applicants for trademark registration and registered owners of trademarks are not disadvantaged by the practical operation of the plain packaging act—again in the explanatory memorandum—or is it, as the minister said in her press conference of 17 August, that it is an important component of making sure that the trademarks are still able to exist?

The Trade Marks Amendment (Tobacco Plain Packaging) Bill has been referred to the Senate Standing Committee on Legal and Constitutional Affairs to consider the specific provisions within this bill, any issues they create and, ultimately, their constitutionality. The bill, as I said, contains what is known as a Henry VIII clause; it is in section 231A of the amendment. It is a clause that allows for regulations made by the minister under an act of parliament to override the act itself. In this situation, regulations under the Trade Marks Act could override the Trade Marks Act. It is exceptionally uncommon, and it goes against the basic legal principle that an act trumps regulations. These clauses are exceptionally rare, and only used as a last resort when there is no other option. That is not the case in this situation. The minister did have an alternative and the Department of Health and Ageing had an alternative: they could have drafted the Tobacco Plain Packaging Bill properly. The coalition does not believe that this second bill is necessary for the government to implement their plain packaging. We think that this second bill is a sign that the government have botched the drafting of this bill. If the minister had taken the time to draft the Tobacco Plain Packaging Bill properly, the trademarks amendment, using an extraordinary power,
would not be needed. It is for these reasons that the coalition cannot support the Trade Marks Amendment (Tobacco Plain Packaging) Bill. It goes against longstanding parliamentary convention and legal principles.

Government speakers on these bills may use the precedent of a similar amendment to the Trade Marks Act back in 2000—to implement the provisions of the Madrid protocol—to argue that the current trademarks amendment bill before this House should be supported. This was the last time I am aware of that a Henry VIII clause was used in this parliament. I would like to take the time to differentiate its use back then from the current situation before the parliament. The Trade Marks Amendment (Madrid Protocol) Bill 2000 was drafted to implement an international protocol: the Madrid protocol. It was a treaty to protect the rights of trademark owners, and it had a clearly defined purpose. My understanding is that it was used in this situation because there was no other alternative to implement our obligations under the international protocol. This plain packaging situation is completely different. The minister could have protected these rights by drafting her original bill properly. This is the reserve parachute—the escape hatch—if the minister has bungled the original bill. Hypothetically, this bill could be used to amend, to protect or to extinguish trademark rights for tobacco products, if the minister so chose. The department itself has said it is for 'any unintended consequence'. This is not a power we are willing to give this government. I reiterate that the coalition supports the plain-packaging proposal and the public health intent behind it. We will be moving an amendment to the legislation. But we cannot support the second bill because the principle that legislation trumps regulation should be upheld. (Time expired)

Mr MITCHELL (McEwen) (11:22): I rise to support the Gillard government's Tobacco Plain Packaging Bill 2011 and the related trademarks amendment bill. As a long-term smoker, I believe that we must do everything we can to deter and prevent people from taking up the habit in the first instance. The facts are very clear and speak for themselves. Smoking is one of the leading preventable causes of death and disease in Australia. When the sickness and disability caused by tobacco are taken into account, as well as the tobacco related deaths, tobacco caused more disease and injury in Australia in 2003 alone than any other single risk factor. Tobacco itself is responsible for about 90 per cent of drug caused deaths and has had a $31.5 billion toll on both our economy and our society.

Given these alarming facts, you would think that those opposite would immediately support plain-packaging legislation rather than remain silent for so long, maybe in fear of upsetting some of their biggest donors, because the Liberal Party are more than happy to take money from them. As they say, you choose your friends. We on this side of the House long ago ended that friendship.

Unfortunately, for too long, smoking was more of a normal practice; in fact encouraged in days gone by. It was almost accepted by society because Big Tobacco, to give them credit, have been very clever and successful in selling and marketing their products as being no different from any others and with no-one stopping them. Think back to football, cricket, motor racing and many other events, right around the world: there was the prominent advertising. For decades, cigarettes were placed alongside bread, milk and lollies in milk bars and convenience stores, with a visibility and presence equal to that of any other ordinary product. They were not treated as the
harmful, deadly product that they actually are.

By introducing this legislation we are seeking to end one of the remaining forms of advertising and promotion of tobacco products, which will no doubt ultimately result in fewer Australians, particularly young Australians, taking up the habit. Plain packaging is part of the range of measures the Gillard government is taking to discourage, deter and prevent smoking. We all know that packaging is a fundamental part of market strategy for all consumer goods, particularly cigarettes. As other forms of advertising for cigarettes have been banned over the years, the importance of packaging to big tobacco companies is all the more relevant and important to their business. Packaging establishes a brand identity and its purpose is to promote the goods both at the point of sale and while the product is being used, which for cigarettes generally numbers a few times a day. Big Tobacco knows this and on numerous occasions, for a long time, they have admitted how important the packaging of cigarettes is to their sales. John DiGianetti, a former cigarette package designer, said:

A cigarette package is unique because the consumer carries it around with him all day … it's a part of a smoker's clothing, and when he saunters into a bar and plucks it down, he makes a statement about himself.

Similarly, British American Tobacco stated in 1978:

One of every two smokers is not able to distinguish in a blind … test between similar cigarettes … for most smokers and the decisive group of new, younger smokers, the consumer's choice is dictated more by psychological, image factors than by relatively minor differences in smoking characteristics.

British American Tobacco internal documents have stated that, given the consequences of a total ban on advertising, a pack should be designed to give the product visual impact as well as brand imagery. The pack itself can be designed so that it achieves more visual impact in the point of sale environment than its competitors. Philip Morris executives have also stated how important packaging was under increasingly restrictive advertising environments:

Our final communication vehicle with our smoker is the pack itself. In the absence of any other marketing message, our packaging … is the sole communicator of our brand essence. Put another way—when you don't have anything else—our packaging is our marketing.

Despite all the huffing and puffing, it is evident Big Tobacco knows that plain-packaging legislation will work. That is why you can ask: why would they kick up such a stink? They know that it will affect their profits. But, in our view, it will decrease the smoking take-up and increase the benefit to the nation's health, both socially and economically.

Plain packaging will increase both the noticeability and the effectiveness of health warnings and messages by standardising cigarette packages which will reinforce the consequences of smoking. The passage of this legislation will prevent tobacco advertising and promotion on tobacco products and tobacco product packaging in order to reduce the attractiveness and appeal of tobacco products to consumers, particularly young people. It will increase the noticeability and the effectiveness of mandated health warnings. And it will reduce the ability of the tobacco product packaging to mislead consumers about the harms of smoking. Plain packaging along with a range of other tobacco control measures will assist in reaching the performance benchmark, set under the COAG National Healthcare Agreement, of reducing the national smoking rate to 10 per cent of the population by 2018 and halving
the Aboriginal and Torres Strait Islander smoking rate.

This bill is a world first and it sends a clear message that the glamour is gone. The Marlboro Man has ridden off into the sunset. No longer do we see Ronald Reagan advertising Chesterfield cigarettes. Nor do we find that living 'Alive with pleasure!' is part of Newport cigarettes—because after all, if smoking is not a pleasure, why bother? These were the things we had in days gone by, like the Peter Jacksons down the beach with all the happy young people. Most of those people are now old and probably coughing away as they go about their daily business because of the dire effects of cigarette smoking. The new packs have been designed to have the lowest appeal to smokers and to make clear the terrible effects that smoking can have on your health. Research has illustrated that plain packaging significantly reduces the attractiveness of cigarettes to young people. That in turn should translate into fewer young people taking up smoking and more young smokers attempting to quit. We know that quitting is a very difficult option. I have had a couple of cracks at it myself, and I will again in the near future. But it is very, very hard. And that is one of the worst factors about smoking—how hard it is to quit. Plain packaging will increase the impact of health warnings and reduce the appeal of tobacco products to existing and would-be smokers. Since taking office, Labor has implemented a range of measures to decrease the smoking rate, and smoking rates have substantially fallen.

A large number of public health organisations and experts have expressed their support for plain packaging—organisations such as the Australian Medical Association, the Royal Australasian College of Surgeons, the Public Health Association, the Cancer Council, the Heart Foundation and the National Stroke Foundation. The World Health Organisation has also welcomed this legislation, stating:

... implementing the proposed legislation aiming to prevent tobacco advertising and/or promotion on tobacco product packaging will achieve its stated goals of: reducing the attractiveness and appeal of tobacco products to consumers ... increasing the noticeability and effectiveness of mandated health warnings; and reducing the ability of the tobacco product packaging to mislead consumers about the harms of smoking.

The World Health Organisation Secretariat goes on to say:

... this legislation will contribute to curbing the initiation of tobacco use, reducing tobacco consumption, and decreasing incidences of relapse in those who cease to consume tobacco.

... the WHO Secretariat strongly supports the proposed legislation.

But, of course, there are those who have finally caved in to the pressure. The Leader of the Opposition for so long remained silent—the visionless man, as we have come to expect, once again putting himself and his own interests before those of the nation. The British Tobacco charter states that political donations are given to 'influence the debate on issues affecting our company'. It is a no-brainer. The Leader of the Opposition loves his Big Tobacco—or anyone else who will donate to the Liberal Party, because he is not choosy where he gets his money from.

Labor has introduced many other initiatives to reduce smoking and its harmful effects. These reforms have been undertaken in the context of the government's commitment, as I said earlier, to the target of reducing the smoking rate among the Australian population to 10 per cent by 2018 and halving the smoking rate among Aboriginal and Torres Strait Islander people. These targets are consistent with the national preventative health targets contained in...
COAG’s National Partnership Agreement on Preventive Health. In order to achieve these goals we have increased the excise rate applying to tobacco products by 25 per cent; introduced legislation for plain packaging of tobacco products; introduced legislation to impose restrictions on internet advertising on tobacco products, in line with advertising in all other media; invested $61 million towards a national tobacco campaign, 'Every cigarette brings cancer closer', and $27.8 million over four years for social marketing campaigns targeting high-risk and hard-to-reach groups, and invested $14.5 million towards the Indigenous Tobacco Control Initiative. We have invested over $100 million towards COAG's National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes and the Tackling Smoking measure and introduced the first ever Aboriginal and Torres Strait Islander specific national anti-smoking television campaign, 'Break the chain'. We have provided $5 million in one-off funding to Quitline in 2009-10 and invested $102.4 million to support the provisions of nicotine replacement therapies and other quit-smoking supports through the PBS. We will continue to work in the national interest and not work to benefit Big Tobacco, which profits at the expense of Australians, the Australian economy and our health system.

I noted earlier the opposition member talking about the retailers. I have spoken to many retailers in my electorate who have also raised the issue of cigarette plain packaging and the extra time it may take their staff. But every one of them I have spoken to and asked, 'Have you had a look at ideas such as putting them alphabetically?' has seemed to agree that that would end the problem that has been raised in the email campaign across the nation. Putting them alphabetically would make it far easier for them to pick up, and would take half the time of what they are doing now. So there is a lot of support. Many retailers I have spoken to—many in our milk bars and local convenience stores—have said that these sorts of measures are important to decrease the rates of smoking. I notice the shadow minister laughing over there. I think that says more about his inability to do his work and his ineffectiveness and his lack of an understanding of the rates of impact of tobacco on health in general, which probably explains why he has not asked the minister a question in two years.

Mr Dutton interjecting—

Mr MITCHELL: You call it simplistic! Mate, you have not done a thing for two years. You have got cobwebs on your shoulders from sitting there.

The DEPUTY SPEAKER (Ms AE Burke): The members will stop interjecting across the table.

Mr Baldwin interjecting—

The DEPUTY SPEAKER: The member for Paterson, who would know that, should probably not interject.

Mr MITCHELL: I spoke about Philip Morris, in 1984, lamenting on the best way to address the decreasing sales of its flagship brand, Marlboro, in Australia and saying that the key problem seemed to be its lack of appeal to younger smokers and that this was the area that needed to be addressed. I think that is an important remark because it shows that it was advertising pushed directly to and aimed at encouraging younger smokers to take up the habit and line the company's pockets and the pockets of those opposite. Now I think it is time that the Leader of the Opposition stood up and actually stood for something and quit his dirty habit of taking tobacco donations. With that, I will conclude by saying that I think it is important that we commend this legislation to the House and wish it a speedy passage.
Mr DUTTON (Dickson) (11:36): I want to firstly commend the contribution by shadow parliamentary secretary Dr Southcott, who I think gave a very wise contribution to this debate. I want to address some of the issues which have been raised by others in this debate. Before I do that, I want—and I think it is important to do so in this process—to inform the public of how we got to this point. There has, for generations, been bipartisan support to address the issue of tobacco usage and uptake, in particular in Indigenous communities and among young Australians. That has matured over a period of time to a sensible point now where all stakeholders in this debate want to see a reduction wherever possible in smoking. We do not want to see increasing numbers of young people in particular take up smoking. They know cigarettes are a scourge and the health outcomes of smoking in a much better and a more informed way than did their parents or grandparents.

One of the remarkable aspects of this debate has been how the government has, in its desperation, in its flapping about from one issue to the next, tried to politicise this issue. I agree with much of what the health minister has said about the aspirations of this government to reduce smoking rates. It was the aspiration of her predecessor, the current Leader of the Opposition, and health ministers back as far as any of us can recall. But what has been different in this debate has been the way in which the current health minister has sought to denigrate the position of others in this debate, both in this chamber and outside, and the way in which the health minister has sought to discount views which might differ even slightly from her own.

It has been quite unhelpful because the opposition, when we were in government and as far back as the Fraser government, introduced measures and reforms in this area which we can be rightly proud of. The fact that smoking rates have declined over that period make us stand out in the western world in how low our smoking rates are. I have said in this place and to the media before that it is unfortunate that this government would seek to try and distract from other deficiencies—and there are many—that they have on their books at the moment. This is a government that by anybody's account has been the most incompetent, the most unable to implement change since the Whitlam government.

Ms Plibersek: Madam Deputy Speaker, I rise on a point of order: I am wondering whether the shadow minister intends to talk about the legislation at any stage.

The DEPUTY SPEAKER (Ms AE Burke) (11:39): Everybody at the table should understand that I get to determine if the member is being relevant. There has been some wide-ranging debate allowed on this bill but as he is the shadow minister with coverage of it, I hope he will get to the bill before the chair.

Mr DUTTON: Her actions speak loudly because this is the government that has taken an issue where there was bipartisan support, and where there remains bipartisan support, and has sought to turn it into a political issue. I think that is unfortunate. It reflects poorly on the government. To try to use the issue of tobacco control or reducing smoking rates—as I say, an admirable cause—to distract from other political issues is without precedence and it is unfortunate.
It is worth bearing in mind some of the outcomes in this area over the course of recent years. We do know that by 2010 the proportion of daily smokers in this country of 14 years and older had declined to 15.1 per cent. It was a downward trend that the Australian Institute of Health and Welfare says began in 1995. From 1989 to 2007 smoking rates in Australia declined by 40 per cent for men and 44 per cent for women. They were among the biggest declines in the OECD. For women, it was the biggest decline in the OECD. It was under a coalition government that the biggest decline in smoking rates occurred. In 1995, 23.8 per cent of Australians were smokers. By 2007 that had declined to 16.6 per cent. In the early 1990s smoking rates were declining by seven per cent annually. That rose to 10 per cent from 1997 onwards.

The biggest decline in cigarette sales in Australia, we now know, came in the years between 1998 and 2002. In that three-year period, total sales declined by 18 per cent and on a per capita basis by about 20 per cent. Many people rightly ask why did these significant outcomes come about? We know that in June 1997 the then Liberal health minister, Michael Wooldridge, began the biggest ever advertising campaign against smoking. In 1999 the Howard government reformed cigarette taxation from a weight basis to a per stick basis. This ended the unique situation where in our country tobacco companies could offer bonus cigarettes at discounted prices in packs of 25, 30, 40 or even 50. In 2006 then Liberal health minister, Tony Abbott, introduced the graphic health warnings on cigarette packets. In 2009 the coalition proposed a further increase in tobacco excise, perhaps the most effective means of lowering smoking rates. It took the Rudd government a further year to actually act.

It is also important to recognise in this debate that the first ban on advertising of tobacco products on TV and radio was introduced by the Fraser coalition government in 1976. We know that only now in America are they moving to institute the type of graphic health warnings on packets of cigarettes that the Liberal government introduced in 2006.

Australia does rank as a world leader. There are few nations who have lowered smoking rates further than our country has. We are considered a world leader and rightly so. Most of that action, as I say, was taken over the period of the previous coalition government. The point I come back to is that it was made in a bipartisan way and it was not used as some sort of a political axe to bang over the head of the then opposition, which is now in government. There has been a respectful debate up until this point. It is a very important point to make because there will be further actions that will be required both by this government and the incoming government, whoever that might be at the next election, to further reduce smoking rates. Like other health groups, interested stakeholders, people who have written to me and people who have expressed public support for the government's actions, we stand as one to make sure that we can reduce smoking rates and better inform consumers about the perils of taking up smoking. And we will continue to do that. I pledge in this debate that, if the coalition win at the next election, as health minister I will not use this as a political tool to assault the Labor Party. I accept that the Labor Party has, as does the Liberal and National parties, a bipartisan view that we should reduce smoking rates. I was the shadow health minister when we first recommended to the government, before they acted, to increase the excise on tobacco. We did that because there was clear evidence that increasing the price was a deterrent,
particularly for younger people, to continuing or to taking up smoking. We will continue those good endeavours to make sure wherever possible we can reduce smoking in this country. I think that is evident in the speech also, as I mentioned before, of Dr Southcott.

We have amendments to this bill that we think will strengthen the situation. The government want people to believe that they were the first to introduce measures to try to reduce smoking rates. I hope that today as part of this debate I have dispelled that myth. If you repeat a lie often enough, sometimes people will fall for it, but the fact is that the Liberal coalition government had a proud record which led to significant declines in smoking rates. We will continue to support measures which do that. It is important that this government recognise that the Australian people have called their number. The Australian people understand that this is not a competent government in the area of health. This is not a government, regardless which area of health you talk about—

The DEPUTY SPEAKER (Ms AE Burke): The member for Dickson has been given a great deal of latitude and now he is testing my patience. I draw him back to the bill before us in this debate.

Mr DUTTON: The point we make in this debate is that they do not have a good track record of implementing health policy.

The DEPUTY SPEAKER: The member is now defying—

Mr DUTTON: This is a health policy, Madam Deputy Speaker.

The DEPUTY SPEAKER: Yes, and I would really like you to address the bill.

Mr DUTTON: Can they effectively introduce these changes? How can that possibly be out of order? Can they introduce these changes? I am asking the question: how is that out of order?

The DEPUTY SPEAKER: You are not being relevant to the bill.

Mr DUTTON: Asking whether they can implement this bill is not relevant to this bill?

The DEPUTY SPEAKER: The member for Dickson has actually not at any stage addressed the bill. I have allowed him 10 minutes of ignoring the bill to make his point.

Mr DUTTON: Plain packaging tobacco is the bill we are discussing, Madam Deputy Speaker.

The DEPUTY SPEAKER: That is exactly right and you went through not the actual bill, the legislation before us, but the history of the Liberal Party. I thought that was reasonable. I have allowed that for 10 minutes. I think in the last remaining three minutes you could actually refer to the bill and the position in your amendments. I ask the member to return to the bill.

Mr DUTTON: Madam Deputy Speaker, I am happy to forward you a copy of the Hansard post this to aid the process, but the point is, in relation to this bill: can the government get it right? Has the government got the right mix in the black letter law that it provides in this bill? Can the government implement policy in this area that is going to be effective? That is the question in relation to this bill that is before this House.

This government has taken a particular course of action. I have outlined the history in this area of public policy. I do think it is incredibly important for the House to consider whether they believe this government can introduce the changes they have before the House. When we examine clause by clause every aspect of this bill, the questions need to be: is the government
opening the taxpayers up to liability and will we see the reduction in smoking that we all want? These are the questions that need to be asked. It is rightly put in terms of the historical context because these are the very issues that the minister herself raised in relation to this bill. Why are we at a point in history where we do have low smoking rates? What has contributed to low smoking rates? These are issues which the minister has publicly discussed and which we have debated in this chamber and in the public eye otherwise. These are issues which are rightly addressed as part of this debate.

Can the government get it right in terms of plain packaging? Is this the start of plain packaging, as the government might like us to believe? No, it is not. As I said before, when the graphic health warnings were introduced in 2006 by a Liberal government that was in effect taking away from the bling of packaging that young people saw when they purchased packets of cigarettes. This is a reasonable question to ask as part of this debate: do the Australian public believe that the Gillard government has the ability to introduce these changes, however well intentioned they may be? We want to assist in every way possible the government to reduce smoking rates.

I think it is for the public to judge whether there is a case for the political way in which the government have conducted themselves in this debate. I think it has been a shameful exercise. We want to make sure when we get into government that we do not use the issue of reducing smoking rates, particularly for young people and in Indigenous communities, as some sort of a blunt political axe. I think all of that will be for the people to judge at the upcoming election. I ask people to judge this government by their performance so far.

Mr NEUMANN (Blair) (11:51): I speak in support of the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. The contribution of the member for Dickson was the most innocuous and ineffective I had ever heard since I have been in this place. That goes to show how those opposite are all over the place on this legislation. I want to quote from the Australian Medical Association's submission to the House of Representatives Standing Committee on Health and Ageing which inquired into these two pieces of legislation. They support what we are doing here and in their submission to the inquiry they said:

There is evidence that attractive, decorative and brand-recognisable tobacco packaging is intended by the tobacco industry to sustain smoking and encourage its uptake, and that it does have an effect on these behaviours.

The AMA, in its submission into these two pieces of legislation, makes it critically clear that it supports what we are doing with respect to banning all forms of promotion of tobacco products, including at the point of sale, and increasing the taxation on tobacco products, and it outlines the reason for it. This is important legislation, and I commend the AMA for its submission.

I note also that there is a letter which has been sent to all federal parliamentarians from the Cancer Council and the National Heart Foundation, signed by 260 health and medical professors, again making this point: There is compelling evidence that plain packaging will make an important contribution to reducing the appeal of smoking, particularly to children and young people. The cigarette pack is the last remaining vehicle through which tobacco companies can legally promote their products in Australia and the move to plain packaging has been recommended by key health authorities such as the World Health Organization, the National Preventative Health Taskforce, the AMA, the
Cancer Council, the Heart Foundation and the Public Health Association of Australia.

And why are they all coming out in support of this? Because there are real consequences to the use of tobacco in this country. In my home state alone, each year nearly 21,000 Queenslanders are diagnosed with cancer and over 7,000 Queenslanders die of the disease. This legislation that is here is part of a matrix of measures we are undertaking—a package that includes the 25 per cent increase in tobacco excise which we introduced on 29 April 2010.

The use of tobacco has serious consequences to Australians. In terms of the social cost, it costs Australians $31.5 billion each year, including health costs, and on average people who smoke lose 10 years of life expectancy compared to lifelong non-smokers. Sadly, we still have about three million Australians smoking; that is about 16.6 per cent of the population. Smoking is one of the leading causes of preventable death and disease among Australians, killing about 15,500 Australians a year.

So there are good reasons why we are taking this particular measure. The legislation here regulates the retail packaging and appearance of tobacco products to improve public health and give effect to our obligations under the World Health Organisation Framework Convention on Tobacco Control. It makes it an offence to supply, sell, purchase, package and manufacture tobacco products for retail sale, other than products and packaging that comply with the plain packaging requirements. The effect of these amendments is to remove tobacco branding, logos, symbols and other images which may currently be used in such a way as to appear to glamorise the sale of tobacco. The only feature permitted to distinguish one brand from another will be the product name in a standard colour, position, font size and style. This is a world first and it will make a difference, we believe. It has the support of the peak bodies that I have quoted, and I will listen to them rather than to the tobacco companies, who have undertaken a campaign and organised front organisations to simply protect their profits. Why would we protect what they have to say? These companies have a history of not actually accepting the responsibility that they undertake; also, they cannot be trusted with the facts—from Philip Morris hiding second-hand smoking harm for 20 years to the British American Tobacco website, in 2010, belatedly acknowledging worldwide health concerns about smoke causing harm but arguing that the relative risks were weak and did not reach statistical significance. They argued that non-smokers and smokers could be accommodated.

So the health of Australians should not be left to the whims, wishes and aspects of health policies adopted by tobacco companies who are pursuing profits alone and simply want to get Australians more hooked on their addictive products. The reality is that we need to support our young people. If we are going to be involved in the National Preventative Health Strategy, making sure young people live healthy lives and protecting our future generations, we need to undertake measures such as the measures that are before this particular chamber.

These bills enable the development of regulation to specify plain packaging requirements and the conditions for appearance of products. Of course, there are sanctions. As I said before, they are based on penalties set out in the Competition and Consumer Act, and they are quite significant penalties. When I looked at those penalties and at the legislation, I found that they are very substantial. We hope they will act as a real disincentive to breach the law. There is an infringement notice provision that allows...
infringement notices to be issued to an individual or a body corporate susceptible of committing a strict liability offence. We are talking about hundreds of thousands of dollars—penalty units of that nature—and I think that is warranted.

The second aspect of this particular strategy we are undertaking deals with trademarks. This is where—despite the platitudes, the barking of banalities by the member for Dickson in relation to this and the soothing words—the true facts are that the coalition are all over the place on this and have been. I do not think they have ever had their heart in this particular reform. The Leader of the Opposition has never really been a believer in plain packaging; I do not think he really has. We know that he made this statement on ABC AM on 2 July 2009:

One cigarette I am told does you damage but it does you so little damage. It is only when you start smoking a lot of cigarettes for a long time that it starts doing very serious damage. So being hard hearted to your kids, not encouraging them to be their best, I think are probably much more serious parental crimes and so I personally would not get hung up on something, in my view, as trivial as smoking while the kids are in the car.

The coalition have been all over the place. We saw the member for Dickson not even addressing the amendments that they are putting or this legislation, because they are playing every side of the street on this. You do not know whether they are Arthur or Martha.

This legislation—particularly the second aspect, in relation to trademarks—makes it clear that if necessary the government will quickly remedy any interaction between the Tobacco Plain Packaging Bill 2011 and the Trade Marks Act 1995 that cannot be dealt with under the Tobacco Plain Packaging Bill 2011. The bill amends the Trade Marks Act to permit regulations to be made in relation to the operation of the Tobacco Plain Packaging Bill 2011, including the power to deem conditions to be met and to make regulations that are inconsistent with the Trade Marks Act 1995. We have heard people opposite talk about this. They have made some comments that this would avoid parliamentary scrutiny, but any regulation made under the legislation could be disallowable by the parliament. It is not as if the coalition government did not do this when John Howard was the Prime Minister. They did this in relation to the Trade Marks Act in 2000. The coalition are just playing politics in relation to this. They claim we are, but in fact they are playing politics in relation to it. They used the same regulatory power when they were in government and now they are just simply showing their true colours by saying one thing to health groups and saying another elsewhere. They have not addressed this front and centre.

These are important amendments because they send a very clear message. Cigarette packs will now only show the death and disease that comes from smoking. Too many people have undertaken smoking, and I am sure all of us have been in rooms and places where smoking has simply diminished the enjoyment of that particular space. The new packs are designed to have the lowest appeal to smokers and to make it blatantly obvious of the impacts and consequences of use of tobacco on your health.

These are tough tobacco advertising laws and we do not resile from that. We were the first signatory, the first country in the world to commit ourselves to making sure that we carry out the recommendations in relation to plain packaging. We do it on good national preventative health grounds. We believe it is appropriate to do this and we believe that the necessary legislative framework ought to be undertaken.
I will end shortly in relation to this issue but I want to say that, whether it is by accepting donations from tobacco companies or it is with this sort of legislation, the coalition cannot be trusted on this. For them it is black or is it white—no. This legislation is important and they should support it. If they are going to be consistent with the Australian public and they are going to be consistent in this place, they should support it. They have no good record on which to stand. They have tried to make out that they do, but this legislation is particularly important.

The DEPUTY SPEAKER (Ms AE Burke): I am going to try to be consistent and ask the member for Blair to talk to the bill. If I gave it out to the member for Dickson, I am going to give it out to you as well.

Mr NEUMANN: Mandating packaging in a standard dark brown colour will be good for smokers in my electorate, in Ipswich and the Somerset region, because of the lower appeal. We should make sure that the health of Australians is promoted and that people do not die unnecessarily, contract cancer unnecessarily, get bronchial problems unnecessarily, have pulmonary disease unnecessarily or have heart problems unnecessarily. Anything we can do to improve the health and welfare of Australians should be what this parliament is all about. This legislation does it; this legislation goes in accordance with our target. We have a COAG national health agreement aimed at reducing national smoking rates to 10 per cent of the population by 2018 and halving Aboriginal and Torres Strait Islander smoking rates. We should support that legislation, and the coalition should hang their heads in shame by playing every side of the street in relation to these bills.

Mr TRUSS (Wide Bay—Leader of The Nationals) (12:03): I am a nonsmoker; in fact I have never smoked. I have never contributed a cent to the government's cigarette excise tax, and I certainly have no intention of starting. But I guess I have, like everyone in my age bracket, spent quite a bit of time in smoke-filled rooms—particularly before I came into this parliament—attending meetings and functions and just participating in everyday life.

Of course in my early days in this parliament, whilst no-one smoked in this chamber to my knowledge, people certainly were able to smoke right through the rest of the building. There was something of a tortuous campaign over quite a lot of years for smoking to be ended in this place. I can still, I guess, smell the memories of Alexander Downer's cigars wafting down the ministerial corridor. Of course, he was not the only one. There is no doubt at all that the nation's attitude towards cigarette smoking and the perils of smoking has changed. Indeed, I spend a lot of time in my own office and in other places encouraging people to give it up. I suppose I am not coming from very sound ground in that I never had to give it up myself because, fortuitously, I never started. But certainly it is beyond question that cigarette smoking has damaged the health of many Australians and that the decline in cigarette smoking is welcome.

Having said that, this legislation is not going to do anything to reduce the number of people who smoke. As a National I believe first and foremost in the freedom of the individual, and that governments should stay out of the lives of people where there is no clear reason to be there. Australians do not like to be preached at by politicians or anyone else about how they should live their lives. Sometimes when governments intervene the cures end up being worse than
the problem. This legislation to impose plain packaging on cigarettes has been described by some as a 'nanny state initiative' and by others as a waste of time. My chief criticism is that for all the cost and the inconvenience it will not deliver any result.

The government, like many previous governments, came into office promising to get rid of regulations: 'one in, one out' was the slogan at the 2007 election. Since Labor have been in office they have created 1,235 new regulations on the last score that I saw and they have repealed 58—another broken promise. This is another piece of regulation that is going to be added to the network; a piece of regulation that will achieve no worthwhile benefit.

As proposed, the legislation represents a significant problem for small retail operators and consumers. It threatens to drive customers from small business into the arms of the retail giants. To cap it all off, as a smoking prevention measure, as I said before, it simply cannot work.

Cigarettes are already required to be stored in places in shops out of the sight of the purchasers. They have to be in closed cupboards—doors in front of the cigarette displays—so people cannot see the cigarettes. They cannot see the packets, let alone what is on the label. So how is this change in the labelling arrangement supposed to deliver monumental reform? In the shops where people might be tempted to buy they cannot even see the packets—it is against the law to display the packets—so why does the colour of the label make a difference?

I heard the previous speaker talk about decorative packaging attracting people to smoking cigarettes. Putting aside the fact that the packaging is not very attractive even now, and assuming that this takes a little attraction away from the decorative appearance of the packs, who would know? They are hidden at the key time away from the customer's sight. They are hidden behind doors so that they cannot be attractive to customers, no matter how decorative the packaging might be.

Wrapping cigarettes in olive coloured plain packets has been proudly proclaimed by Minister Roxon as a world first. That is true, but it is also just Labor-speak for 'untested, untried, unnecessary and with no evidence that it can possibly work'. It is a smokescreen. It is legislation introduced simply to claim some moral virtue but which will achieve absolutely nothing. It is designed more to change the subject away from the carbon tax and Labor's other administrative failures—in particular, Labor's fundamental promise to deliver health reform. Former Prime Minister Rudd said that, if that promise could not be delivered, there would be a referendum to ensure that the Commonwealth had the powers to deliver it. But that has now been abandoned. The Commonwealth walked away from delivering any kind of reform in health. Its fundamental agenda in delivering better services in health to the Australian people has been abandoned, and instead we have this smokescreen, this issue put up in lights which will make no practical difference to people's health. It is only to take their minds away from Labor's failures on matters that really count.

Smoking rates are falling and they will continue to fall, regardless of this legislation. It was the coalition in 1997 that launched what was at the time the biggest ever national advertising campaign against smoking. It was something people could see, something that made them aware of the issues; not something hidden behind closed doors in a retail outlet. It was the Howard government and Tony Abbott as health minister that introduced the graphic health
warnings on tobacco products in 2006—again, something that people could see, that was ever-present, when they chose to buy cigarettes and when they took a cigarette from the packet.

Under the coalition government the prevalence of smoking fell markedly, from 21.8 per cent in 1998 to 16.6 per cent by 2007. The decline in smoking rates in Australia, a fall of 40 per cent for men and 44 per cent for women between 1989 and 2007, were among the biggest in the OECD. The fall in smoking rates among women was the biggest in the OECD. So there have been significant achievements. There has been progress made in reducing cigarette smoking. From my perspective I say that is welcome. But this measure will make no contribution to actually reduce smoking rates that can in any way match the rhetoric that is being delivered by government members.

The coalition have said that we will support the bill, but there will be provisos and some amendments because we are concerned that the interests of small retailers are protected. Specifically, the government's consultation with small business has been mismanaged to the point where small business has simply been shut out. Small retailers are concerned that the government's plain packaging proposal will adversely impact on their stock management and complicate their point-of-sale dealings with their customers, causing difficulties in differentiating between packets that look almost identical. The legislation will cause damage to small business. It will add to their costs, reduce their profitability and cost jobs.

In June a report by Deloitte commissioned by the Alliance of Australian Retailers found that plain packaging of cigarettes would have a detrimental impact on service stations, convenience stores, newsagents and milk bars: 'It will result in creating a new competitive advantage in favour of the major supermarket chains.' This is not just an inevitable consequence to small business of a decline in cigarette smoking; this is an initiative which will actually result in people instead of buying their cigarettes from a small local retailer, buying them at the major supermarket chains. So the effect of the lost business for small retailers does not improve smoking rates; in fact it transfers more of the custom, more of the retail sales, to the large supermarkets. This study had really quite incredible figures: a staggering 61 per cent of tobacco consumers and 71 per cent of non-tobacco consumers would choose a supermarket over a small retailer rather than experience the inconvenient delays which this legislation will create at smaller shops.

We know that small retailers are already doing it tough. They are mired in an industrial relations mess; they are forced to lay off staff due to inflexible hours and the work provisions that are legislated. They have the additional cost of a carbon tax ahead of them as well.

Under the legislation as drafted, staff will be tied up with longer and more confused customers, not sure whether they have the brand they choose, wanting to bring them back later when mistakes have been made, spending extra time identifying which brand is which in a shelf where every packet is supposed to look as near as possible to the same.

When your primary business driver as a small retailer is the convenience that you provide—you set yourself up as a convenience store—anything that impedes that valued proposition is a killer. In fact, according to Deloitte research, a 34 per cent reduction in tobacco customers coming through the doors of small retailers would see small businesses lose up to $1,880 a
week; $942 a week for the average service station. Small business is the backbone of our economy. We rely on it so much in regional Australia and they are all feeling the pinch. For many, this will be the straw that will break that backbone. These legitimate concerns did not even get a look in. These bills were both referred to the House of Representatives Standing Committee on Health and Ageing. The committee’s sole focus was on the health impacts of the bill. Small retailers were denied the ability to even present their case. This has been a glaring fault in the government’s entire process. Even the committee’s chair, Labor’s Steve Georganas MP, stated his view that those aspects of the bill should have been referred to the economics committee and the legal affairs committee. He noted that his committee did not have the scope to deal with retailers' concerns, so they were effectively shut out.

Based on the concerns raised with me and my colleagues by small businesses during the consultations with them, the coalition is moving an amendment to the Tobacco Plain Packaging Bill 2011 that will allow the use of the tobacco company trademark on one of the two smaller outer surfaces of the cigarette carton. That will at least help them with their stock management but will make no difference in drawing attention to the particular brand's trademark at the retail level. The intention is to help overcome these stock management concerns without undermining the public health intent of the packaging proposal.

Australia’s bulldust barometers are well tuned, and they have been red hot on this government for a while. In May of this year a Galaxy poll commissioned by the Institute of Public Affairs found that 55 per cent of Australians believe we have become a nanny state and that government intervention and control in our lives has gone too far. The figure in regional areas is 59 per cent. The poll showed that 73 per cent of people think governments are preoccupied with making regulations and imposing control over people’s everyday lives rather than focusing on more important issues such as genuine health reform, crime, education, roads and transport.

Mr John Roskam, Executive Director of the IPA, said the polling showed that Australians are fed up with governments making rules that overly interfere with their lives. He said:

An important part of the Australian way of life is the freedom to do what you like as long as it isn’t hurting anyone else. But at the moment, governments are trying to create rules for everything from where I can fly a kite with my children, to how I can enjoy a quiet beer or what sort of food I can eat.

I guess his complaint is illustrated by the latest new campaign to try and put health warnings and cigarette package-style labels on Australian wine. Imagine buying your bottle of Grange—a once-in-a-lifetime investment for most people—and having it all covered up with appalling pictures which make the product look unattractive.

This government have never found a tax they do not love, and they have certainly added significantly to cigarette taxation. That was a tax grab masquerading as health reform. Today we have labelling regulations which are all designed to give the impression of health reform but in fact will do absolutely nothing to reduce the level of cigarette smoking in our country or to improve the health of the nation.

Ms ROWLAND (Greenway) (12:18): I am very pleased to rise in support of the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. I would especially like to acknowledge the Minister for Health and Ageing for her steadfast commitment to
removing one of the last bastions of advertising and promotional opportunities for the tobacco industry, an industry that is responsible for a product which accounts for over 15,000 premature deaths in Australia every year—a product that is accountable for the single largest cause of preventable morbidity and mortality.

We on this side of the House have a proud record of both instigating and supporting anti-smoking, which I would like to reiterate: in April this year, announcing plans to increase tobacco excise by 25 per cent; investing record amounts in anti-smoking social marketing campaigns; the implementation of world-leading graphic health warnings; supporting smoking cessation tools and programs; and prohibiting tobacco advertising online. Smoking rates in Australia have not dropped by magic. It is as a result of such policies.

This bill continues this government’s commitment to reducing smoking rates and stopping the very preventable deaths caused by smoking. As outlined in the explanatory memorandum, this bill will prevent tobacco advertising and promotion of tobacco products in order to reduce the attractiveness and appeal of tobacco products to consumers, particularly young people; increase the noticeability of mandated health warnings; reduce the ability of tobacco companies to mislead through advertising; and contribute to efforts to reduce smoking rates.

We all know why we must tackle smoking rates. Smoking is a known killer, despite what some members opposite have espoused in the past and, not so long ago in this place, interjected in some parts of this debate, with cries of ‘Where is the evidence?’ It costs the economy $31.5 billion per year in social costs, including $5.7 billion per annum attributed to absenteeism and a reduction in the workforce. This government is committed to reaching the COAG National Healthcare Agreement target of reducing the rate of smoking in the Australian population to 10 per cent by 2018. Currently, the rates of daily smoking are at around 15.1 per cent of those aged 14 or older.

This bill will also work towards achieving article 11 of the World Health Organisation Framework Convention on Tobacco Control: ‘Packaging and labelling of tobacco products’. For the WHO FCTC to materialise, the drive and commitment which were evident during the negotiations will need to spread to national and local levels, and I am confident this bill will contribute to delivering the WHO FCTC goals in our own local communities.

I would like to turn to some of the main provisions of the bill. This bill will make it an offence to sell, supply, purchase, package or manufacture tobacco products or packaging for retail sale that are not compliant with plain packaging requirements. Chapter 2 of the bill sets out the detailed requirements relating to the packaging of tobacco products and the products themselves. The most notable effects of this bill will be that tobacco company branding, logos, symbols and other images that may have the effect of advertising or promoting the use of the tobacco product will not be able to appear on tobacco products or their packaging. So as to identify the particular brand or variant of the tobacco product, the brand name and variant name will be allowed on packaging in specified locations with a specified plain appearance. Information which is required by other legislation or regulations such as trade description and graphic health warnings will be allowed to appear.

Many years ago as a young smoker, I smoked the glamour brands. I could not
afford their jewellery, their clothes or their accessories but I could afford their smokes. So I speak from personal experience about the power of the brand for young people and for young women in particular. I want to talk about one of the main reasons that this is such an important policy area because it will save lives and it will save lives locally. As indicated by the Cancer Council Australia advocacy director, Paul Grogan:

Plain packaging for tobacco products has the potential to be one of the most important policy measures in Australian history for reducing cancer deaths from smoking.

The Cancer Council goes on:

Reforms to how tobacco products are promoted through packaging are essential to reducing the unacceptable level of death and disability caused by smoking in Australia.

I also have a special responsibility to support this bill due to an unfortunate reality that exists in my electorate of Greenway. According to the New South Wales Department of Health, Western Sydney where my electorate lies experiences some of the highest rates of avoidable deaths from causes amenable to health care. This research shows that in every 100,000 males under the age of 75, 77.4 per cent of them will die of avoidable deaths.

A study undertaken by the Australian Institute of Health and Welfare in 2007 compared lung cancer mortality rates amongst people living in Western Sydney, Sydney, New South Wales and Australia. This study found that people in Western Sydney experienced the highest lung cancer mortality rate when compared to the aforementioned regions, and that is why, as I said, I have a special responsibility to my electorate to support these bills.

The Blacktown Local Government Area also has the largest urban Aboriginal and Torres Strait Islander population in New South Wales and one of the highest in Australia with over 7,000 people making up 2.6 per cent of the population. This compares with 1.4 per cent for Greater Western Sydney and only 1.1 per cent for Sydney. Unfortunately, smoking rates among Indigenous Australians are considerably higher than those for the non-Indigenous community in every age group. I am confident this bill will work to reduce smoking rates and work to save lives in my electorate.

This government has listened to the experts in social and health policy and formulated the most effective and efficient way to reduce smoking rates in Australia. In his paper entitled, 'Plain packaging' regulations for tobacco products: the impact of standardizing the color and design of cigarette packs, Dr David Hammond writes:

The evidence indicates three primary benefits of plain packaging: increasing the effectiveness of health warnings, reducing false health beliefs about cigarettes, and reducing brand appeal especially among youth and young adults. Overall, the research to date suggests that 'plain' packaging regulations would be an effective tobacco control measure, particularly in jurisdictions with comprehensive restrictions on other forms of marketing.

Becky Freeman and others writing for the journal Addiction in 2008 note:

Plain packaging of all tobacco products would remove a key remaining means for the industry to promote its products to billions of the world's smokers and future smokers. Governments have required large surface areas of tobacco packs to be used exclusively for health warnings without legal impediment or need to compensate tobacco companies.

This is how successful health policy is formulated; unlike some of those opposite we listen to the medical and health experts and develop policy accordingly.
Recently, big tobacco has been running what I believe is an extremely disingenuous campaign around Australia decrying the government's reforms as an example of the nanny state imposing itself on the free will of the Australian people. Even a select few on the other side of the chamber continue to champion big tobacco's nanny state crusade. We know that they are supporting this bill under duress and I am sure they think they are real heroes, but I would challenge them to watch someone die of cancer and then see how brave they are.

As Professor of Global Health at the University of Melbourne, Rob Moodie, highlights:

Closer to home, governments have been accused of nanny statism in the process of implementing all of our greatest public health reforms. Government interventions in health have resulted in some of the most outstanding public health successes. Interventions to reduce road trauma with seatbelts and speeding restrictions have saved the lives of hundreds of thousands of Australians. In this debate I have heard arguments of so-called nanny statism going back to complaints about things such as random breath testing, which states introduced so that drunk drivers do not kill innocent people. We have complaints about designated smoking areas in licensed premises. The reason for that is that hospitality workers were dying of passive smoking inhalation.

In the 1950s, 75 per cent of Australian men smoked. Since then Australia has prohibited tobacco advertising, removed sponsorships, restricted point of sale displays, and outlawed smoking in restaurants and bars and many public spaces. As a result smoking levels, as I have mentioned, are now below 16 per cent. But, I am sure the very select few on that side of the House who have spoken out against this plain packaging reform would decry all of these public policy successes as more examples of the hand of the nanny state impinging on our personal liberties.

As well as running a nanny state scare campaign, big tobacco has said, using a curiously illogical argument, that these reforms will not curb the rate of smoking amongst Australians but will still ruin small retailers because they will sell less product. The previous speaker quoted research by the Alliance of Australian Retailers, a body set up by big tobacco. You only need to go to their own website to see that. This is utterly disingenuous and you cannot have it both ways. The writing is on the wall for big tobacco.

This bill continues this government's resolute commitment to improving the health outcomes for all Australians. It is not about impinging on the rights of the individual, but improving the health outcomes of the community. This bill sends a clear message that the glamour is gone—that cigarette packs will now only show the death and disease that can come from smoking.

In closing, I would like to echo the words of the Minister for Health and Ageing regarding this debate:

Big tobacco are fighting to protect their profits, but we are fighting to save lives.

In the words of World Health Organisation's Director General, Dr Jong-wook Lee:

The WHO FCTC negotiations have already unleashed a process that has resulted in visible differences at country level. The success of the WHO FCTC as a tool for public health will depend on the energy and political commitment that we devote to implementing it in countries in the coming years. A successful result will be global public health gains for all.

I think it has been evident to see that this government does have this commitment to achieve the WHO FCTC goals and I am certain we will see public health gains for
Australians overall. I am confident in the research. I am confident that this bill will reduce smoking rates in our community, especially amongst our younger people. If we all agree that smoking is undesirable, we need to do everything we can to curb people taking it up and encourage people to quit. That is why I urge all members to support this bill.

Mr BRIGGS (Mayo) (12:30): I rise to speak on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. I follow on from the speech from the member for Greenway, which she just read out to the parliament. This is an issue which the Labor government and the Minister for Health and Ageing, 'nanny-state Nicola', have tried to make completely—

The DEPUTY SPEAKER (Ms AE Burke): The member will refer to the minister by her appropriate title. This is not a debate that should be so willing.

Mr BRIGGS: I thank you for your advice, Madam Deputy Speaker, and I agree very much—

The DEPUTY SPEAKER: It is not my advice; it is my ruling. It is the standing orders and I would like you to follow them. Thank you.

Mr BRIGGS: I will follow your ruling, Madam Deputy Speaker.

Mr Dreyfus: Withdraw!

Mr BRIGGS: Coming from you, Minister? You complete hypocrite!

The DEPUTY SPEAKER: Order! The parliamentary secretary at the table is not assisting.

Mr BRIGGS: This is a debate that we have seen the minister politicise, day in and day out for over three years, with promise after promise of legislation to be presented, and finally we see a bill. What a surprise that the Labor Party introduces a bill, the cognate bill, which we think is fundamentally flawed at law. That is why we will be opposing the bill. Who could trust this government to implement world-leading reform in the first place? This is an issue which I think the parliament should be very conscious of in considering both of these bills.

As the shadow parliamentary secretary for health has indicated, the coalition will support the first bill, and we do so with some reluctance, it must be said—or I do so with some reluctance. I think that what we are seeing here is politics being played out through health policy. We are seeing the politics of the nanny state take over effective consideration of what reasonable health policy should look like.

We just heard the member for Greenway, when reading her speech, moralising that we allegedly run scare campaigns in relation to this issue and then suggesting that those of us on this side should watch people die of cancer. I think that highlights just what the Labor Party are seeking to do in pursuing this legislation. The coalition's record in relation to health outcomes on tobacco is second to none. The Leader of the Opposition, while he was the Minister for Health and Ageing in the Howard government, with the member for Sturt introduced substantial legislation in relation to graphic health warnings on labels. They implemented this measure and it was part of a series of measures that contributed to a reduction in the smoking rate in our population. It was an important health reform that informed people about the dangers they face if they consume tobacco, which today is still a legal product.

What we are now seeing is a step into quite dangerous territory, where the state is beginning to remove the opportunity for people to make decisions about how they...
live their own lives. This is a step down a path which will lead to several outcomes which the health lobby and people who wish to see a greater role for government in people's lives will use as an example in their pursuit of their aims. Those include putting warning labels on alcohol products and removing people's right to choose what food they eat and how much time they spend watching television—how they live their lives in general. It is a difference between those who sit on this side of the parliament and those who sit on the other side. Those who sit on the other side of the parliament believe that the government has the right and the ability to tell people how to live their lives and how they should regulate their lives every minute of the day. They know better than the individual about how to go about living their lives!

The fact is that people know, and have every opportunity to know, that smoking causes health damage. It causes cancer. It is written on the packet. It says on the packet: 'Smoking kills'. I have never smoked and have never been inclined to smoke, but I defend the right of people to engage in what is a legal practice. With this legislation, we have moved towards an area which raises questions. If the government are willing to do this, think this issue is so serious and want to take this action, why don't they simply ban the activity? Some people suspect that the vast amount of revenue that they receive from the sale of tobacco is probably the reason that they do not just ban the consumption of tobacco.

As I said at the beginning of my remarks, this is an issue which has been overtly politicised by those on the other side. Day after day, we have seen the minister for health draw links and abuse the Leader of the Opposition for allegedly being in the back pocket of big tobacco. That went on until early June, when it was revealed that the minister for health herself had been keen on tobacco company donations. We know that because we have a copy of a letter from the now Minister for Health and Ageing, written when in opposition in 2005—and I understand there was a letter the year later, which was after the Labor Party had decided to no longer accept donations from tobacco companies—to Philip Morris, a tobacco company, seeking donations and seeking their company at a dinner to introduce them to none other than the member for Kingsford Smith. The now minister for health wrote:

Once in every electoral cycle, I approach local businesses, friends and supporters asking for their support so I can continue the work I do as the federal Labor member for Gellibrand and the shadow Attorney-General.

That was the role that she was in at that point. The letter continues:

It is therefore my pleasure to invite you to support my re-election by attending an interesting evening in beautiful Williamstown. On this occasion I am pleased to introduce you to two distinctive members of the Labor frontbench team, Peter Garrett and Stephen Conroy.

Peter Garrett really needs no introduction. Elected last year, Peter is known for his time as Midnight Oil's lead singer and his passion as a committed environmentalist. Peter is currently Labor's spokesman on arts and reconciliation.

The letter then goes on to sing the virtues of having dinner with Stephen Conroy—virtues I do not see—and then says:

I hope that you will be able to attend this evening to gain a new perspective on Labor, the West and the Bay and I look forward to your continuing support.

That just bells the cat on the absolute and utter hypocrisy that we see from the Minister
for Health and the Labor Party when it comes to this issue. The minister for health was also not averse to accepting corporate hospitality from tobacco companies, attending the tennis with Philip Morris—according to her own register of interest.

This highlights exactly what this bill is all about—trying to be political with health policy, trying to create a political wedge, trying to create an issue that the Labor Party can campaign on against our side of politics. It says everything about the Labor Party when one of the bills that they have drafted raises serious questions in relation to whether it is even possible to implement it—that is, the bill relating to the trademarks amendment—which is the very reason that we seek to oppose it.

This is not about standing up for so-called big tobacco; it is about standing up for the rights of people to live their lives the way they wish to. As I said, to ensure that this political campaign being run by the minister for health is no longer able to continue, we will reluctantly allow this bill to pass. We do not think it will make a difference to the health outcomes for people. We believe there are better and more efficient ways to ensure that people do not take up the habit of tobacco smoking. There are of course good health reasons not to take up the habit—and I certainly wish people would not. I have never seen the attraction in doing so, but I do see the attraction in ensuring that the spot the government sits in our society is not one where it takes responsibility away from people to the extent that this government seeks to.

I say again that this is the first stop on a bus which is designed to unduly restrict the way that people can live their lives. I think it is a dangerous direction that the country is taking. It is sending the wrong signal to people. It is sending a signal that the government will fix your problem and the government will always make the decision for you. It is taking away people's personal responsibility. It is taking away the right of small business to be able to run their business at what is, in any event, a difficult time.

This is the Labor Party writ large. It is about politics. It is about what their genuine view is about their role in people's lives. We take a different view. We take the view that people can be trusted to make decisions in their own best interest and that the government should not be there to tell them what to do and what not to do, except in the limited circumstances in which a state has a role in our society. This is, I think, a major step across that line. We raise issue with it. I am happy to raise issue with it. I am sure those on the other side will again link us to cancer, as the member for Greenway did—not that they ever run scare campaigns!

Recently we saw the Minister for Human Services on the Q&A program accuse us of running scare campaigns and then turn around and say that we would not have any food left in the country in 20 years time. Of course, they on the other side do not run scare campaigns!

Mr Morrison: And the Central Coast is going to flood.

Mr BRIGGS: That is right: the Central Coast is going to flood is another one. 'It is all factually based information driven by a good health policy,' we heard from the member for Greenway, 'and if you do not support it you support cancer'.

I do raise issues with this bill and I do raise issues with the direction that the government is taking in this respect. I am sure those on the other side will try to make cheapjack politics out of that. But it is the role of this place to question the direction of government policy, and I do question the
direction that we are taking in this country where we tell society, 'The government knows better than you.' We do not and we should not. People should be left to make their decision on the consumption of legal products. This is a legal product. If the government are serious about the rhetoric of the member for Greenway, they will ban its use. That would be a more consistent position for the Labor Party to take.

To be lectured to by a minister who, quite frankly, is the biggest hypocrite in this debate—writing to cigarette companies and asking for donations at the same time as trying to get into this place, and abusing us and alleging that we are supporting big tobacco purely for donations—sums up exactly where the Labor Party are at. As I indicated, we will support the first bill, the Tobacco Plain Packaging Bill 2011—with reluctance, I do—and we will be opposing the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011.

Ms Hall (Shortland—Government Whip) (12:44): It is no surprise to anyone on this side of the House that the opposition is opposing the Tobacco Plain Packaging Bill and Trade Marks Amendment (Tobacco Plain Packaging) Bill, because the one thing that the opposition in this parliament does, and does really well, is oppose absolutely everything. I was very interested to hear the previous member's comment when he said that individuals need to make decisions in their own interest and they are the best people to take that decision, so when it comes to consuming legal products that individual can make the decision as to what they should do and no-one should interfere in any way. I would assume, then, that the member opposite would be opposed to random breath testing. He would believe that people can consume as much alcohol as they like and drive cars. It seems to me as though the member that spoke previously—

Mr Briggs: I bet you wouldn't go up to the clubs and say this.

The DEPUTY SPEAKER (Ms Vamvakinou): The member for Shortland will be heard in silence.

Ms Hall: has a very skewed vision on this particular issue. I find it interesting that this legislation was referred to the Standing Committee on Health and Ageing by the Selection Committee. I know it was not referred to the health and ageing committee by any of the government members. Those people that referred the bill should make sure that they refer it to the right committee. They referred it to the health and ageing committee to look at the trademarks amendment part of this legislation, and the bill was referred to the wrong committee. I think that those people that referred the legislation to that committee should take a little bit more care as to where they refer legislation. I will just share with the House the recommendations of the committee. It recommended that the Tobacco Plain Packaging Bill and the Trade Marks Amendment (Tobacco Plain Packaging) Bill pass the House. This was a unanimous report of the committee. The chairman—and I know he is to speak in this debate—pointed out in his foreword that he would like a lot more care taken when referring legislation.

The bill that we have before us regulates the packaging and appearance of tobacco products to improve public health and give effect to certain obligations under the World Health Organisation Framework Convention on Tobacco Control. The bill makes it an offence to sell, supply or purchase packaging or manufactured tobacco products from retail other than products and packaging that comply with the plain-packaging requirements. These offences apply to manufacturers, packagers, wholesalers, distributors and retailers of tobacco packages.
in Australia who fail to comply with the plain-packaging requirement. The effect of the proposed requirements will be that branding, logos, symbols and other images of tobacco companies that can currently be used to advertise tobacco products will not be able to appear on the packaging, and the brand will be the only thing that can be put on the product. It will be of a standard colour, in a standard position, in a standard font size and in a standard size.

We do have to look at why these steps are being taken by government. It is not to deprive people of personal liberty; it is a health initiative, and it has been widely embraced by people that work within the health sector. The Cancer Council in particular has embraced this legislation. The Cancer Council wrote to all members of parliament and sent a letter to us signed by 260 health and medical professors, and this was to all federal members of parliament. The crux of this letter is that plain packaging will make an important contribution to reducing smoking, particularly among children and young people. So it is designed to remove the incentive for young people to take up smoking. I think that that is a really good outcome if this legislation can prevent young people from taking up smoking, because smoking is exceptionally addictive. I was a smoker, and one of the hardest things that I have ever had to do was give up smoking. That was after my father died as a direct result of smoking. He had his voice box removed. He had cancer throughout his body. Yet I tried to give up smoking and I failed. It was because I was so addicted to this product. There are many people that do not finally succeed and that end up dying as a result of this habit. It is not only cancer; it is heart disease, stroke or a variety of other illnesses that are associated with smoking.

In this letter that the professors from universities throughout Australia have signed, they point out that the cigarette pack is the last remaining vehicle through which tobacco companies can legally promote their products in Australia, and plain packaging will remove this legal avenue. I wonder whether I would have started smoking when I was younger if it had not been portrayed as such a glamorous thing to do—if there had not been the packets of cigarettes with bright pictures and sophisticated people on them. This legislation will remove that incentive for young people to be encouraged to smoke simply because of the packaging of those cigarettes. I am going to refer to a media release from the Cancer Council about the letter sent to all members of parliament from the 260 health professors calling for tobacco plain packaging. It points out that four former Australians of the Year, Professors Sir Gus Nossal, Ian Frazer, Fiona Stanley and Fiona Wood, are all signatories to that letter. They, along with other distinguished experts in health and medicine, support this initiative. We have the health professionals supporting the initiative; on the other side we have the tobacco companies and the opposition opposing it. So we have health professionals who have studied, who treat people suffering from the effects of smoking or who do research into the causes of the diseases I have spoken about who are supporting this legislation, while on the other hand we have an opposition who oppose everything and say that this legislation should not be supported, that we should leave it up to the individual to determine whether or not they smoke. This legislation does not impinge on that, but it does act as a disincentive for young people to take up smoking.

The media release from the Cancer Council emphasises that there is 'compelling evidence' that plain packaging would make 'an important contribution to reducing the appeal of smoking, particularly to young
people and children', a fact I highlighted a moment ago. If we can stop young people and children from smoking that is a fantastic step forward. I mentioned this has the support of the four former Australians of the Year. With scientists of that calibre supporting a health policy initiative such as this one, I urge members on the other side of this parliament to think about it seriously because they have an opportunity to make a real difference to health outcomes in this country. They can stand up and say: 'I supported legislation when it was introduced that is groundbreaking, legislation that is unique, legislation that makes Australia a leader in this field.' I do urge those on the other side of the House to think very seriously about it.

Professor Ian Olver, a medical oncologist and CEO of the Cancer Council of Australia, said restrictions to tobacco advertising were 'a critical part of a comprehensive approach to reducing consumption'. He said plain packaging is:

… a restriction to the last main legal avenue for promoting tobacco products to young people in Australia.

Those words are very powerful and very convincing. I say to members on the other side of this House: listen to those words, because you have the opportunity to join with us here in the parliament, vote in favour of this and put out a united message to Australians on this issue.

A campaign has been conducted in which we have received postcards on this issue. But, to me, the most moving piece of correspondence I received was written by a woman who lived just outside my electorate. She was sitting beside the bed of her husband who had been diagnosed with lung cancer. He was recently retired, and when he retired they had had plans to go for a trip around Australia—they had actually bought the caravan. But he started to feel unwell, he visited the doctor and he was subsequently diagnosed with lung cancer. She said she sat beside his bed as he was dying and she said, 'I wish there had been plain-packaging legislation introduced when he was young.' She wished that he had not taken up smoking, because they would then have had their retirement years together and could have done all the things they had planned to do. I feel that says a lot in relation to this legislation.

I will conclude by urging members on the other side of the House to join with us. This is a world first and it sends a clear message that the glamour is gone. Cigarette packets will now only show the death and disease that come from smoking. The new packs have been designed to have the lowest appeal to smokers. I ask those on the other side of the House to ask themselves this one question: why are the tobacco companies opposing this legislation? They are opposing the legislation because they know fewer people will smoke. That will end up in better health for all Australians, so I urge all members to support this legislation.

Mr HAWKE (Mitchell) (12:59): I rise to make a contribution in this debate on the Tobacco Plain Packaging Bill 2011 and Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 following on from the member for Shortland. Sometimes I think I am cursed to follow the member for Shortland. I do think this legislation is bad law. I do think there has been no credible argument made by the government about how plain packaging will reduce the rates of smoking in Australia today. For us as a parliament to take away the intellectual property of legal corporations and entities in Australia today, I think we ought to pause and think very seriously about the ramifications of doing this sort of thing by law.
I refer to what has happened in Canada. Yes, it is true that we are the first jurisdiction looking at implementing plain packaging in the world today. Canada considered this in detail. Indeed, in 1995 when a health study *When Packages Can't Speak: Possible Impacts of Plain and Generic Packaging of Tobacco Products* appeared, the government considered it and there was some evidence that there would be some change. However, the Canadian government did not proceed with plain packaging. They believed it would violate Canada's international trade obligations with respect to intellectual property. Despite the fact that the government did not proceed with plain packaging following the consultation, during the parliamentary debate the Minister of State for Public Health, Gillian Merron, noted that the government chose in 2009 not to proceed with plain packaging because of lack of convincing evidence. I quote:

> No studies have been undertaken to show that plain packaging of tobacco would cut smoking uptake among young people or enable those who want to quit to do so. Given the impact that plain packaging would have on intellectual property rights, we would undoubtedly need strong and convincing evidence of the benefits to health as well as its workability, before this could be promoted and accepted at an international level ... Amen to that. She makes great sense. This is an intellectual property issue. We have a serious issue before us today because there is no proven evidence that demonstrates this will have any impact on health—none whatsoever, and certainly none that is convincing.

Listening to the arguments of the Labor Party backbench is mind-numbing in itself. They do not speak about the impact of alcohol, which kills more people in Australia every day. They do not speak about illegal drugs. We all know, for example, that alcohol will increase the rate of loss of brain cells. Every single drink has a negative health impact on you, yet there has not been a word about it from the Labor Party. Listening to the ALP backbench trying to explain how their bad legislation will work is enough to make you want to go back to your office and lose some more brain cells, because I can tell you, Madam Deputy Speaker, this is badly thought out law.

From any angle you approach this question, it is obvious that the government is engaged in a political question and not in a serious attempt to improve health in Australia today. They have railed here today against the nanny state campaign that is being run against them. But that nanny state campaign is tapping into something that I regard as extremely important going on in Australia today.

The Minister for Health and Ageing is the flag-bearer of this government for the nanny state. I have a confession to make to you, Madam Deputy Speaker, and to this House: I do not like the term 'nanny state'. I think 'nanny' is quite a benign term for what we are really talking about, which is the government's intentions and what is actually going on with its series of ill-thought-out and badly planned legislative responses to challenges that it faces. The alcopops-increased taxation produced a spike in the sale of hip flasks in Australia by 21 per cent. The hip flask industry thought all its Christmases had come at once because this government came up with an ill-thought-out, badly proposed piece of legislation. How much money do we think has actually been returned to alleviate the impact of alcohol on health today? If we looked into that, I wonder what we would find.

There is not any suggestion in this legislation before us today that there will be any impact on smoking rates. The member for Greenway said we need to do everything
we can. If the government wanted to do everything it could to reduce the rate of smoking it could ban it today; it could outlaw this product. There is a good reason why governments will not do that and why the minister for health, who repeatedly talks about this product killing people, will not do that. It is because of the billions of dollars of revenue collected from tobacco excise. In fact, there is a net benefit to the health system from the money collected from tobacco excise compared to the money expended in dealing with problems created by tobacco.

I do not support smoking and I do not smoke myself, but I do support the rights of Australians to do what they like in their free time within the law. This is a legal product. I say to the member for Greenway: when we were on the stage together in front of 900 workers at the Blacktown Workers Club she should have made her remarks about tobacco plain packaging there. There was a woman there with a sign that said, 'I am an adult. I do not need the government to make my choices for me.' Amen to that, because that woman with her sign and those workers at the Blacktown Workers Club all know what is going on in this country today, and that is the scope of government is going too far, intruding into the lives of ordinary Australians. This legislation is another good example of it.

How will plain packaging reduce the rates of smoking amongst young people? How will it do that? Nobody on this backbench has told us. Not one person has advanced an intellectual argument about how this will practically work. That is because there is not one. What we are doing in Australia today is paying committees and bureaucrats to determine if the drab and dull colours and the sizes of different words will have an impact upon people's choices in smoking, ignoring the fact that all cigarette packets are already concealed behind counters; they cannot be seen. There is no tobacco advertising in Australia today. This is not a strong, powerful step of a government committed to actually doing something about the rate of smoking in Australia today. Every member of this place knows this is a political wedge by a government desperate to change the conversation from anything that is dragging it down, which is basically its whole legislative agenda.

I have grave concerns about the provisions of this bill. When you look through it you see what it is attempting to do with the different divisions. Chapter 4 refers to powers to investigate contraventions of this act and chapter 5 refers to enforcing compliance with this act. I want to stand up for those small and independent retailers all around the country who will suffer the detrimental impact of this bill. Once again, we are going to ask the very small business sector to handle the consequences of a piece of legislation that is ill thought out and will not achieve its objectives. Once again, we stand in this place with a bad attempt to do very little on a question that will affect the ability of small business to survive. Not only do a lot of small petrol stations rely on trade from people coming in to buy cigarettes, not only do small corner shops rely on them, but a lot of small businesses in this country get significant proportions of their trade from people who buy cigarettes.

A study by Deloitte Australia, an independent accounting firm, shows us convincingly and compellingly that the outcome of this legislation will favour major retailers and major supermarkets. I take that very seriously. Once again, we are hurting the people at the very end of the equation that have nothing to do with this, the small business owner, with no thought and no regard to how their operation will continue to function. 'Just deal with it somehow’ is the
approach of this government to small business on every occasion. They do not take into account stock management, shrinkage, the loss of customers and the loss of business. The Alliance of Australian Retailers is perfectly right to stand up for itself and point out that this is a violation of its rights. Once again, this is a government that has a careless and utterly thoughtless approach to the carnage it creates in the economy.

The intellectual property questions relating to this bill will be tested at law. We have heard from tobacco companies that there will be legal action taken in relation to our WTO obligations—and, yes, Australia has world trade obligations. Of course these should be tested at law. It is not outrageous that a company having its intellectual property and branding removed by the government should take this to the court and have it tested. In fact, when you look at the Paris convention in 1883, the rounds that the WTO has been engaged in around the world, the North American Free Trade Agreement and all the different agreements and pieces of legislation around the world protecting intellectual property, you can see that this is a serious question for consideration. The government will have to demonstrate the efficacy of this proposal in court—and so it should under WTO obligations.

No government should be allowed to rip property from any corporation or any entity without using just terms acquisition. I would certainly stand up for the right of any farmer, any landholder and any property owner in this country not to have a government remove their property rights, whether they be physical or intellectual property rights, without just compensation. Yet we are proposing a bill here today that is in effect removing the intellectual property rights of these corporations.

If any member of this place thinks that this is the last time we will see such a proposal, I think that is complete and utter nonsense. I warn every member here: we will see this again. Not only will the public health lobby move on alcohol and fast food if this works but they will continue to seek the removal of intellectual property rights from corporations engaged in the production of other things in our society today including fast food and alcohol. I do not believe that that is the right approach either.

In fact, the whole public health mentality of the government is ridiculous. The health of people relates to individuals. There is the person's individual health; there is no such thing as the public health. You cannot give a pill to the public health. The Labor Party's backbench is trying to say that if we pass plain-packaging legislation cancer will be removed from Australia—a completely ridiculous contention. There is no law that we can pass in this place to remove cancer. There is no law we can move in this place to say life is not dangerous. There is no law we can move to prevent bad choices by individuals in our economy. There is no law we can pass saying, 'Be healthy.' There is no law we can pass in this place that says people that they will live a long and prosperous life. In fact, we have a better system in Australia than many other free countries in the world and we ought to recognise that. People are free to make their own individual choices—good ones and bad ones.

Yes, I think we should pass laws where smoking impacts upon other people. Yes, of course we should do those things to ensure that when you engage in an activity you are not having a negative impact on someone else. But, if the government determines that this is a legal product, which it does; and if it determines that you are allowed to manufacture it, which it does; and if it allows the industry to employ, produce,
manufacture, sell, distribute and, yes, then taxes it, it ought not to go in there and say, 'Well, at the end of the day we have got a committee of bureaucrats that the Minister for Health and Ageing has put together and they have decided that your product is going to be olive green, because we do not like your product.' That is exactly what has happened in Australia today.

I do not think that is right. All the important decisions have been made. When the minister for health says, 'This kills people,' if she believes that this kills people, she should come in here and propose a law banning the product. That is what she should do. I have got news for the minister for health and the government: life kills people. Life is a dangerous activity. There are no laws that we can pass to prevent that. There are no laws we can pass to change that. And it is disturbing to listen to the Labor Party backbench attempt to articulate some sort of argument that having a drab colour on a packet of cigarettes will prevent cancer or stop people dying. There are all sorts of stories. There are very compassionate circumstances and they are very difficult for the people involved, but a law will not remove those circumstances from happening. It will not alter them. People will still make bad choices. People will still be free to do those things, and so they should be in a free society.

There is a way to improve the public health and that is by making people responsible for their individual health choices, making them more responsible for their own health. That must be the focus of good and effective government policy. The criticism I have of this legislation is not that I am pro smoking and want to see smoking everywhere in Australia today. It is that there is no evidence based policy that suggests that this will have an impact on the rates of smoking, yet that is the reason stated in the objective of this bill. There is no argument credibly advanced by those opposite that this is the approach that will stop smoking.

There are ways of stopping smoking in Australia today, but of course this is the misnomer of Australian politics in this sort of question—the government is addicted to the revenue. The government wants this revenue and it cannot say no to it. That is the hideous position we are in in passing a law removing the intellectual property rights of corporations in this country, legal corporations providing legal products: because we cannot live with a situation where the government takes the revenue and will not do anything about a product that the health minister herself says is killing people.

I will also say in the final minute that I have that I reject this approach to law. I think it is poor. I think that it will lead to more unintended consequences for small retailers, and small businesses all over the country will suffer as a result. It will not have a great impact on smoking at all. It now threatens to undermine one of the key tenets of the rule of law in our society today, and that is property rights. Without property rights, there is no law—that is a famous quote—and if we attack intellectual property rights in a way that is not justified, and I do not believe it is justified under this legislation, we are undermining the rule of law in our country today and in a way, I think, that will not produce better health outcomes for Australians. So why are we doing it?

Mr SYMON (Deakin) (13:13): I speak in support of the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. These bills will enact important and, I say, overdue changes to the packaging of cigarettes and tobacco products. As a former smoker, I must declare my interest in this debate. I am fortunate that I gave up nearly 20 years ago
and, although it makes me feel somewhat aged, I can report that at the time I gave up a packet of cigarettes cost $2.28. I do not think that I would be in the same health I am today had I kept that habit up. Even when I was young and smoking, the effects of it, although I did not notice them at the time, were certainly not good for my health. Over the decades of health reform, tobacco advertising has been phased out and warnings against smoking now take up 30 per cent of the packaging. Tobacco companies now have one place where they continue to advertise and market their product, and that is the packet itself. Research has shown that the packaging style, logos, fonts and colours develop brand loyalty and market cigarettes for the tobacco companies. If I think back to when I used to smoke, I certainly think that was the case—I wanted the pack that looked the best. Now I am older and maybe some would say not wiser I have got over that and that is a good thing, but many more people need to.

The Tobacco Plain Packaging Bill 2011 will prohibit the use of all tobacco industry logos, brand imagery, colours and promotional text on the retail packaging of tobacco products. The bill will mandate that the brand name is in a standard colour, position, font size and style and that the packaging will be a standard drab dark brown or olive colour. Again thinking back to when I used to partake, that was certainly not the case. I used to like the ones that came in a gold packet. To take that away I think is a good driver.

This bill makes it an offence to sell, supply, purchase, package or manufacture tobacco products in retail packaging that does not comply with the requirements. The Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 seeks to amend the Trade Marks Act 1995 to enable regulations to be made in relation to the use of trademarks under the Tobacco Plain Packaging Bill 2011.

Importantly, this legislation will establish the first ever plain-packaging laws in the world. It is great to be first when it comes to public health. I know the world will be watching us. I think that is why we have had such interest from big tobacco in this debate. We are taking this action because tobacco is not like any other legal products. Ian Olver, the CEO of Cancer Council Australia, said:

We have argued very strongly that tobacco is a unique product, because it kills 50 per cent of people who use it as it was meant to be used.

The Australian Medical Association said:

Tobacco smoke contains many poisonous chemicals, some of which cause cancer.

It includes:
- Nicotine—which is addictive,
- Tar—which is the main cause of lung and throat cancer in smokers, and
- Carbon Monoxide—which is a toxic gas that increases the risk of heart disease and other circulatory problems.

Tobacco remains one of the leading causes of preventable death and disease among Australians. Every year tobacco kills over 15,000 people in Australia. On average, I know that that is 100 people each and every year per electorate, including my own electorate of Deakin. Let us do a comparison with the national road toll, a figure we see quite often in the news. It is good that we are making progress and that number is down. The national road toll is now 1,368 deaths per year, which is less than one-tenth of the number of deaths from tobacco. This is where this debate sometimes gets a little lost. We are talking about 15,000 people. Of course, they are only the ones who die. There are also those who become chronically sick and require great amounts of funding to remain alive, whether they be in hospital or need treatment with drugs or surgery. That is
something the Australian public pays for. That cost is estimated to be around $31.5 billion a year.

It is obvious that the government needs to act to cut smoking rates and to cut the number of Australians dying from tobacco related health issues. These bills are part of the government's antismoking action package aimed at delivering on our commitment to reduce the smoking rate to 10 per cent by 2018. It is also worth looking at the statistics in this debate. From the mid-20th century to the mid-1960s, a majority of males aged 16 and over were smokers and around a quarter of females aged 16 and over were smokers. The latest 2010 National Drug Strategy household survey data indicates that in 2010 around 20 per cent of males and 16 per cent of females aged 14 years and over were smokers. Overall, just over 15 per cent of the population aged over 14 were smokers in 2010, or around three million Australians. On the basis of these figures, Australia has the third lowest overall prevalence of smoking in the world, behind Sweden and Canada. But, as I said before, we still have over 15,000 Australians dying from tobacco related disease each year and we as a nation have to do more to bring down the rates of smoking.

The government has introduced a comprehensive package to reduce smoking rates. This Tobacco Plain Packaging Bill is just one part of the package. Other elements of the package include the 25 per cent increase in the tobacco excise in April last year that has seen tobacco sales fall by 8.8 per cent since that time, additional funding for the Quitline, more than $87 million in antismoking campaigns on television and through other mediums and in February this year for the first time the government introduced subsidies for nicotine patches on the Pharmaceutical Benefits Scheme. That has been widely appreciated by many constituents who had been writing to me and calling me for a long time to get that included on the PBS. Certainly they are happy that the government is able to assist them to give up the habit. With nearly 100,000 scripts issued so far, I know it is happening in other electorates as well.

The initiatives I have listed are some help for smokers to give up and help reduce the substantial health costs of smoking to the nation. The Tobacco Plain Packaging Bill is the latest step in the government's fight to reduce rates of smoking in Australia. By restricting tobacco industry logos, brand imagery, colours and promotional text, the packaging will be drab, which is a good thing. The packaging of cigarettes and other tobacco products is the key way tobacco companies market their products, develop brand loyalty and create what they hope is a desirable image. One Philip Morris executive is reported as having stated:

In the absence of any other marketing messages, our packaging... is the sole communicator of our brand essence. Put another way—when you don't have anything else—our packaging is our marketing.

Tobacco packaging is a highly effective marketing tool in the sense that cigarettes have a high degree of social visibility. Tobacco researcher David Hammond notes:

Unlike many other consumer products, cigarette packages are displayed each time the product is used and are often left in public view between uses.

There is substantial evidence that the tobacco industry employs packaging as a means to influence sensory and health perceptions of tobacco products. Through descriptors such as light, mild and low tar on tobacco packaging, the industry conveys the false perception that certain brands deliver less tar, lower health risks and are less addictive than regular or full-flavour brands. The colour and design of packaging are used to impart
false beliefs about both the taste and the risks associated with different tobacco brands. David Hammond argues:

Different shades of the same colour and the proportion of white space on a package are commonly used to manipulate perceptions of a product's strength and potential risk.

Consumers tend to perceive white and lighter colours as being healthier. Research shows that adults and adolescents in scientifically controlled studies perceive cigarettes in plain packs to be less appealing, less palatable, less satisfying and of lower quality compared to cigarettes in current packaging. Plain packaging would also affect young people's perceptions about the characteristics and status of the people who smoke particular brands.

An expert panel commissioned by Health Canada in 1994 investigated the potential impact of plain packaging. Based on the mostly converging results of five different studies, the expert panel concluded:

Plain and generic packaging of tobacco products … through its impact on image formation and retention, recall and recognition, knowledge, and consumer attitudes and perceived utilities, would likely depress the incidence of smoking uptake by non-smoking teens, and increase the incidence of smoking cessation by teen and adult smokers.

The World Health Organisation Framework Convention on Tobacco Control recommends that parties to the convention introduce plain packaging. The WHO advises:

Packaging and product design are important elements of advertising and promotion. Parties should consider adopting plain packaging requirements to eliminate the effects of advertising or promotion on packaging.

Under the government's plan the only thing to distinguish one brand from another will be the brand and variant name in a standard colour, standard position and standard font size and style.

This legislation will also ensure that the current graphic health warnings will increase the coverage on the front of the pack from the current 30 per cent to 75 per cent, along with updated imagery and warnings. The government's intention is that, rather than being a marketing tool, the pack will serve as a stark reminder of the devastating health effects of smoking.

In 2008 the federal government commissioned the Preventative Health Taskforce to investigate reducing tobacco-smoking rates in Australia. Its report, released in September 2009, concluded that there can be no justification for allowing any form of promotion for this uniquely dangerous and addictive product including on the packaging. In line with the international evidence, the task force said that plain packaging would increase the impact of health warning messages, reduce the ability of tobacco companies to mislead consumers into believing that some cigarettes are less harmful than others, make cigarettes look less attractive and reduce the appeal and desirability of smoking generally.

Since the government announced its intention to introduce plain packaging, the Department of Health and Ageing has undertaken targeted consultations with organisations representing large and small retailers, with cigarette and cigar importers and with the major tobacco manufacturers; and the government held a 60-day public consultation period on an exposure draft of this bill. Consultation on the exposure draft of the bill showed overwhelming support for the measures we are proposing, from public health groups both within Australia and internationally.

In addition, we have listened to concerns raised with our proposals during these consultations—and legitimate concerns have now been taken up in the final bills that we
are now debating. For example, to assist in identification of illicit tobacco products, manufacturers will be permitted to include certain design features that do not run counter to the public health objectives of the measure. The brand name will be permitted on the top, front and bottom of cigarette packs to assist retailers in handling tobacco products. All product manufactured in Australia will need to comply with plain packaging as of 20 May 2012. This will allow retailers time to restock and ensure that they have disposed of non-compliant product before 1 July 2012. To assist small-scale importers and small business with compliance, imported tobacco products will be able to be repackaged after importation into Australia.

The response from the health community to this legislation has been very positive. The AMA fully supports the introduction of plain packaging. It said:

The plain packaging will probably be a more effective deterrent for new and prospective smokers than established smokers.

It should help prevent children and young people from taking up smoking in the first place by decreasing the attractiveness of the packaging. The Cancer Council of Australia said:

Plain packaging for tobacco products has the potential to be one of the most important policy measures in Australian history for reducing cancer deaths from smoking.

They also said:

Plain packaging is predominantly about deterring young people from becoming addicted to tobacco products.

But what has been the response of the tobacco industry? Unsurprisingly, they have done everything possible to stop this legislation, spending millions of dollars on TV and print media campaigns and serving legal action on the government. It all goes to show that they are very concerned about the positive effects that this legislation can have. The federal government's actions are being applauded by the medical community and will have a real impact on the take-up of smoking by young Australians. I think this is a wonderful measure and I certainly commend these bills to the House.

Mr ALEXANDER (Bennelong) (13:28): I rise to speak on the plain packaging in reinforcement of the coalition's position to support the Tobacco Plain Packaging Bill 2011 with amendment, and to oppose the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. I speak on this legislation as someone with a lengthy track record on the promotion of health, fitness and preventative medicine, and also as a proud member of the Liberal Party that has a strong history and proven track record on the issues of tobacco control and reductions in smoking rates in Australia.

The first tobacco advertising code for television was introduced by the very first Liberal Prime Minister, Sir Robert Menzies, in 1966. Ten years later Liberal Prime Minister Malcolm Fraser introduced a ban on television and radio advertising of tobacco products. More recently, the Howard government, under the stewardship of the member for Warringah as Minister for Health and Ageing, introduced the graphic health warnings on tobacco products, reformed cigarette taxation to a per-stick excise, and presided over the biggest decline in smoking rates whilst in government. Under the coalition government, the prevalence of smoking by Australians over the age of 14 declined from 21.8 per cent in 1998 to 16.6 per cent by 2007, giving us one of the lowest rates of smoking in the world and the largest fall in smoking rates amongst women across member countries of the OECD. I make this point in recognition of the Labor government's misleading public relations campaign to paint the coalition as
soft on tobacco companies. After all, it was the coalition who first proposed an increase in the tobacco excise in 2009. This measure was soon adopted by the Rudd government.

The issue of tobacco control is not a religious matter. The legislation being debated today does not call for a philosophical position on 'you are either with us or against us'. There is total agreement and acceptance in this place and in the broader community that tobacco products are bad for one's health. Cigarettes are an addictive product that will hasten the likelihood of an individual contracting one of our nation's greatest killers: heart disease, lung disease, emphysema or other related diseases. These facts are not challenged. This is not the issue that is up for debate today.

Due to the addictiveness of nicotine, there is no silver bullet or magic potion that can make a smoker see the light, embrace the error in their ways and never smoke again. One of the enduring errors made by well-intentioned anti-smoking individuals and institutions is a lack of genuine empathy for the difficulties that a smoker faces in freeing themselves of this awful addiction. All smokers know the habit is bad for them and most of them wish they had never started. Changes to advertising and the addition of warning labels can assist in getting the message out and preventing the historic imagery of heroes, from Frank Sinatra to the Marlboro Man, with a cigarette in hand. These changes can affect those at the edges, but the science is also clear: long-term heavy smokers will smoke their cigarettes regardless of the colour of a package or the lack of pictures of their favourite stars doing the same.

Throughout this debate we must keep in front of mind one essential fact: the manufacture, retail, purchase and consumption of cigarettes are all legal activities regulated by the government and contribute considerably to the general revenue through excise duties. Until legislation passes this place to prohibit these activities, as we do with other recreational drugs, we need to be very careful that we do not infringe upon the commercial rights of those pursuing a legitimate business activity that we permit through regulation. Certainly, this activity may be demonised and lead to considerable financial burdens on society through our generous public health system but, regardless, it still remains a legal business activity. For those ardently campaigning for any form of punitive measure to be applied on the tobacco companies, a debate on prohibition may well be a more appropriate discussion, but that is not the issue at hand today.

A reduction in smoking rates, particularly amongst our youth, is a worthy goal to which all members in this House aspire. The question that remains is whether this particular bill is the right means to that end. As I stated earlier, there is no silver bullet to resolve this question. It is clear from domestic and international experiences that a concerted focus and a well-managed tobacco control strategy is the best way to achieve this goal.

There is a fear amongst many that this particular legislation measure, like so many other initiatives by this government, is designed more towards the attainment of headlines of action and creating the perception that something is being done on this issue rather than acting as a legitimate exercise in reducing smoking rates in our country.

There have been some legal concerns raised about this bill. These relate to the legislation equating to an acquisition of property on other than just terms, which contravenes section 51 of the Australian
Constitution, article 20 of the Trade Related Aspects of the Intellectual Property Rights Agreement, to which Australia is a party, through to World Trade Organisation claims that 'The use of a trademark in the course of trade shall not be unjustifiably encumbered by special requirements.' There is dispute on whether this legislation is covered by the health exception to this agreement. Also, is it a violation of the 1993 Australia-Hong Kong investment treaty?

The coalition has been forced to accept on face value the minister's claims that the legal advice surrounding her plain packaging proposal is robust as the government has refused to provide us with a copy of the legal advice on which these assertions are based. I can only assume that the government does indeed have some doubts about the robustness of the advice as they have felt it necessary to include a specific provision in this bill to assert that it will not apply to the extent that it will cause acquisition of property on other than just terms under section 51 of the Australian Constitution.

The government's consultation with small business and retailers on this legislation has been found to be lacking, despite the sizeable regulatory and administrative burden that this will put on these already struggling small businesses. I have received countless amounts of correspondence from affected retailers in my electorate of Bennelong who are concerned about the way this proposed legislation will impact upon them, from stock management through to the point of sale. The obvious concern with generic plain packaging is the difficulties this will give the small business owner in differentiating between packets that look almost identical. This issue has not been addressed by the government and will be assisted by the coalition's amendments, and I will talk to those shortly.

Another valid concern arising from the change to plain packaging is the ease with which counterfeiters will be able to imitate and mass-produce generic plain packages. Australia has a strong reputation on customs and border control on this issue, with 743 tonnes of tobacco and 217 million cigarettes seized by the Australian Customs and Border Protection Service over the past three years. Articles 15 and 20 of the World Health Organisation framework recommend the implementation of a track-and-trace regime for tobacco products. The government have failed in considering these issues in this legislation, instead preferring the tobacco companies to manage their own tracking of tobacco products on a voluntary basis, despite this being in contravention of articles 7.2 and 7.12 of the draft protocol to eliminate illicit trade in tobacco products which states that the obligations of each party 'shall not be performed by or delegated to the tobacco industry'. In short, the government has completely ignored the counterfeit tobacco issue which will no doubt arise from this legislation. Any increase in counterfeit tobacco means less tax revenue to pay for the health implications that result from tobacco smoke and will therefore enable this to be yet another piece of government legislation that weakens our nation's economic position.

As is common practice with controversial and far-reaching legislation like this, the two bills being discussed today were referred to an inquiry. Despite the coverage of these bills across a range of policy areas, the House of Representatives Standing Committee on Health and Ageing was the only committee to inquire into this bill, and it focussed solely on the health impacts of this bill. The committee did not deal with the impacts on small retailers or on illicit tobacco, leading the chair of this committee, a government MP, to make a specific
suggestion that concerns over these issues should see these bills referred to other committees as he did not have the scope to look into these matters. Instead of following the correct processes of inquiry and a reasonable amount of consultation and transparency with stakeholders and the opposition, the minister has instead sought to politicise the issues surrounding plain packaging and tobacco control for her own political gain.

The Minister for Health and Ageing has promoted the attitude that if you have any concerns with this bill then you must be in the pockets of the tobacco companies. This is a reprehensible approach to take to a serious piece of legislation, and shows the disrespect that this government has for the intellectual capacity of the common voter. I can certainly declare from a personal perspective that the last time I came even close to a financial or professional association with a tobacco company was when I competed in the Marlboro Australian tennis open during the seventies.

Mr Matheson: You won that?

Mr ALEXANDER: Semifinals. According to this minister's definitions, that would place me squarely in the pockets of big tobacco. It is an irony not lost on me that this is the very same minister who was found to have accepted hospitality from big tobacco at the Australian Open championships just a few years ago.

As I mentioned earlier, while the coalition is broadly supportive of the intention of this bill, the devil is always in the detail and we have some concerns to which we will be moving an amendment to improve this legislation. This relates to concerns raised by small business during consultations we have had with the industry—concerns that have fallen on the deaf ears of this government. The coalition's amendment to the Tobacco Plain Packaging Bill will allow the use of tobacco companies' trademarks on one of the two smallest outer surfaces of a cigarette carton. This is designed purely to assist in the retailer's ability to effectively manage their stock that often consists of cartons piled high in a storage facility. This trademark or logo will not be added to the individual packets, which is what the consumer purchases, but just to the packaging of the carton that contains a number of packets, usually eight or 10. This is a common sense initiative. It is an improvement to this legislation that cannot be seen in any way to adversely affect public health and it should be supported by this government.

The second bill, the Trade Marks Amendment (Tobacco Plain Packaging) Bill, was first seen by the opposition when it was introduced into this House by the minister on 6 July. Contrary to standard practice, it was not flagged or issued as part of the government's exposure draft or the legislation's consultation paper that was released in April. As a result the coalition has referred this bill to the Senate Standing Committee on Legal and Constitutional Affairs to consider the specific provisions, to investigate any issues they create and ultimately to consider their constitutionality.

The grave concern we have for this amendment bill is contained in clause 231A, known as a Henry VIII clause—an exceptionally uncommon clause that gives the minister the power to override the legislation that has been agreed by parliament, through a regulation that requires no parliamentary scrutiny. In this particular scenario, a regulation made by the minister could override the Trade Marks Act, going against the basic legal principle that an act trumps regulations. In the past these clauses have only been used when there are no alternatives, and the lack of inquiry or scrutiny into this rushed legislation has
certainly not convinced the coalition that this is the case. The trade marks amendment bill is not a necessary piece of legislation for the government to continue to implement its plain packaging agenda, and therefore we will be opposing this particular bill. We do not agree with the minister being legislated to receive the power to alter or remove trademark rights in relation to the government's plain packaging legislation by overriding the Trade Marks Act through regulations.

As I stated at the start of this speech on this very serious issue, both I and the coalition more broadly have a proven track record on the issues of tobacco control and reductions of smoking rates in Australia. Yet the importance of an issue should not be used as an excuse for the rushing through of ineffective and inappropriate legislation that is designed to create a headline rather than to achieve a genuine outcome. The best legislative response on this matter will be one based on consultation with stakeholders, particularly with the retailers and small businesses directly affected, and not on a grab for power so the minister can fix her mistakes later on.

Mr GEORGANAS (Hindmarsh) (13:42): I rise to support the Tobacco Plain Packaging Bill 2011, but at the outset I will make some remarks regarding the member for Bennelong's speech on the referral procedure and the health and ageing committee's investigation into the inquiry. The members opposite are complaining that there was no proper inquiry or that the processes did not take place as they should have. I can only assume that those on the selection committee who referred the bill to the House of Representatives Standing Committee on Health and Ageing would have been opposition party members. I say that because on this side of the House we were very satisfied with this particular bill, with its implications and what its outcomes would be. A member of the opposition on that particular selection panel referred the bill to the House Standing Committee on Health and Ageing, so for the opposition to then complain that it did not look into the trade practices aspects when it is clearly a health and ageing committee—it is outside our parameters to have a look at other issues. The committee looked at this particular bill and held the inquiry to look into the impact on people's health, and that is exactly what it did. If members of the opposition are going to criticise the inquiry perhaps they should have a good look at themselves and go through the processes to work out what they want to achieve before they refer bills to standing committees. I have to say standing committees in this House have always had something of a non-political nature. People have worked very well together from all sides of politics to achieve good outcomes. What we are seeing is the politicisation—

**The DEPUTY SPEAKER (Hon. BC Scott):** Order! The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour.

**STATEMENTS BY MEMBERS**

**Child Care**

Mr FRYDENBERG (Kooyong) (13:45): I rise to call on the Gillard government to immediately reinstate federal funding for occasional child care. Occasional child care is a low-cost, high-impact program providing critical support for 9,000 children and their families in Victoria alone. In the Boroondara area, which virtually mirrors the boundaries of my electorate of Kooyong, eight community centres, including in Camberwell, Canterbury and Hawthorn, stand to lose more than $92,000 in funding, directly affecting vital services provided to 800 children under the age of six.
Occasional child care is fundamentally different to kindergarten or normal child care. Services are typically provided by community houses as with the Take a Break program in Kooyong, where parents and guardians can access affordable care, providing them with just a few valuable hours of respite to undertake other activities in either the voluntary or paid sectors.

The coalition has promised to provide the $12.6 million necessary to fund occasional child care, and the Gillard government should waste no time in reversing its inexplicable decision to cut support for this vital community program.

**Gyari, Mr Lodi Gyaltsen**

Ms PARKE (Fremantle) (13:46): We have an important visitor in the parliament today: Lodi Gyaltsen Gyari, who is the special envoy of His Holiness the Dalai Lama based in Washington, DC. Mr Gyari was born in Tibet in 1949 and fled with his family to India in 1959. Realising that Tibetans needed to publicise their struggle to the world, he became an editor for the Tibetan Freedom Press and founded the *Tibetan Review*, the first English-language journal published by Tibetans in exile. Mr Gyari was a founding member of the Tibetan Youth Congress, an organisation of over 10,000 members. He was subsequently elected to the Tibetan Parliament in Exile and became its chairman. In 1988 he became senior cabinet minister for the Tibetan foreign ministry.

Mr Gyari will address the Joint Standing Committee on Foreign Affairs, Defence and Trade this afternoon. I am sure fellow committee members will be interested in the fact that, in addition to his current role as special envoy for His Holiness, Mr Gyari is the lead Tibetan negotiator for discussions with the Chinese government. These discussions in the past have been cordial and frank, but they are currently stalled, and I would like to take the opportunity of Mr Gyari’s visit to Australia to again urge Chinese and Tibetan representatives to engage in further dialogue.

It is in everyone’s interests, including China’s as an emerging global power seeking international respect, that there be a peaceful resolution of Tibetan claims in accordance with the constitution of the PRC—to genuine autonomy in terms of the preservation of the Tibetan culture, language and religion. As Mr Gyari says, ‘We cannot rewrite history, but together we can determine the future.’

**Logan City: House Fire**

Ms GAMBARO (Brisbane) (13:48): Today, in my role as shadow parliamentary secretary for citizenship and settlement, I wish to express my wholehearted sympathy and to pay respect to the family, friends and neighbours of the victims of last night’s horrific house fire in Kingston, which claimed the lives of 11 people, including seven children. The home was occupied by two Pacific islander families, and the victims were three generations of a Tongan family. This is a tragedy of unimaginable scale, and it is critical that community support, assistance and healing becomes an immediate priority. It highlights the critical nature and the role of immigration and resettlement services, which are able to immediately respond to the needs of a community and the provision of emergency relief.

I have been really fortunate to work closely with organisations in this area, and I wish to commend the role of MultiLink, which is engaged in coordinating a response and today hosted a meeting at 1 pm which was attended by relevant state agencies and NGOs. The immediate response to last night’s event highlights that MultiLink plays an important role in the Pacific Island
Advocacy Project. Today our thoughts and prayers are with these communities. I want to thank Director Helen Coyne and her team at MultiLink for their dedication and support, particularly to the Pacific islander communities in the Logan area.

**Kingston Electorate: Noarlunga Hospital Parking**

**Ms RISHWORTH** (Kingston) (13:49): I rise today to raise concerns that many of my constituents have regarding the standardisation of car parking fees at metropolitan hospitals in Adelaide at commercial rates. In particular, local residents have been concerned with SA Health's announcement that parking fees will be introduced at Noarlunga Hospital, and this move may impose extra financial burden on some of our community's most vulnerable, including pensioners and patients with chronic disease who need to visit regularly for hospital treatment. In addition, there are frequent visitors to the hospital, including carers and the hospital staff, who may be caught by this.

While SA Health has announced that some groups of patients and volunteers will be able to apply for exemptions and that staff will receive a discount, local residents are concerned that some of the most vulnerable in our community will not necessarily qualify for this exemption and discounts may not be enough. Some local residents believe that automatic exemptions from car parking fees for those who hold a pension or healthcare card would go a long way toward ensuring that those who can least afford it can still access services at Noarlunga Hospital.

Noarlunga Hospital provides important services to southern Adelaide, and I welcome the state government's commitment of $31 million for the redevelopment of this hospital, expanding the bed capacity and redeveloping theatres and day surgeries. However, it is important that those that need this service, especially those with chronic disease, the elderly and staff, can access it without a huge financial impost.

**Education**

**Mr McCORMACK** (Riverina) (13:51): When it comes to inequity, this government and its leader know no bounds. They will say anything, do anything and even be anything to retain power. The Treasurer opened his budget remarks on 10 May saying it was a Labor budget. Indeed it was. Communities right across Australia are struggling under the burden of having a Labor government which taxes more and spends money it does not have. All the while regional students continue to be hurt, classed somehow as second-best or not at all by Labor's unfair independent youth allowance rules.

Fixing youth allowance immediately was high on the agenda at the recent Isolated Children's Parents' Association annual federal conference in Darwin. Here is what the Rankins Springs branch of that association had to say:

Families are still struggling with the financial costs of supporting their children while they study, and/or work to gain "independence". Many courses are not able to be deferred and require students to commence study straight away. The eligibility requirements to gain independent Youth Allowance place significant obstacles in the way of students and their families.

If Labor cares anything about education and this nation's future why does it continue to disadvantage country students?

**Petition: Asylum Seekers**

**Mr WILKIE** (Denison) (13:52): I rise to present a petition in condemnation of the so-called Malaysia solution. It was compiled by Amnesty International and has been found by the House of Representative Standing
Committee on Petitions to be in accordance with the standing orders.

The petition read as follows—

To the Honourable the Speaker and Members of the House of Representatives,

This petition, by concerned citizens, draws to the attention of the House:

That Malaysia has not signed the UN Refugee Convention and does not offer genuine protection to refugees or asylum seekers. Amnesty International research shows that in Malaysia these vulnerable people are subjected to inhumane detention conditions, torture and serious abuse.

As a signatory country, Australia must fully uphold its obligation to protect refugees.

We therefore call upon the House to stop plans to expel 800 asylum seekers from Australia to Malaysia from 1,821 citizens

Petition received.

Mr WILKIE: I have spoken in this place before to voice my strong opposition to the government's unethical and unnecessary plan to trade asylum seekers with Malaysia, and today I add the voices of more than 1,800 Australians to my objection. Vulnerable people, including unaccompanied minors, will be sent to Malaysia under this agreement and in doing so Australia will breach its international obligations under the refugee convention as well as the Convention on the Rights of the Child.

With this petition I call again on the government to not trade people with Malaysia and instead to heed the plea of the many Australians demanding we live up to our moral and legal obligations—in other words, to protect those who seek asylum, process them on the Australian mainland and give them refuge if their claims are upheld. To paraphrase a line I heard on television last night: I love this country; I just sometimes don't recognise it anymore.

Small Business

Ms O'DWYER (Higgins) (13:53): Small business is the font of so much innovation and enterprise and is one of the key drivers in our economy. In Australia there are more than 2.3 million small businesses. The last ABS stats said that the contribution small business makes to the economy, industry value added, is around $300 billion.

Small business though is doing it tough right now. We see that with consumer confidence. We see that with the worst retail figures since the 1960s. We see that as a result of the government's changes to workplace flexibility. In my electorate of Higgins I have 19,524 small businesses. Small businesses employ people. They take risks. They put their money on the line. They make a very important contribution to our economy.

I would particularly like to congratulate one of the small businesses in my area, the Malvern Hotel, that recently was recognised for its achievement in the National AHA awards for top hotels. The hotel was recognised as Best Bistro (Metropolitan) and I would particularly like to congratulate the owners, Ken Price and Michael and Susan Burke for their great achievement since taking over this business in 2009. Like so many people in small business they work very hard and it is terrific that they have now been recognised.

Volunteers

Mr MITCHELL (McEwen) (13:55): There are many unsung heroes in our communities who have served us for so long and asked for nothing in return. Many of these people are volunteers and I want to put on record my thanks to the volunteers in my community who have dedicated years to protecting us from bushfire—most significantly, the devastating Black Saturday fires.
I want to thank Helen Kenney, who has stepped down as captain of the St Andrews CFA after four years. However, she continues to give up her time, as she has done for the past 12 years, to protect and serve the community. I also want to thank David McGahy, who is stepping down as captain after more than nine years with the Strathewen-Arthurs Creek CFA and has been involved with the CFA for over 40 years. David gave evidence to the Victorian Bushfire Royal Commission and stated, 'We can never forget our firefighters.' He continued to do what was requested on Black Saturday and helped other people, with no idea if their houses were still there or if their families were alive. The same things I said of Helen can be said for David.

Helen and David, like many others in my community, took on herculean tasks with strength, determination, passion and courage. These qualities have been invaluable and their distinguished commitment to their roles second to none. They both knew the responsibilities would be great, particularly in such fire-prone areas, yet never shied away from what needed to be done or said. They put their lives on the line, lost friends to the flames but continued to serve and protect the community to the best of their abilities. On behalf of the people of McEwen I want to thank both Helen and David and wish them the best in their future endeavours. I know they will continue to play both leading and salutary roles in the community. It is people like this whose ongoing voluntary service strengthen our communities.

Hicks, Mr David

Mr CHRISTENSEN (Dawson) (13:56): I rise to express my utter disgust in the book by convicted terrorist David Hicks being short-listed in the Queensland Premier's Literary Awards. Hicks was not a man who took an overseas holiday and ended up in the wrong place at the wrong time; he was exactly where he wanted to be. He knew where he was and he knew what he was doing.

Hicks converted to Islam and joined the Lashkar-e-Taiba, or 'army of the righteous'. He trained in weapons, landmines, basic explosives, marksmanship and ambush. They are not holiday pursuits. He was associating with the likes of Osama bin Laden, whom he met at least eight times. During his training with al-Qaeda, he was interviewed about his willingness to go on a martyr mission. Maybe the Premier of Queensland should have read the first book by David Hicks, his travel diary. He kept a journal. He wrote that he was trained to carry out armed raids and ambushes. He described how to gun down a six-strong security detail. He wrote that Satan was aligned with western society, which is full of poison introduced by Jews. 'Muslims fight against Jews and they kill them', he wrote.

The Premier tries to justify her book nomination by saying that in her view it is a reaffirmation of values, which distinguish us from the terrorists. No, it is not, Premier: it is the Premier giving affirmation to a book by someone who sided with an enemy on the day that an Australian soldier was killed in the country where that mongrel went.

Australian Industry

Mr KATTER (Kennedy) (13:58): It was announced last week that CMG, the manufacturer of electric motors in Australia—the last manufacturer of electric motors in Australia—is closing its doors. There will be no more electric motors made in Australia. One-third of Australia's electricity goes into electric motors; a country not able to make an electric motor is like a country not able to make a wheel.
I watched with considerable pain and shock the announcement by Qantas that half to two-thirds of their international operations will be going under the control, effectively, of foreign operators. They should not be allowed on the runs that are allocated to Australian operators. It will not be an Australian airline. Two-thirds of it will be overseas owned. The pilots will be overseas based and the maintenance will take place overseas—almost all of the maintenance. In the same period, we had the announcement by BlueScope that they were also going overseas.

We are watching the haemorrhaging of the Australian workforce. There will be only two industries left: iron ore and coal quarrying. That is all that will be left in Australia. (Time expired)

Convoy of No Confidence

Mr COULTON (Parkes—The Nationals Chief Whip) (13:59): On Monday we saw a peaceful protest on the lawns of Parliament House—(Time expired)

The SPEAKER: Order! It being 2 pm, the time for members' statements has concluded.

STATEMENTS ON INDULGENCE

Logan City: House Fire

Dr EMERSON (Rankin—Minister for Trade) (14:00): On indulgence, I wish to make a short statement about the house fire in Kingston. A well-known Tongan-Samoan family has suffered a great loss in Logan City this morning where, it is believed, 11 members of their immediate and extended family passed away in a fire. The family has been in Australia for more than 25 years and have been Logan stalwarts for the past 15 years. The family are respected by the Tongan, Samoan and wider communities in Logan for their commitment to making Logan a better place.

One survivor is in Logan Hospital with severe burns. He is well known for assisting local families with migration matters and has had some pretty good success. His wife was a devoted wife and mother, a person who cared deeply for her family, her church and her community. She will be missed and mourned greatly by the Logan community. Although I cannot confirm the other members who perished in this horrific fire I can confirm that students of Mabel Park State High School and Mabel Park Primary School are today mourning the loss of this family. Flags are flying at half mast.

I wish to thank emergency services, all the other support services and the local community for rallying around the family at this terrible time. I thank members from other areas for the concerns that have been expressed and I will pass on their condolences to the family.

The SPEAKER: I am sure that members would want me to associate the House with the remarks by the Minister for Trade who is also, more importantly, the member for Rankin. We pass on our condolences to the family and friends and, importantly, to the Rankin community.

Ms GAMBARO (Brisbane) (14:02): As the shadow parliamentary secretary for immigration and citizenship, I also wish to add my respect and my wholehearted sympathy for the sad loss of 11 family members. I spoke just a few moments ago about that tragic loss. I think the House would share in expressing our heartfelt sympathies for the members of the Tongan and Samoan communities. I understand the MultiLink Community Services organisation called a meeting today. I want to acknowledge the great work that Helen Coyne and her team are doing to help the family and the community and the neighbours of this tragic loss.
MINISTERIAL ARRANGEMENTS

Ms GILLARD (Lalor—Prime Minister) (14:02): I inform the House that the Minister for Families, Housing, Community Services and Indigenous Affairs will be absent from question time today because she is attending a meeting of the full council of the Central Land Council. The Minister for Human Services and Minister for Social Inclusion will answer questions on her behalf.

QUESTIONS WITHOUT NOTICE

Member for Dobell

Mr ABBOTT (Warringah—Leader of the Opposition) (14:03): In light of the member for Dobell’s resignation as chairman of the House Standing Committee on Economics due to a New South Wales police investigation I ask the Prime Minister: does the member still have her complete confidence?

Ms GILLARD (Lalor—Prime Minister) (14:03): In answer to the Leader of the Opposition’s question, I have made many statements about that in this House. I stand by every one of them but what I am not going to stand for is the Leader of the Opposition in his question verballing and his presumptions about the motivations of the member for Dobell in determining to resign from the chairpersonship of a committee. I refer the Leader of the Opposition to the statement he made, which was about the best workings of that committee.

MOTIONS

Member for Dobell

Mr ABBOTT (Warringah—Leader of the Opposition) (14:04): I seek leave to move a motion requiring the Prime Minister to make a statement to this parliament in connection with the member for Dobell.

Leave not granted.

BUSINESS

Suspension of Standing and Sessional Orders

Mr ABBOTT (Warringah—Leader of the Opposition) (14:04): I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Warringah moving immediately:

That this House immediately suspend proceedings for a period of not more than ten minutes to require the Prime Minister to make a statement explaining the nature of discussions she or her office has held regarding the loan provided by the NSW Labor Party to the Member for Dobell to cover his legal expenses and any discussions she or her office may have had with the Member for Dobell regarding the allegations against him.

It is with considerable reluctance that I move this suspension of standing orders motion, because—

Government members interjecting—

The SPEAKER: Order! I remind members of my comments of this morning. These are matters on which there will end up being a vote. If you want to remain around for the vote I think that you might sit there quietly.

Mr ABBOTT: As I said, I move this motion with considerable reluctance, because outside this House the Australian people are interested in jobs and the threats to their jobs, particularly the threats that are now existing to the jobs of manufacturing workers in the Illawarra. But I regret to say that inside this House all members of the government appear to be interested in is the job of the member for Dobell and, more importantly, the job of the Prime Minister, which rests upon the continued job of the member for Dobell. This is why standing orders must be suspended.

As long as this government is preoccupied with defending the member for Dobell, it
will not be addressing the issues of vital importance for our nation. As long as members of this government are stonewalling and obfuscating and as long as they are defending the indefensible and justifying the unjustifiable to protect their own position in government they will not be properly protecting the interests of the Australian people. This is why standing orders must be suspended. There are more than 1,000 jobs in the Illawarra right now that are under threat because this government has not adequately been able to defend the manufacturing industries of this country. The only jobs that this government is interested in are its own jobs and protecting the position of the member for Dobell. This is happening because this Prime Minister is not prepared to take the steps to preserve the integrity of the government that any of her recent predecessors would clearly have protected. Standing orders must be suspended so that the integrity of this parliament can be preserved and protected. It is extraordinary that the Prime Minister of this country thinks so little of the need to protect the integrity of this parliament and thinks so little of the need to uphold the proper standards of behaviour amongst members of parliament that she is not even prepared to sit in this parliament and listen to this debate.

I am prepared to have a wager that she will not respond to this motion. This is a Prime Minister who is so determined to stonewall, who is so determined to ignore issues of integrity in government that she will not listen to the debate and will not respond to the allegations that her member must face and the questions that she herself must answer.

For more than a week this Prime Minister has been asserting that the member for Dobell has her full confidence. On no fewer than eight separate occasions she has done so. Standing orders must be suspended for the Prime Minister to explain, because if this Prime Minister has full confidence in the member for Dobell, given the issues that the member for Dobell needs to address, it is very, very difficult for the Australian people to have full confidence in her. How can the people have full confidence in the Prime Minister if the Prime Minister continues to have full confidence in the member for Dobell? This is why standing orders must be suspended.

I am dismayed that this Prime Minister and this government, in particular, has resisted this motion for the suspension of standing orders, because isn't this the same Prime Minister that said that Labor was the party of truth telling? Isn't that what she said? What about a bit of truth telling from the member for Dobell and what about a bit of truth telling from this Prime Minister. Isn't this the Prime Minister who said at the beginning of this parliament that it would be a parliament of openness and accountability? Didn't she say repeatedly that there would be a new era of openness and accountability under the new paradigms? Didn't she say that we should let the sunshine in—that sunshine is the best disinfectant? So I say to all of the members of this parliament: the best way to let sunshine in is to suspend standing orders so that the Prime Minister can explain herself in this parliament.

This morning this parliament voted—not by absolute majority but by a majority—for the member for Dobell to make a statement. I regret to say that he did not make that statement. He was not legally bound to make a statement, but I would have thought that he was morally bound to make a statement by the vote of this parliament. Similarly, I would think that this Prime Minister in the absence of a statement by the member for Dobell is morally, if not legally, bound to make a statement to this parliament about
what she knew and when she knew it. This ought to be the essential criteria for being Prime Minister of this country—that she is straight and honest with the parliament and through this parliament to the Australian people about what she has done. That is the minimum if the Prime Minister is to have any standard for integrity.

I am not asking the Prime Minister to explain the apparent misuse of credit cards. That is a subject that needs to be dealt with by the relevant member and that is, after all, something that is now being investigated by the New South Wales Police. But I do think that the Prime Minister should tell us what she thinks about the misuse of credit cards, because as things stand her stonewalling suggests that she does not think it is very important at all.

There are 70,000 members of the Health Services Union—70,000 low-paid workers whose fees, it seems, may well have been misused. The Prime Minister owes them an explanation of what she thinks about this kind of conduct. $90,000 has apparently been spent by the New South Wales Labor Party to pay the member for Dobell’s legal fees. That is $90,000 in money that belongs to the Labor members of New South Wales. These are the members that buy Johno Johnson’s raffle tickets; these are the members who believe in the light on the hill, which is not protecting the job of any particular member or any particular Prime Minister, but working for the betterment of mankind. That is what they believe and they are owed a decent explanation by their Prime Minister, particularly when they do not get one from the member for Dobell. That is why standing orders should be suspended—that so that this Prime Minister and her government can put this grubby business behind it. Until this Prime Minister and this government can put this grubby business behind it, this government will not be able to address any other issues.

As things stand we have a Prime Minister in hiding on this issue, we have a member in protection and we have a government in paralysis. We have a government in crisis. I say to the Prime Minister: people with a reasonable explanation have nothing to fear from the facts. The facts is what this motion seeks to get—facts from the Prime Minister and ultimately facts from the member for Dobell. That is why this motion for the suspension of standing orders should be supported.

The SPEAKER: Is the motion seconded?

Mr PYNE (Sturt—Manager of Opposition Business) (14:14): I second the motion. I say to the House that standing orders should be suspended in order to allow the Prime Minister the opportunity to come back into the chamber and make a full explanation to the House about her involvement and that of her officers in the gift of at least $90,000 to the member for Dobell from the New South Wales ALP to settle his defamation action with Fairfax Media Ltd and about any discussions she has had with the member for Dobell about his remaining in the House or as Chair of the House Standing Committee on Economics.

Since last Tuesday we have asked eight questions in this place of the Prime Minister or other ministers about what they knew and when and about their confidence in the member for Dobell. All we have had in response from the Prime Minister is stonewalling and obfuscation. Any other prime minister worth their salt—whether it is the current member for Griffith or the former Prime Minister John Howard or Malcolm Fraser, Paul Keating or Bob Hawke—would have understood the necessity to take action today, or in fact weeks ago, to restore
integrity to this government. If the Prime Minister was worth her salt, she would come into the House, she would make an explanation about everything she knows and she would clear the air. She would do so to restore integrity in this government in the eyes of the public.

But we know what she has said about how much she loves power. She told the Sydney Morning Herald in 2005: 'I'd cheerfully kill several hundred people to get the opportunity to be a minister in the short term.' We know that she was prepared to assassinate—the member for Griffith when he was the Prime Minister. Goodness knows what she will do to cling to power.

The SPEAKER: The member for Sturt must relate his remarks to the suspension.

Mr PYNE: The reason it is relevant, Mr Speaker, is that the Prime Minister has spent the last week obfuscating and stonewalling in this House, because we know she will do anything to avoid having to go to the people from losing the member for Dobell. If she had the integrity that she claims, she would come into the House and put this issue behind her, clear the air and restore integrity into a government that is struggling.

The controversy surrounding the member for Dobell is paralysing the government. The government is utterly distracted by it. For weeks allegations, claims and supposed misrepresentations have dribbled out through the press and have now become an avalanche of stories every day for the last week. The issue has paralysed the government, a government that was already struggling and already showing it was incapable of occupying the government benches. Whether it was the live cattle export issue or the protection of our borders, the Malaysian solution, the announcement of the carbon tax or the breaking of the promise on the carbon tax that she made before the election, restoring confidence in the economy or protecting Australian families from rising cost-of-living pressures, these are the issues the Australian public cares about and these are the issues the government cannot and will not address while it is paralysed and distracted by the controversy surrounding the member for Dobell.

We move this motion to suspend standing orders to give the Prime Minister the opportunity to give a 10-minute speech, because we in the opposition want to give the Prime Minister the opportunity to clear the air, to put this matter behind her government—to move on so that ministers and backbenchers, the opposition and the government can all focus on what matters to the Australian people, which is their jobs and their livelihoods in a collapsing international economy. With the crisis of confidence among the community in this government and in the economy and with daily stories about job losses—whether it is at BlueScope or OneSteel or Westpac or Qantas—these are the issues we want to get on to, but until we get answers from the Prime Minister and the member for Dobell about the controversy surrounding him the government is paralysed and distracted, and that is why the Prime Minister must come into the House and give a full explanation of her involvement. (Time expired)

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (14:19): If there were any doubt that the Leader of the Opposition was unfit for high office, we have seen it demonstrated yet again today in this debate for the suspension of standing and sessional orders. The Manager of Opposition Business outlined a range of real issues of import to the Australian community—the issue of the pressure created by the high Australian dollar, the issue of the global economic
situation and the issue of jobs. These are the issues that this government is focusing on but the opposition could not care less about. After one question from the Leader of the Opposition, they end question time by moving a suspension of standing and sessional orders. We have seen it all played out in the contribution of the Leader of the Opposition: one standard for himself and another standard for everyone else. Hypocrisy writ large. There is only one member of the Australian parliament who has charges against them—and it is not just shoplifting—and that is a member of the opposition. When did that occur? In May. When did we find out about it? In July. For two months they said absolutely nothing to the Australian people or in their party room. She is still chairing a committee; she has just stepped aside so she stays on the payroll. What hypocrites we see of those opposite. There is no process, there is no convention, there is no tradition, there is no norm that this Leader of the Opposition will not trash. This man is not a conservative; he is a reactionary who has been determined from day one, in what is the longest dummy spit in Australian political history, to trash the parliament, to trash its institutions and to drag everything down. You never see those opposite happier than when an Australian loses their job. They are only concerned about themselves, and we see it day in, day out.

Just look at their hypocrisy. The Leader of the Opposition spoke about parliamentary standards, but last year, on 17 September, he said:

... what we envisaged with the Parliamentary reform ... was that the House of Reps would have a pairing system very much like the system that's operated effectively for years in the Senate, where typically the government hasn't had a majority ... He went on to say, later that same day:

I also support doing what's reasonably necessary to ensure that the Parliament can function given the closeness of the vote in the parliament.

What a farce. Today, we saw the Prime Minister's vote not counted because she was doing the job of a Prime Minister—a job that this man will never do because he is incapable of holding high office. We saw the Minister for the Arts and the member for Wentworth prevented from attending the funeral of Margaret Olley. Last week, we stood as one in this House for the condolence motion on her death; yet today, in spite of the fact that it would have no impact on the result—no chance did the opposition have of getting an absolute majority—they chose to make a petty, mean-spirited act, lacking in old-fashioned decency. Then they came in and moved a motion to override the separation that exists between judicial proceedings and the parliamentary process. We had the shadow finance minister's speech last night—an outrageous attack under parliamentary privilege. We had a motion this morning and now we have another one.

This is what the Leader of the Opposition said about the member for Bonner, when there were investigations taking place:

"The matter is really now before the police and perhaps the Criminal and Misconduct Commission in Queensland, and let's let those authorities make their investigations and come to any conclusion," … "He's a backbench Member of Parliament and I think he's entitled to stay in the Parliament until these bodies have come to their conclusions," he said.

We also have Senator Brandis, of Brandis on Brandis fame. This is what he had to say today, as reported in the Australian online:

... while the Thomson matter "has potential important political ramifications, from my point of view this is not primarily a political matter, it is primarily a legal matter".
That is what the shadow Attorney-General said just today. Of course, he has also said about his own side:
I think people ... are entitled to the presumption of innocence ... Particularly since these people are members of parliament ...  
What a farcical situation we have. Former Prime Minister John Howard had the same thing to say on 7 March 2007. He said, 'A lot of people who are under investigation end up having nothing to answer for.'

The Leader of the Opposition's hypocrisy is perhaps best exemplified by his actions in the establishment of Australians for Honest Politics. Remember the slush fund? When David Oldfield set up One Nation out of his electorate office, along with Pauline Hanson in Warringah, he said, 'A hundred thousand dollars in the fund—we still don't know where it comes from.' When the Leader of the Opposition—the same person who is now moving a motion that the Prime Minister should respond, and there are no allegations against the Prime Minister—was asked, 'Where did the money come from?' he said in the Sydney Morning Herald on 5 September 2003:
"There are some things the public has no particular right to know."
That is what he said.

But, of course, he was part of a government where there was barely a day in its 12 years that one of their frontbench was not under investigation or under threat of having to resign. They lost nine ministers and parliamentary secretaries. It was a revolving door over there because of the accusations and the proven circumstances which led to the resignation of minister after minister, parliamentary secretary after parliamentary secretary, day after day.

We know that they then stonewalled. They had a position whereby, no matter what you did, you were going to get defence. We had Wilson Tuckey providing references to police on his letterhead and Peter Reith giving his credit card to his son, conceding that he should not have done so, and his son giving it to someone else, with the public picking up the bill for all of that. We had the misrepresentation to the public about 'children overboard'. We had scandals involving the former Minister for Foreign Affairs over AWB. We had the member for Wentworth with his rainmaker grants. We had the member for North Sydney launching tourism campaigns for farm stays a couple of days after he opened his own farm stay business—a bit of insider knowledge there. So, day after day, we had those sorts of circumstances occurring, but what we heard from the now Leader of the Opposition was:
"There are some things the public has no particular right to know."

Earlier this year, on the front page of the Australian, one of his mates who helps run the group that has raised over $110,000 for Tony Abbott was talking about Work Choices, but he made no declaration of interest whatsoever.

The Leader of the Opposition gave an interesting speech last week to the AMA. He said: 'You don't have to judge me by my words; you can judge me by my actions.' Well, we do judge the Leader of the Opposition by his actions. His actions are those of someone who is absolutely desperate because they cannot engage in a policy debate about the future of this country because they are too busy trying to dig themselves out of a $70 billion black hole. That is why those opposite have gone away from the policy debate on the economy; they have no interest whatsoever. They are just interested in slurs and digging dirt on members of parliament. It is important that due process be upheld.
The SPEAKER: Order! The time for the debate has expired. The question is that the motion moved by the Leader of the Opposition for the suspension of standing and sessional orders be agreed to. Question put.

(The Speaker—Mr Harry Jenkins)

The House divided. [14:34]

Ayes.................... 71
Noes.................... 73
Majority ............. 2

AYES
Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Entsch, WG
Forrest, JA
Gambbaro, T
Griggs, NL
Hartsuyker, L
Hockey, JB
Irons, SJ
Jones, ET
Kelly, C
Ley, SP
Marino, NB
Matheson, RG
Mirabella, S
Neville, PC
O’Dwyer, KM
Pyne, CM
Randall, DJ
Robert, SR
Ruddock, PM
Scott, BC
Simkins, LXL
Somyiyay, AM
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wyatt, KG

NOES
Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Burke, AS
Byrne, AM
Cheeseeman, DL
Collins, JM
Crean, SF
D’Ath, YM
Elliot, MJ
Emerson, CA
Ferguson, MJ
Garrett, PR
Gibbons, SW
Gray, G
Griffith, AP
Hayes, CP
Jones, SP
King, CF
Livermore,KF
Marles, RD
Melham, D
Murphy, JP
Oakeshott, RJM
O’Neill, DM
Parke, M
Piibersek, TJ
Rishworth, AL
Roxon, NL
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Thomson, KJ
Wilkie, AD
Zappia, A

Albanese, AN
Bird, SL
Bradbury, DJ
Burke, AE
Butler, MC
Champion, ND
Clarke, JD
Combet, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Fitzgibbon, JA
Geoghegan, S
Gillard, JE
Grierson, SJ
Half, JG (teller)
Husic, EN (teller)
Kelly, MJ
Leigh, AK
Lyons, GR
McClelland, RB
Mitchell, RG
Neumann, SK
O’Connor, BPJ
Owens, JF
Perrett, GD
Ripoll, BF
Rowland, MA
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, CR
Vamvakinou, M
Windsor, AHC

PAIRS

Moylan, JE
Slipper, PN
Rudd, KM
Macklin, JL

Question negatived.

Ms Gillard: I ask that further questions be placed on the Notice Paper.

PERSONAL EXPLANATIONS

Ms GAMBARO (Brisbane) (14:40): Mr Speaker, I wish to make a personal explanation.
The SPEAKER: Does the honourable member claim to have been misrepresented?

Ms GAMBARO: Yes

The SPEAKER: Please proceed.

Ms GAMBARO: I, along with other members, including Rowan Ramsey and Steve Irons, was misrepresented in the Australian online yesterday by the Minister for Broadband, Communications and the Digital Economy, who said that 'more and more MPs were breaking ranks with Tony Abbott and Malcolm Turnbull's plan to demolish the NBN'. I was highlighting a broken promise made by the government to the constituents of Brisbane; I by no means said what I was quoted as saying in the Australian online.

QUESTIONS TO THE SPEAKER

Tennis Australia Event: Funding

Mrs PRENTICE (Ryan) (14:40): Mr Speaker, is it appropriate to ask you a question at this point, or should that be done later?

The SPEAKER: Under a strict interpretation of the standing orders, a dog had barked and the caravan had moved on, but, given the circumstances, if the member for Ryan has a question to me, I am a risk taker and will take the question.

Mrs PRENTICE: Mr Speaker, would you please advise or make appropriate inquiries as to whether the Tennis Australia event held yesterday evening at Parliament House was a government funded event or a Labor Party funded event? If it was a government funded event, were representatives of Tennis Australia explicitly requested not to mention the event to members of the coalition? I ask this because, when I stopped to greet some of my friends from Tennis Australia, a staff member of the Minister for Small Business asked me to leave, as it was 'an ALP function'.

The SPEAKER: I will take the question on notice. I am not sure that it is within my province, but there is sufficient spin on the serve to allow me to attempt to hit it. I will get back to the member for Ryan—she has obviously been taking very close advice from her neighbour, whose serve I would not have seen at all if he had served one up to me!

COMMITTEES

Selection Committee Report

The SPEAKER: I present the Selection Committee's report No. 29 relating to the consideration of committee and delegation business and private members' business on Monday, 12 September 2011. The report will be printed in today's Hansard and the committee's determinations will appear on tomorrow's Notice Paper. Copies of the report have been placed on the table.

The report read as follows—

Report relating to the consideration of committee and delegation business and of private Members' business

1. The committee met in private session on Tuesday, 23 August 2011.
2. The committee determined the order of precedence and times to be allotted for consideration of committee and delegation business and private Members' business on Monday, 12 September 2011, as follows:

   ITEMS FOR HOUSE OF REPRESENTATIVES CHAMBER (10.10 AM TO 12 NOON)

   COMMITTEE AND DELEGATION BUSINESS

   PRESENTATION AND STATEMENTS

1 Standing Committee on Social Policy and Legal Affairs

Extradition and Mutual Assistance in Criminal Matters Legislative Amendment Bill 2011. The Committee determined that statements on the report may be made—all statements to conclude by 10.20 am.
Speech time limits —
Mr Perrett—5 minutes.
Next Member—5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

PRIVATE MEMBERS’ BUSINESS

Notices


Presenter may speak for a period not exceeding 10 minutes—pursuant to standing order 41.

2 MR ABBOTT: To present a Bill for an Act to protect the interests of Aboriginal people in the management, development and use of native title land situated in wild river areas, and for related purposes (Wild Rivers (Environmental Management) Bill 2011). (Notice given 23 August 2011.)

Presenter may speak for a period not exceeding 10 minutes—pursuant to standing order 41.

Orders of the Day

1 PARLIAMENTARY BUDGET OFFICE BILL 2011 (Mr Hockey): Second reading (from 22 August 2011).

Cognate debate with —

2 CHARTER OF BUDGET HONESTY AMENDMENT BILL 2011 (Mr Hockey): Second reading (from 22 August 2011).

Time allotted—40 minutes.

Speech time limits —
Mr Hockey—10 minutes.
Other Members—10 minutes each.

[Minimum number of proposed Members speaking = 4 x 10 mins]

The Committee determined that consideration of this matter should continue at a later hour this day. Referred to the Main Committee.

3 MR ZAPPIA: To move:
That this House:
(1) acknowledges the importance of the Road Transport Industry to Australia’s economy;
(2) notes that Heavy Vehicle Regulator Intergovernmental Agreements (HVIA) were reached at the Council of Australian Governments meeting on 19 August 2011;
(3) acknowledges the significance of the HVIA to Australia’s road transport sector; and
(4) commends the federal Minister for Infrastructure and Transport for his work in bringing about this agreement. (Notice given 23 August 2011.)

Time allotted—remaining private Members’ business time prior to 12 noon.

Speech time limits —
Mr Zappia—10 minutes.
Next Member—10 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 mins + 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Items for House of Representatives Chamber (8 to 9.30 pm)

PRIVATE MEMBERS’ BUSINESS

Notices—continued

4 MR CROOK: To move:
That this House:
(1) notes that:
(a) Goods and Services Tax (GST) revenues are distributed to the States and Territories in accordance with a formula driven by Horizontal Fiscal Equalisation (HFE) principles and are legislated for in the Federal Financial Relations Act 2009;
(b) for 2010–11, Western Australia received just 68 per cent of what it would have received if GST revenue was distributed across Australia on a per capita basis—the lowest relativity applied to any State since the formula was introduced; and
(c) every other State and Territory, by contrast, received not less than 91 per cent of what it would have received if GST revenue was distributed evenly across Australia; and

(2) calls on the Government to amend the Act to stipulate a minimum GST revenue-sharing relativity of 75 per cent, which would allow continuing respect for the principles of HFE, but with proper recognition for population, and without Western Australia being unfairly penalised for its disproportionate contribution to our national economic prosperity. (Notice given 16 August 2011.)

Time allotted—30 minutes.

Speech time limits —

Mr Crook—10 minutes.
Next Member—10 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 mins + 2 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Orders of the Day—continued

3 AIR SERVICES (AIRCRAFT NOISE) AMENDMENT BILL 2011 (Mrs Moylan): Second reading (from 4 July 2011).

Time allotted—remaining private Members’ business time prior to 9.30 pm.

Speech time limits —

Mrs Moylan—10 minutes.
Next 3 Member—10 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 4 x 10 mins + 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Items for Main Committee (approx 11 am to approx 1.30 pm)

PRIVATE MEMBERS’ BUSINESS

Orders of the day

1 AUDITOR-GENERAL AMENDMENT BILL 2011 (Mr Oakeshott): Consideration in detail (from 7 July 2011).

Time allotted—60 minutes.

Speech time limits — Each Member—5 minutes each.

[As per Standing Order 1, minimum number of speaking periods = 12 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Notices

1 MR MELHAM: To move:

That this House:

(1) acknowledges the contributions of:

(a) Pole Depot;
(b) Riverwood Community Centre;
(c) the Chinese Australian Services Society;
(d) Padstow Community Centre;
(d) Mortdale Community Services; and
(e) Community Services Alliance;

(to the overall welfare of the people in the Hurstville, Kogarah, Bankstown and Canterbury local government associations areas);

(2) notes the contributions of all community-based organisations to the welfare and support of the neighbourhoods they service through:

(a) family, youth and children's services;
(b) health, ageing and disability services;
(c) migrant settlement and support;
(d) carer respite and support;
(e) education and training; and
(f) sport and recreation;

(3) recognises the support of the Government to those community groups through:

(a) the Community Investment Program;
(b) community grants;
(c) volunteer grants; and
(d) the Diversity and Social Cohesion Program; and

(4) acknowledges the advocacy of the management and boards of those organisations to ensure that local needs are being met; and

(5) affirms the Government's ongoing commitment to assisting those organisations. (Notice given 23 August 2011.)
Time allotted—remaining private Members’ business time prior to 1.30 pm (approximately).

Speech time limits —
  Mr Melham—10 minutes.
  Next 5 Members—10 minutes each.
  Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 6 x 10 mins + 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Items for Main Committee (approx 6.30 to 9 pm)

PRIVATE MEMBERS’ BUSINESS

Orders of the day—continued

2 PARLIAMENTARY BUDGET OFFICE BILL 2011 (Mr Hockey): Second reading (from 22 August 2011).

Cognate debate with —

3 CHARTER OF BUDGET HONESTY AMENDMENT BILL 2011 (Mr Hockey): Second reading (from 22 August 2011).

Time allotted—40 minutes.

Speech time limits —
  First Member—10 minutes.
  Next Member—10 minutes.
  Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 mins + 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Notices—continued

2 MR HAYES: To move:

That this House:

(1) notes that the month of August is Spinal Muscular Atrophy (SMA) Awareness Month;
(2) further notes that:
  (a) 52 Australians die each month from this rare genetic motor neuron disease;
  (b) SMA is the leading genetic killer of infants under the age of two; and
  (c) this debilitating disease can occur in both adults and children;
(3) expresses support for:
  (a) the Spinal Muscular Atrophy Association Inc.; and
  (b) all Australian families affected by this incurable disease; and
(4) calls for the Government to:
  (a) lodge SMA as a keyword with the National Health and Medical Research Council;
  (b) provide support for practical initiatives for those affected by SMA; and
  (c) promote awareness of SMA. (Notice given 18 August 2011.)

Time allotted—50 minutes.

Speech time limits —
  Mr Hayes—10 minutes.
  Next Member—10 minutes.
  Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 mins + 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Orders of the day—continued

4 Foetal Alcohol Spectrum Disorder: Resumption of debate (from 22 August 2011) on the motion of Dr Stone

Time allotted—30 minutes.

Speech time limits —
  Dr Stone—5 minutes.
  Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Notices—continued

3 MR RIPOLL: To move:

That this House:

(1) acknowledges that the Football Queensland licensing scheme is anti-competitive because it:
  (a) excludes smaller and new apparel manufacturers who cannot afford to pay the annual fee from the market;
(b) increases costs for clubs and players as licensed suppliers pass on the cost of the licence fee and the 'Q Logo' to consumers;

(c) forces clubs to purchase what some regard as inferior and expensive products as Football Queensland strictly enforces penalties against clubs that wear apparel from non-licensed suppliers in competitive matches;

(d) increases cost for regional clubs as manufacturers large enough to pay the licensing fee are based in the large population centres, not in the regions; and

(e) protects licensed suppliers from true competition as there is only a limited number of licensed suppliers and most are aware of each others prices;

(2) recognises that the current immunity from prosecution granted to Football Queensland by the Australian Competition and Consumer Commission (ACCC) has been instrumental in allowing Football Queensland to conduct this anti-competitive behaviour and sets a precedent for other sporting administration bodies within Australia to instigate similar schemes;

(3) calls on the ACCC to consider the anti-competitive nature of the Football Queensland licensing scheme when deciding on the continuation of the immunity from prosecution granted to Football Queensland; and

(4) acknowledges that Football Queensland and other similar organisations have special exemptions and conditions in relation to their status in their community and as a consequence also carry special responsibility and duty of care in the exercise of its charter for clubs and players, as well as its commercial relationships. (Notice given 22 August 2011.)

Time allotted—remaining private Members' business time prior to 9 pm

Speech time limits —

Mr Ripoll—10 minutes.

Next Member—10 minutes.

Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 mins + 2 x 5 mins]
Australia. They have run out of this parliament and closed down question time. Have we ever seen anything like it? But have we ever seen a government anything like this one? It is a disgrace to the Australian people. It is a disgrace to the democracy of our land—a bad government with bad policy delivering bad outcomes. And now they run away from scrutiny.

Over the last couple of weeks, people have been travelling in convoys from all across our continent to Canberra to have their voices heard. They were angry. They had been lied to. The government was not listening to what they had to say. They came from the Kimberleys, from North Queensland, from Darwin, from Victoria, from Western Australia and from all over this country at considerable personal expense and considerable personal inconvenience. They used money that they do not have. They came here because they were angry. Many of them had never been to Canberra before in their lives. Most of them had certainly never been in a protest before in their lives, but they know that the future of our country is at risk because of this government and its policies. They endured the personal expense because they wanted to have their voice heard in the national capital.

But they received the same treatment from this government as the parliament has today in question time. The government would not go out and talk to them. The government would not listen to them. The government would not hear what they had travelled from the far corners of the continent to say. This was a convoy that had no confidence in this government—and didn't they have every good reason to have no confidence in this government and the way it has performed.

Not only would the government not talk to them, not only would the government not listen to what they had to say; the government actually ridiculed them. The Minister for Infrastructure and Transport called them 'the convoy of no consequence'. This is the man who used to be minister for regional development. How much does he care about regional Australians? How much does he care about the delivery of infrastructure in this country when he dismisses those people who have come from all corners of the continent to have their say as being a convoy of no consequence? The member for Wills was even worse, shamefully worse, ridiculing the older people in this convoy and calling them a 'convoy of incontinence'. What sort of language will these people use to denigrate those who have come here to have their say? They were a convoy that had no confidence in the government, and, of course, this is a government that is itself a convoy of incompetence, stumbling from one disaster to another. Not only will it not listen to the constructive suggestions of people who want our country to be better; it ridicules and insults them and will not talk to them.

The Prime Minister was going to wear out her shoe leather across the country explaining the carbon tax, but she put the shoes away in two or three days and quickly got back to the comfort of the carpets. She was never willing to explain her tax. She walked away from it. Is it any wonder that the people of Australia are a convoy with no confidence in this government?

I received a number of letters, and I know other members have, from some of the people in this convoy, who expressed their dismay and their annoyance at the way in which they were treated by the government. Let me read part of a letter to you:

These participants are not just the visible contingent who braved the back roads, and the time, the expense, the early starts and cold showers at truck stops, to make it all the way to Canberra. They also include all those who stood
by the roadsides to wave, all those who cooked up sausages in small country towns, decorated their streets with coloured balloons and took a hat around for petrol money, all those who grieved that they couldn't make it but sent their best wishes and words of support, all those who walked the streets to collect petition signatures. In short, this convoy includes all those who wanted to say, 'We have no confidence in the current federal government.' Instead today, all these people, ordinary Australians, were labelled as being of no consequence and were metaphorically spat upon. I ask you: how dare our elected representatives treat these people with outright contempt? Will Julia Gillard and Bob Brown have the courage to meet with the participants in Canberra?

The reality is that they have not been prepared to meet. These people who travelled all the way across the country to deliver a clear message to the federal government that they were unhappy were not listened to; they were scoffed at, they were talked down and they were metaphorically spat upon because this government will not listen to what the people have to say about the carbon tax and its impact on ordinary Australians.

The Prime Minister promised us all—she promised them; she promised all Australians—that there would be no carbon tax under a government she led, but then Bob Brown, Christine Milne, the member for Lyne and the member for New England handed her government. A part of the price was that she had to institute a carbon tax upon which they had long campaigned. The Greens wanted an 80 per cent cut in emissions by 2050. They got it. The Greens said in January 2010 that they wanted a transitional carbon tax to start at $23. After the charade of the multi-party committee, the Greens got exactly what they had asked for in 2010: a $23 per tonne price. The member for New England wanted to legislate an 80 per cent target even earlier than the Greens, back in 2008. So he got what he wanted as well. The member for Lyne simply repeated his call during the CPRS debates to 'let the markets rip'. They got what they wanted. Due to its weakness the government was held to ransom, and now the Australian people will pay right across the country.

Other countries have exempted their industries from any responsibility to pay this tax. They wanted to save local jobs. This government has offered little or no protection in Australia, and what protection that there is will quickly be eroded. This is a recipe for economic and social disaster, which the Prime Minister has been prepared to inflict it upon Australian business and Australian families. Is it any wonder that the people are angry? Is it any wonder that there were people who were prepared to spend, in some cases, their last dollar to come to Canberra and have their voices heard—only to be spurned by a government that simply does not care?

There is going to be an enormous impact on state and local governments as a result of this carbon tax. Their costs will go up. Just as the cost of electricity will go up for households, the cost of electricity will go up for state governments and councils. For instance, if we work only on the $20 cost of carbon that was proposed, according to the Dubbo City Council, the extra cost of electricity to light the streets of Dubbo will be about half a million dollars. Tamworth, in the electorate of New England, says that it will cost $300,000 a year more to light the streets of Tamworth. So there will be higher rates. The reality is that, if we are going to get a warm inner glow from having a carbon tax, it will also light up the streets at a much greater cost.

Let me talk about another impact on local government. They have a lot of responsibility in caring for rubbish. So let us
talk about some rubbish other than government policy. Of the 500 emitters who are going to have to buy carbon permits, we are told that perhaps 190 of them are likely to be landfills. We know the list is a state secret as to who will pay and who will not have to pay. Only 70 actually emit the 25,000 tonnes of carbon dioxide equivalent that would essentially bring them into the target, but the government intend to rope in another 120 of these landfill sites. These are the sorts of tips and dumps that we all go to every so often with our load of rubbish, and the government are dragging all of these in. Because they would not want the price to be cheaper at one dump than another, they are putting the carbon tax on others. It does not seem to worry them that one dairy factory has to pay and another does not or that carbon tax is not charged on imported cars but it is on Australians cars, but they want to make sure the dumps are all treated the same.

What is worse—and the Prime Minister could not explain this the other day—is how they have to calculate how much carbon tax they have to pay. When you turn up with your load of garbage, somebody will have to calculate the amount of CO2 emissions there are going to be from your truckload or ute load of garbage for the next 30 years and then estimate the cost so they can calculate what they have to charge you for the carbon tax on the delivery of your rubbish. So there will be a council officer there with his computer and he will have to go through each piece and measure it all up and try to calculate how long it is going to be there so he knows how much to charge. Then of course you will have the government inspector from the new carbon tax police there to make sure that the council has not got it wrong.

This is the kind of bureaucratic nonsense that the government propose to put in place. And, once more, in the process, they are going to kill off the methane electricity generation industry that is currently making a significant contribution to our renewable electricity generation—that will no longer be eligible for subsidies under the New South Wales greenhouse gas reduction program.

Now let us turn to roads. Victoria and Western Australia have both done studies on road cost increases. They estimate that it will add around five per cent to the cost of building roads. And that is only in the first year—after that it goes up again and again and again. So $400 million will have to be added to the national building program if it is just going to deliver what the government originally said. There are no proposals to increase Roads to Recovery money—so important for local government to be able to build their roads—so they will just build fewer roads.

I notice that the member for Lyne is here. He is a very keen supporter of the Pacific Highway. As a result of the tax that he is supporting, the government will have to find hundreds of millions of dollars extra to be able to build the Pacific Highway because of the extra cost of building roads in Australia. There is no proposal by the government to provide additional road funding. There are no proposals to provide additional local government grants. There are no proposals to increase Roads to Recovery funding. That means fewer roads and less infrastructure. And, of course, if you drive on a better road up the Pacific Highway, one of the benefits is that you emit less CO2. If the government are really serious about reducing carbon emissions, why do they put these penalties on road building and make it so expensive for councils to be able to deliver their services?

There is no doubt that this government has been a convoy of incompetence ever since it was elected. There has just been one thing
after the other—the refugee policy, the pink batts mess, the incompetence in dealing with live cattle, the incompetence over renewable energy and the incompetence of school halls. The incompetence just goes on and on. This convoy of incompetence deserves to be brought to account.

People have come from across the nation to deliver the message. If the government was not satisfied with the numbers who were driving around Parliament House that day, maybe it could look back a week to when there were 5,000 people assembled on the lawns with exactly the same message. They may not have travelled as far, but their message was just as strong and just as powerful.

In addition to the government promising that there would be no carbon tax while they were in government, they said that they would not introduce a carbon tax unless there was a consensus of the Australian people. I have been watching the crowds on the lawns of Parliament House, I have been listening to the media coverage and I have been reading the letters that I receive from my constituents, and I have to say that there is a consensus in Australia, and the consensus is that we do not want a carbon tax. The people do not want it. And no convoy of incompetence, no closing down of question time, no avoidance of the issue and no unwillingness to speak to people on the laws will get away from that fact. The people do not want the carbon tax. It will not be good for Australia. It will hurt Australian jobs. It will make sure that the economic prosperity of this country stalls. That is not a price that Australian people are prepared to pay.

Mr CREAN (Hotham—Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts) (14:58): That was a struggle if ever I have heard one, from the bumbling Leader of the National Party, who claims credit and representation in terms of regional Australia. They have not asked a question on the subject in this parliament, and when they were in government they said there was no constitutional role for the Commonwealth when it comes to regional development. If the National Party do not stand for regional development, what do they stand for? They are a disgrace, and yet we have got this MPI led by the faltering leader who now looks after that once proud party. But it is a rump, because it is a branch office of the Liberal Party. Let me just deal with the issue we are debating here today. We are not just debating the question of the price of carbon and the impact that is having on the Australian economy. What we should be debating is that we are an economy in transition and we are being confronted by many challenges. Putting a price on carbon is one of the solutions to facing up to those challenges, but there are many challenges, including the high Australian dollar, the fluctuating commodity prices and the devastation wrought by the floods. This is what economies have to face up to. That is what leadership is about, and you can either treat those challenges as opportunities or treat them as threats. We on this side of the House see the opportunities; on that side of the House they only see them as threats. They go around preaching gloom and doom; they go around with a fear campaign. They have never come forward with a constructive thought in their life.

This is not the first time we have had to face up to challenges. The last time we did, it was also a Labor government that rose to the charge—a Labor government that understood in the eighties that what was needed for this economy to come through was to embrace an economy that needed to restructure itself, an economy that needed to open itself up to the rest of the world and an
economy that recognised that it is such a small market that you simply cannot produce for your own market. We had to engage the world, and to do that we had to become competitive. That is why we floated the dollar, that is why we cut tariffs, that is why we opened up to foreign bank entry and that is why we undertook the hard decisions. And what did that achieve, because we were prepared to face up to the hard decisions? It achieved the circumstances—

Mr Frydenberg interjecting—

Mr Laming interjecting—

Mr CREAN: Mr Speaker, if you are prepared to bring them to order—

The SPEAKER: Order! The member for Kooyong and the member for Bowman!

Mr CREAN: What it achieved was that Australia was the only developed economy in the world to have avoided the recession. We did it because we faced up to the hard challenges then and we are facing up to the hard challenges now.

On the question of carbon pricing, I had the opportunity over the course of the break that we have just come back from to visit much of regional Australia. On the question of carbon pricing, I conducted forums in at least 10 communities and invited the stakeholders—

An honourable member: And they loved it!

Mr CREAN: They did love it because they had a government that was prepared to engage them. These were local governments, these were regional development bodies and these were community action groups that knew they had to face up to this challenge. The common theme for all of these regional development forums was that they knew they had to face up to two fundamental challenges. The first was the recognition that they had to diversify their economic base. They looked around and saw the regions which had diversified their economic base and they were the ones that were succeeding. The ones that had the narrow base, the ones that were reliant on one industry alone, were the vulnerable ones. Think about Cairns, built around tourism. The dollar is hurting them, just as much as it is hurting manufacturers. But look at Townsville, just down the track, which has a diversified economic base, and it is not suffering the same level of high unemployment. That is the difference: economies that have embraced economic diversification. The second key ingredient that all these communities were embracing was the need to face up to a cleaner energy future. They express it in different ways: they want a cleaner environment in which their kids and grandchildren can grow up and they want to leave a legacy for them in the future; they want liveability; and they see opportunities—opportunities in green jobs and opportunities in terms of renewable energy options—and they were embracing them.

Mr Chester: You cut 11 million bucks out of Landcare!

Mr CREAN: As to the member who interjects, the member for Gippsland, I attended his electorate and the forum there had a raft of initiatives that his community has embraced. Monash University, through ClimateWorks, is working on a low-carbon action plan. Six Gippsland local government authorities are working on projects focused on promoting energy efficiency. The Gippsland Trades and Labour Council and the Gippsland TAFE are looking at identifying skills needs in terms of the clean energy future. Also, the RMIT and Monash University are working on regional partners to establish a set of sustainable technologies.

Mr Chester interjecting—
Mr CREAN: The member for Gippsland interjects. If he wants to ridicule what his local community leadership stands for, let him get up and honestly state that in this House.

The DEPUTY SPEAKER (Hon. BC Scott): Order! The minister will resume his seat. Does the member for Gippsland have a point of order?

Mr Chester: No. Will the minister take a question?

The DEPUTY SPEAKER: No. There is no point of order. The member for Gippsland will resume his seat or I will deal with him. The minister has the call.

Mr CREAN: Not only is the member for Gippsland out of touch with his own community but he does not have a clue about parliamentary procedures. Why doesn't he go off to a training program, actually learn something and engage with his community?

I was also in Whyalla. I mention Whyalla because the Leader of the Opposition went there to give them the rosy news that they were going to be wiped off the face of the earth when the climate change package came in, and yet when we went there we were shown opportunities in terms of solar, rare earths and a green-grid strategy in which they were committed to finding an additional 1,300 jobs if those projects come off. That is hardly wiping them off the map; that is expanding their economic footprint on the map.

As far as the Leader of the Opposition is concerned—talking about local government having their prices and things put up—I also went to Wagga during the break and announced an initiative with the Wagga council where, in conjunction with the Low Carbon Australia initiative, they were funding, with up-front, low-interest loans, initiatives to lower the energy footprint of the council. That is a council that sees the need to keep the energy costs down because, if they do not, it will transfer into higher rate bases. They are working with initiatives that the government is funding to help them lower that footprint. They know it, they get it and they are doing it. The only people who do not get it in this chamber are those who sit opposite. When it comes to the carbon pricing initiative we have got bipartisan support in this chamber for what we are trying to achieve. You would not believe it from the misrepresentations, untruths and fear that get spouted from the other side, but both major political parties have a commitment to lowering greenhouse emissions by five per cent by the year 2020.

In other words, we agree on the what. The difference is we disagree on the how. The proposal that has been put forward from the other side has been ridiculed by any objective observer that you ask because it is costly, because it does not work and because it actually puts a huge cost on households. In fact, as the Minister for Climate Change and Energy Efficiency indicated the other day, it is a cost per household of $1,300 a year. Yet they are talking to us about cost-of-living pressures.

Before the last election the member for Goldstein was saying that the opposition's proposal, which it does not even talk about these days, would take Hazelwood in Victoria out of the equation. However, when the Leader of the Opposition went down there and confronted the Latrobe Valley workers he said, 'Oh no, we're not closing Hazelwood.' So how are they going to implement the policy that they turn against as soon as they come to another audience? The Leader of the Opposition is the chameleon of Australian politics. With every audience he speaks to he changes his spots and he changes his language. He says what he thinks they want to hear but none of it is
consistent. He is caught out on climate change wherever he goes.

We are committed to achieving that five per cent reduction and we have the package of measures that will help us do it. That is why all of those community forums I have talked about have engaged in the discussion, because they have wanted to hear the package of measures that we have available to help them do it. This is also an interesting contrast because when the former Kennett government in Victoria privatised the Victorian electricity industry it had no assistance package to help people make the transition. The Liberal Party does not believe in assistance packages. It is even worse, because the other day when the current Premier of Victoria, Ted Baillieu, put out that shonky report to show that our package would cost jobs, when in fact the analysis even indicated there would be an increase in jobs, he ignored the assistance package that we had put in place. The Liberal Party does not believe in assistance packages and when we announce ours it wants to ignore it. What sort of honesty is that, Mr Speaker? What sort of commitment to leadership is it that they would have you believe that they could give? What sort of leadership is it where, in the face of all these massive challenges to us as an economy in transition, having to make the structural changes and face up to the important challenges, its view is that you do it on your own. That is not the Labor view, Mr Speaker, and it never has been. Our view is that we are better off understanding the challenges ahead of us and seeing them as opportunities but developing the assistance packages that are going to help us get there.

One of the other important things that comes from this package—and I would have thought this was important to the National Party because it affects farmers—is that farmers can be the big winners out of this climate change package because the tax does not apply to them in the first place. In other words, they do not pay it. The second thing is that they get the benefit in two ways. They get the benefit because we have significant assistance for them on carbon farming, which is not replacing other farm activities but enhancing them. In its simplest form—and I saw this down at Mount Gambier when I was there a couple of weeks ago—it is biological farming to enrich light, sandy soil by trapping the carbon in the soil. This makes that soil more resilient, particularly in drought. It retains water better and it holds more nutrients. In other words, it lifts the productivity of the industry base that is agriculture. And if that can be measured, and we believe it can, they can also trade it. That is what a market is.

The greatest irony in this debate is that when it comes to creative solutions to the challenge of climate change it is the Labor Party that is advocating the market and it is the Liberal Party that is advocating direct intervention. Robert Menzies would be turning in his grave today if he were listening to this rabble advocating its approach. The market works because the market rewards better behaviour. It rewards cleaner energy options. It rewards cleaner fuels over dirtier fuels. This is where Australia can play at its strengths, but it will not realise those strengths unless it has a market that reflects those comparisons. It is for that reason that Australia has to take an important lead in influencing the shape of that market, a market that reflects good behaviour, smarter practices in agriculture and cleaner energy options over dirtier energy options. That is how we should be doing this.

When I was Minister for Trade those who sat on the other side were always saying, 'Do your best, Minister, in terms of opening the markets.' Here we have the opportunity to have an influence in the newest market of the
lot and they are saying: 'Ignore it. We don't want more markets. We don't want open markets. We want to turn on our own traditions because we want to run a grubby, negative fear campaign. We haven't got any ideas. Our way back to office is to run the fear campaign, play to all the people's worst prejudices, play to their fears, and rather than give hope and opportunity, give them fear.' We are the party of opportunity and we will succeed.

Mr IAN MACFARLANE (Groom) (15:14): Mr Deputy Speaker, I rise to speak on the matter of public importance about the impact of the carbon tax on governments. At least the Minister for Regional Australia, Regional Development and Local Government speaks with passion and belief even though much of what he says is complete rubbish. In terms of an audition speech for the leadership, mate, I am worried the odds are slipping away. I hear the Minister for Defence's name coming up more often than yours and I want to put money on you because I have already seen what you can do when you are leader.

The minister for local government said Australia is facing many challenges, and it is. Then he said the solution is a new tax: a carbon tax.

Mr Crean: No, I didn't. I said the market.

Mr IAN MACFARLANE: What he said was that the solution is a new tax. If the solution is a new tax, I want to see the question, because I cannot believe that someone of his experience would think that when you have an economy under pressure and a global economy going backwards the solution is to slap a tax on your industries

Mr Crean interjecting—

Mr IAN MACFARLANE: The GST reduced taxes. He reminds me with that interjection—which I gratefully accept—of his accusation of scare campaigns. I remember the Minister for Regional Australia, Regional Development and Local Government standing here with a pair of children's pyjamas. He would stoop to whatever level necessary to try to scare the pants off children. He could not help himself!

Mr Crean interjecting—

The DEPUTY SPEAKER (Hon. BC Scott): The minister will resume his seat unless he has a point of order. There is no point of order. The member for Groom has the call.

Mr IAN MACFARLANE: I think we need to be tough on frivolous points of order and eject the member from the House!

The most insidious aspect of the Gillard government's carbon tax is that there is no sector of our economy and no corner of the Australian community that will be exempt from its reach. The minister for local government is simply wrong when he says farmers will not pay the carbon tax. He knows I was a farmer. He knows that farmers will pay the knock-on effect of this tax on every consumer item they buy on their farm, including the costs in bringing their inputs to that farm through transport.

The carbon tax is designed, quite simply, to make everything more expensive. That is the way it works. It is designed to make sure that it is impossible to escape. It puts up the cost of consumables to the community because it has at its heart a belief that if you increase the costs then people will use less and, therefore, emit less. Those on that side cannot deny that. Key to the increasing costs is the increase in the price of electricity. The price of electricity will go up to households, businesses, local governments, state governments and even the federal government in running this building. It is simply impossible to escape any of these increases in cost.
The minister for local government suggests that local governments are not already doing everything they can to lower their power bills. We know that that statement is incorrect. We know that local governments are already, because of the substantial increases in the price of electricity over recent times—since 2007, electricity prices have gone up by 50 per cent—doing everything they can to be more efficient, like installing more efficient street lighting. But the savings of all those efficiencies will be lost as the price of electricity to local government goes up. So we will see higher water rates, higher sewer rates, higher costs in maintaining roads within the local government areas. This is a tax that will affect local government and, in doing that, will affect the ratepayers of that local government authority.

This is a government addicted to new taxes. We have seen a flood levy, a mining tax, a $2.5 billion tax on condensate in the North West Shelf and, just recently, a tax on those people who have taken the responsible step of converting their vehicles to LPG. Those quarter-million families who used a government incentive—a subsidy—to convert their vehicles to LPG have now been caught in the ultimate honey trap. The government opposite encouraged those families to convert to LPG on the basis that there was no excise. Once they converted their cars, the government brought in a new tax. Those people will not only pay higher prices for LPG but will also see the price of electricity at their homes go up 20 per cent.

The transport industry—after the next election, we understand from what the Prime Minister has said—will see a 6.5c rise in the cost of fuel. That rise has already been targeted to hit the resource industry as soon as the tax comes in, but the transport industry will see a 6.5c rise in their fuel costs. That again will pass on to local government. Local government run their own trucks. They run their own machinery as they repair roads in their authorities. As I said at the outset, this tax will reach into every corner of our community, and local government will pass those costs back on to the household. It is all going to end up in one place: families facing higher and higher cost-of-living pressures.

I heard the member for Wide Bay and Leader of the Nationals talk about the impact in terms of the disposal of rubbish at municipal dumps. I had the opportunity when I was up at Maitland a few weeks ago to meet with the local mayor, who said this was going to cost ratepayers around Australia over $200 million just in disposing of their rubbish. In the municipality that I was in, that equated to about $35 a household. That is on top of higher electricity prices, higher water prices and the increases that we are going to see right across the board because this tax reaches into every household. It will affect not only electricity and gas prices but grocery prices and all cost-of-living pressures that are put on a family. And why? Because the Prime Minister broke her promise.

'There will be no carbon tax under a government I lead.' She said so brazenly, as did the Deputy Prime Minister, in the lead-up to the last election because they knew that if they were honest with the community and said, 'We're going to introduce a carbon tax,' they would not have been elected, because the community knows the impact of this tax is higher costs on the community, higher costs on their families and less money to spend on their children. This is a bad tax and it will not achieve any sort of outcome. For state governments the hit will be just as substantial. The New South Wales government will have a substantial hit on the value of its power stations, already estimated at $5 billion in write-down on those values. The Queensland Labor government—and I
would not trust their figures as far as I could kick them—are estimating the loss there will be $1.7 billion, but in reality it is probably double that. On top of that, the Queensland Treasury modelling shows that the state's gross product will be down by about 3½ per cent as a result of this carbon tax in the ensuing years to 2049-50. This is a hit on the bottom line of economic growth and the state governments will feel it. A study by Deloitte shows that a carbon tax of $33 a tonne will drop economic growth by 4.11 per cent over the same period.

This is a bad tax. This is a tax which will achieve nothing. This is a tax that will not cause the conversion of coal fired power stations to gas fired power stations. This is an attack on the living standards of everyday Australians and everyday families. That is why the opposition is opposed to this tax. That is why the people of Australia are opposed to this tax. That is why thousands of people have been massing in front of this parliament. They now feel that the only way they can be heard by this government is to come down here to confront it. So out of touch are the people on that side of the House that men and women of Australia feel they have to come down here to ensure that this government gets its message that they do not want their everyday activities costing more as a result of this tax.

Ms GRIERSON (Newcastle) (15:24): I rise to speak on this matter of public importance on carbon tax—and it certainly is important—but let us not fool ourselves that the issue being debated here today by the opposition has anything to do with their concern for state or local government or for regional communities like the one I represent. Instead, it is just a smokescreen for the opposition's continued denial of the basic facts of climate change and their lack of ideas to guarantee prosperity for the future of regional electorates like mine in Newcastle. The most basic difference in this debate is that, unfortunately, the Abbott led coalition are still in a state of denial. They behave like the dinosaurs of the past and would condemn us to a very uncertain future.

In contrast, that is not what we are doing. We do not think, like the member for Warringah does, that climate change is 'absolute crap'. We are not, as he has said, 'hugely unconvinced by the so-called settled science on climate change'. We know it is real. We believe the science. We respect the science. I am very pleased the member for Wentworth has come out in defence of science too. We are a great country, a country of great knowledge, great ability and great capacity. We should never talk that down or take it for granted.

We will introduce a plan for the future. We will introduce a clean energy future for this nation—a package that will be introduced in the Labor way, in a way that creates opportunity, takes on the challenges of hard reform, taxes major polluters and not ordinary people, assists households and the most vulnerable in our communities, and sustains employment and jobs. We are proud of our record on sustaining employment and jobs. It will also position our economy, in international and global challenges, in a way that will bring prosperity.

It is something that Labor does and does proudly. I cannot believe the opposition's mantra of 'the sky is falling' and doom and ruin. It is reckless and undermines economic confidence of the people we represent—and it is deliberate. Our price on carbon is modest; $23 per tonne, and gives three-year certainty for industry, which is exceedingly important.

The Abbott led coalition and their recently elected friends in New South Wales and Victoria, on the other hand, continue to expose the Australian people to the most
scurrilous, deceitful and ludicrous scare campaign in recent political memory. They claim a carbon price will damage state governments and destroy jobs in my state of New South Wales. These claims are not only reckless but also irresponsible. They are untrue.

In late May Premier O'Farrell peddled out some core modelling to claim that 18,000 jobs would be lost under a carbon price in New South Wales. To once again paraphrase Mr Abbott, this claim was absolute crap. To make this claim, Premier O'Farrell relied on a discredited and outdated piece of research by the Liberal Party's favourite consultant, Frontier Economics. The costings and assumptions underlying that particular piece of research have been disputed. He talked about so-called job losses when in fact all available evidence demonstrates that jobs growth will continue in New South Wales under a carbon price. For example, reputable modelling by the federal Treasury shows that coalmining in New South Wales is projected to grow by 118 per cent to 2050.

Let me tell you about that because I represent the city that has the biggest export port of coal by volume in Australia. We currently export 100 million tonnes of coal to the world. It is projected that in the next 10 years we will increase that to 200 million tonnes per annum and then to 300 million tonnes per annum. There is no lack of investment or confidence in my electorate for the coal industry. This discussion and debate on carbon and a lower carbon energy future has not dissuaded or deterred investment. Two hundred thousand new jobs in the mining boom are projected over the next two years.

The federal Treasury also projects that the economy of New South Wales will grow strongly under a carbon price—growing by 27 per cent to 2020 and by 164 per cent to 2050. The simple reality is that all credible evidence and modelling suggests that the state of New South Wales and the Hunter region would be better off under Labor's Clean Energy Future package. We have learnt very quickly, though, in the five months since the New South Wales Liberal government was elected that they have no credibility when it comes to dealing with the facts or exercising responsible leadership. This is the very same state government which, just two weeks ago, took more than 56 hours to inform residents in my electorate that 10 kilograms of carcinogenic hexavalent chromium had been leaked over their homes. This is the government that is quick to trumpet exaggerated figures about fictitious job losses but utterly negligent in its responsibility to warn citizens about a very real and very carcinogenic chemical cloud affecting the neighbourhood.

So I think the coalition's hyperbole falls particularly short. Our Clean Energy Future package also applies very responsibly to the region I represent. We have been watching the steel industry struggling with some of the economic pressures of the high Australian dollar and low international demand, and I hear nothing from the other side of the chamber about supporting that industry. Yet our $330 million steel package, which is already projected to support BlueScope Steel, sits there on the table.

The package has been well received by people like Geoff Plummer, the national general manager of OneSteel. He said:

We believe that on balance, the sectoral approach announced today by the Prime Minister for the steel industry, including the introduction of the STP is both appropriate and sensible. We are pleased that the Government has responded by adopting this approach.

The member for Groom just spoke. He comes to Newcastle quite a lot and always comments on how wonderfully well we are
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doing. The growth of our economy has been outstanding. But you come to Newcastle and tell steelworkers that they will not get any assistance, or come and tell our coal industry that they will not get assistance from the coalition! I do not see that happening, because the people who sit on the opposite side of the chamber just want a fear campaign; they do not want facts and figures. And they certainly do not understand about sustaining economic growth and jobs.

This motion suggests that local government will be doomed. I think it was 20 years ago when Newcastle City Council hosted the first Pathways to Sustainability conference. We have now rolled out programs across the whole country on energy conservation, preserving water and making that transition to a clean energy future. We have been doing it for over 20 years through a program called Together Today, with every school and industry in my electorate working together for a clean energy future without having to wait for government.

Similarly, I think people know how hard we have worked in my region to create a clean energy future through the federal government's investment in the Australian Solar Institute, which is headquartered in Newcastle; the national Enterprise Connect Clean Energy Innovation Centre headquartered in Newcastle; the Smart Grid, Smart City $100 million program based in Newcastle; and the new Newcastle Institute for Energy and Resources at Newcastle University, which is doing the most wonderful work.

The package that the federal Labor government has put out will advance those cleaner technologies. It is finally the signal needed for investment. We have been waiting for the Finance Corporation component to progress to commercialisation of these technologies. China currently is investing one per cent of its GDP in renewable technologies. We want a part of that; we have to be a part of that. Our Clean Energy Future does not prejudice the prosperity of national, state and local governments—it builds it. It is a great policy and one that I am very proud of.

I also say to the opposition: let's look to some economic certainty in this country, let's look to some bipartisanship. I know that it is a lot to ask but that is what the people of Australia want. Let's be part of creating a prosperous future for them. Let's be part of taking on the challenges of sustaining employment in existing industry and in new industry. Let's be part of positioning this country as a leader, where it should be, in clean energy and jobs of the future. I would like to see less obfuscation, less recklessness and certainly less misleading information coming from the other side of this parliament.

I am pleased to follow Simon Crean, the Minister for Regional Development, Local Government and the Arts, in this debate because his recent visit in my electorate was so well received because of his track record in Labor politics of job creation and protection. People came up to him with great affection. Steelworkers of the past, who know that in this challenge they can feel secure.

(Time expired)

Ms LEY (Farrer) (15:34): I am very pleased to speak on today's MPI, which is about the impact of a carbon tax on state and local governments. I would like to pick up on some remarks that the member for Newcastle made in her contribution. She started off by saying that the opposition denies the basic facts of climate change. That is not what this debate is about. It is certainly not what rural and regional members and constituents of mine are about, member for Newcastle.
This is about considering the question: if you take action on climate change, what sort of action do you take? There has been so much talk from the government about transition and transformation in our patchwork economy. There has been so much jargon on this subject. Transitions are all very well. Of course we would support them if they were in the interests of the country and the interests of the planet, but they are not. We have to look at what this government is doing with its carbon tax and the effect that it has on the people that we represent here in this parliament.

Those effects are not good. The member for Newcastle spoke about the steel industry—and, coming from Newcastle, she should know the steel industry well—and said that the opposition has no plan to match the government's steel transformation plan. But the point is that if we did not have the government's carbon tax we would not have the need for the steel transformation plan. Admittedly, in one respect $100 million is good help for the steel industry, but it is coming from a carbon tax adjustment fund. By what convoluted logic can the government then say to us, 'You're not supporting the steel industry'? Of course we are supporting the steel industry. We do not want to see a situation where every piece of steel in Australia is manufactured overseas. I recently visited an engineering shop in my electorate of Farrer, in Corowa on the Murray River. They provided the bridgework for some magnificent steel bridges over the Yarra and won awards for it. I asked the proprietor, 'Do you think that in five years time the steel you use in your metal fabrication shop will come from Australia?' He said, 'Not a chance—not the way this government's heading with its carbon tax.' How ashamed we should feel to live in a country with the resources we have and to import often second-grade steel from China. How ridiculous that is.

We had the lecture from the member for Hotham about the opening up of the Australian economy, becoming competitive, floating the dollar, tariffs, and recognising our place in the integrated globalised modern world. Sure, we all know that stuff, Member for Hotham. But it is an insult to link the reforms that were made—some by Labor governments, some by Liberal governments—to this carbon tax and to try to suggest that this is part of that, that this is also one of those great reforms. The member for Hotham also said that economic diversification is the key to success. He has worked that out, because he has travelled around regional Australia. He has not been to my electorate, but he has been to the electorate of the member for Riverina and conducted one of his forums in Wagga and he appeared on an ABC TV program in my electorate. He has even been to some more remote parts of Australia. I recognise that he needs to do that. He has come back with the message that economic diversification is the key to success! So tell me why would we be attacking our manufacturing sector and shrinking the diversified base of our economy down to something that we will as members of communities struggle to deal with, particularly in regional areas? If economic diversification is the key to success, the next logical thought that the government should have is how we maintain, strengthen and sustain that economic diversification, and the last thing we should be doing is taxing it.

I started by talking about the need for action on global warming. It is something I support. I am on record as supporting it and I am proud to do so. I do not agree with all of my constituents. Sometimes I have very vigorous conversations with climate change sceptics and I say: 'You could be right, I
could be right, but I am adopting the precautionary principle that we need to take action to prevent the warming of the planet. That is a good thing.' But if this government is serious about taking that action then what they should be doing is encouraging the rest of the world.

The foreign minister has been tripping through Africa and the Middle East. He has been doing good work there, I recognise that. He has made a fantastic number of visits to foreign countries, but where on his agenda has been the encouragement for the next global conference following Copenhagen? Does anybody even know where it will be? I probably should but I don't, because it is never mentioned. It is not mentioned by the government. If they want to see action on climate change that we can be a meaningful contributor to then they should be encouraging the next global conference on climate change, and the Foreign Minister should be using his good offices and his links with so many of his counterparts throughout the world to make that happen. But it is not even talked about. Everything has shrunk back to the Australian agenda. So somehow we can be this small, isolated piece of action on climate change at the end of the world. Does anybody think that the American government—America being the biggest emitter of carbon so-called pollution—is going to go to the next election with a policy of a price on carbon of $30 a tonne? Of course they are not. Does anybody think that we should be taking action without the most industrialised countries going forward at the same time with us? Of course they don't, if they think about it.

This tax has a terrible effect on state and local governments. I happened to bump into a councillor from the City of Shoalhaven in my office this morning. Shoalhaven is a beautiful part of the world and has 95,000 residents. I asked the councillor, 'What do you think the effect of a carbon tax will be on the people you represent?' He said, 'Well, our electricity bill is $400,000 a year.' I said, 'Wow!' And he said, 'But that is just for running the street lights.' $400,000 to run the street lights for the City of Shoalhaven of 95,000 people is quite a lot of money and it will be quite a big impost if that goes up by what the estimates are, which is between 10 and 20 per cent—so let us say 15 per cent.

The other cost that he mentioned and other councils have mentioned to me is the cost of landfill. Unfortunately, landfill is one of the top 500 polluters being attacked by this government. Not everything makes sense in this area. When it comes to landfill everything that you have dumped in the ground for years is taxable all of a sudden to your local council. They have to make calculations and you would assume they would pass on those costs to their ratepayers, except in New South Wales, where they face rate caps and cannot pass on the costs to ratepayers. Where will they go? Reduce services, reduce staff, shed more jobs.

You think of the services local governments provide. We drive through towns in the middle of the drought and everybody who comes into a small local town often sees it as an oasis of green, calm and tranquillity. The worst thing that happened is that you could not water the lawn. You think of the energy that will go into pumping water to water the green spaces in our towns and our cities. That is extremely energy intensive. You think of the cost of electricity on every single council provided service, whether it is the public library, the maternal and child healthcare service or the council offices themselves and it is a relentless, impossible burden that is facing local government. And it is one which the minister for local government, who has spoken in this debate, should really be ashamed of. This tax will hit regional
Australia harder than any other area. We know as members of this side of the House because we come from regional Australia, we go home to regional Australia and we feel the pain of regional Australia.

Much has been made of the state governments' reports and investigations into the cost on states of a carbon tax. They have been ridiculed by members of the government. In all my experience of watching state premiers in their dealings with Canberra, if they do not agree with Canberra they say so, and if they do agree with Canberra they say so. So when you have the Premiers of Victoria, New South Wales and Queensland stand up and show results that say there will be increasing cost burdens on their states with this carbon tax and what is the government going to do about it—job losses: 24,000 in Victoria and 31,000 in New South Wales. They are easy numbers to say but we know the pain of every single job loss when we see it in our own community. Those are very big numbers. State governments, of course, are going to be hit incredibly hard by this carbon tax and those premiers should be saying to Julia Gillard: 'Sort this out. Do something different.'

Our own fabulous Parliamentary Library has produced some information that suggests that the price on carbon that would have to be put that would make the difference that that government says will be made is a price that is well above what we are actually seeing. Which means that, in spite of all this pain, it is still a fraud on the Australian people and it is not going to achieve the things that they have said that it will. (Time expired)

Mr MURPHY (Reid) (15:44): I very much regret that the Minister for Regional Australia, Regional Development and Local Government has not been here to hear the member for Farrer completing what can only be described as a scandalous and scurrilous serial scare campaign run by the opposition in relation to our putting a price on carbon. Putting a price on carbon is in the interests of our country and the future of our children. Yet the opposition maintain this massive fear campaign, because that is the only campaign they know. If the member for Hotham were still here he would describe the contributions by the members for Wide Bay, Groom and Farrer as a national disgrace. It is just a complete fear campaign. Later in my contribution I will pick up on the comments that have just been made by the member for Farrer in relation to statements by Victorian Premier Baillieu and New South Wales Premier O'Farrell, because they, too, are monumentally dishonest and maintaining that scurrilous scare campaign in the states.

The time has never been better for us to transition from an Industrial Revolution economy to a new, green economy. Australia is very, very well placed to do so. We are an island continent. We have unlimited access to solar, wind, tidal and geothermal power.

On the subject of solar power, I want to put the Howard government in the frame, because I knew well Dr David Mills, who ran the solar energy project in the School of Physics at the University of Sydney, some years ago when he was looking for support from the Howard government in relation to his establishment of solar collectors adjacent to the Liddell power station in the Hunter Valley, with a view to providing solar power to that coal-fired power station. He came to Canberra to look for support from the Howard government. And what did he get? Absolutely no support—and it was a national disgrace when we lost Dr Mills, and $40 million in potential export revenue, to California.
In the area of wind power, we do not have to travel very far outside the national capital to reach Lake George and have a look at the wind turbines that have been established there. That is a very important step that the local community is taking to make a contribution to moving to a greener, healthier, cleaner economy.

I also remember some years ago travelling to New York and meeting Mr Trey Taylor of Verdant Power, who was running a very interesting clean-energy project on the East River. Mr Taylor and his company had something like half-a-dozen wind turbines submerged about a third of the depth of the water in the East River immediately adjacent to the United Nations building. He has demonstrated at this stage that the energy from tidal power—which, as you all know, is constant, unlike solar power and wind power, which at times can be inconstant though still there—generated by the tide running through the East River and powering those bidirectional turbines produces enough supply to power a six-storey car park and a delicatessen. It just shows you what a bit of creativity can do, and Australia is well placed in that area. We also have unlimited access in Australia to geothermal power. As I say, the time has never been more right for us to move to a cleaner, greener economy and get out of the dirty, carbon-polluting economy that we have had for so long in our country.

I would like to just trace some of the history of our first-term government, the Rudd-Gillard government, in relation to our engagement with the regions that the member for Hotham alluded to in his contribution to this very important debate. We established a whole new structure to get the best possible strategic advice and to strengthen our engagement on the ground. We set up a dedicated department. We also revitalised and strengthened the nation's network of 55 regional development committees, and we not only provided $4.3 billion for regional health, hospitals, education, infrastructure and skills development programs but also put in place the programs and mechanisms that would enable local communities to find local solutions to local issues. By encouraging the regions to come up with creative solutions we get a better targeted and more efficient result on the ground, and that is good for those communities and good for our nation.

This is not the first time we have gone through a transition like this. The reforms of the eighties and nineties, in the days of Keating and Hawke, meant that Australia was fundamentally positioned as a more competitive and productive nation, and one which was starting to seriously engage with Asia. That foresight, in the face of all the challenges those reforms confronted, positioned Australia as the only developed economy in the world to have avoided the global recession. Often it was the regions that responded best to these challenges and learnt to diversify their economic base. Regions have not asked the government why they need to cut emissions; they have asked how they can do it. Our regions are already moving to a more sustainable future and have been doing so for some time, long before we announced the carbon price. I noticed the member for Farrer alluding to comments by the Premier of Victoria and also the Premier of New South Wales. They too have been making very baseless and dishonest claims in relation to the carbon pollution tax that we want to introduce because we know that it will change the behaviour of the world's worst emitters, particularly in our own country. I just want to remind the House that, in 2009, then opposition leader and now Premier, Mr Baillieu, said:
Carbon transition is one of the biggest issues that will face Victorian businesses and families over coming years, but I have no doubt that we will in a few years be living in a carbon-managed economy. We will have reduced our personal and industrial carbon footprints. I also have no doubt that in the very same way we have adapted to significant structural and legislative change in the past, there will come a time when it will simply be the norm. As I said previously, it will not be scary or a threat but just the way it is done.

The Victorian government's modelling does not include the key assistance measures we have put in place. We stand by the comprehensive independent modelling by federal Treasury. It projects the economy of Victoria will grow by 30 per cent by 2020 and by 162 per cent by 2050 with a carbon price in place. Apart from 1.6 million new jobs nationwide by 2020, it also shows Victoria will maintain strong growth under a carbon price, with the agricultural, construction and service industries growing by 120 per cent, 170 per cent and 246 per cent respectively to 2050.

New South Wales Premier Barry O'Farrell has also exaggerated the impact the carbon tax will have on New South Wales. Claims by Mr O'Farrell that thousands of jobs would be lost across the Hunter and Illawarra regions due to the introduction of a carbon price are causing unnecessary and unjustified concerns about job security and future growth. Not only did Mr O'Farrell use dodgy numbers; he also failed to release information that shows that New South Wales will benefit from our move to a clean energy future, as will the whole of Australia. This opposition stands and sits condemned for its opposition to our carbon pollution tax. (Time expired)

The DEPUTY SPEAKER (Hon. Peter Slipper): Order! The discussion is now concluded.

BILLs
Tobacco Plain Packaging Bill 2011
Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011
Second Reading

Cognate debate.

Debate resumed on the motion:
That this bill be now read a second time.

Mr GEORGANAS (Hindmarsh) (15:55):
I will pick up where I left off on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 just before the 90-second statements. I was talking about the Selection Committee and its referral of the Tobacco Plain Packaging Bill to the House of Representatives Standing Committee on Health and Ageing. Those on the other side have been very critical of the process and the way that we looked into this particular bill. But the fact is that whoever on the Selection Committee referred this particular bill would have been a member of the opposition, because I know that on this side of the House we are all in agreement that the bill will have positive effects out in the community. So, when those opposite complain that the inquiry did not look into the Trade Practices Act, the economic side of things and the retail side of things, I can only say that they...
should have thought through a bit more which committee to refer this bill to, instead of just referring it off, to play politics, to one of the committees and then complaining that the inquiry was not extensive enough because it did not look into the economic side or the constitutional and legal side of the bill. Again I say: it is the Standing Committee on Health and Ageing; it was our duty to look at the impacts on health and ageing, and no more.

As I said, I tabled the report in the House of Representatives this week. I am pleased that the report shows that all members of the committee, which was comprised of members of both the government and the opposition, affirmed the harmful effects of tobacco and smoking, and we affirmed the positive effects of decreasing the incidence of smoking in our communities via this bill. When I tabled the report, I made a brief statement that was fit for that particular occasion. What I did not say was that the committee was presented with evidence from people on the health side of the conflict and from people on the tobacco side. It is a conflict, and I am sure we are all aware of it. The argument put forward by health experts and advocates in support of the measure is not really any different from what I and others already said in this place when we were all speaking on the member for Kingston's private motion on this subject, and it is no different from what I have said in this place every year on World No Tobacco Day—that smoking is harmful and we must all do whatever we can to eradicate it. The arguments put forward against the measure by the tobacco lobby and tobacco companies were exactly what any reasonable person would anticipate.

In short, there is ample evidence from empirical studies that prove that the packaging of tobacco products itself affects—(Quorum formed) The loss of that branding and advertising, and all the psychological responses that are prompted by it, has been proven to decrease people's propensity to smoke and to increase the effectiveness of health warnings displayed on the packaging. There are dozens upon dozens of studies that prove this. Packaging is the last bastion of advertising left to the tobacco companies; the quicker we get rid of it the better. As one might have expected, submissions and evidence received were overwhelmingly in support of the veracity of the studies that have been done on the hypothesis on which this bill is based—that is, the anticipated positive effects of plain packaging.

The tobacco lobby, the tobacco companies and a number of retailers and consumers oppose the measure on the following grounds: that there is insufficient evidence that the health benefits will be achieved, that there will be negative commercial effects and that there are legal issues associated with intellectual property. Those excuses have been exactly the same for every single measure that we have taken in the last 30 to 40 years on tobacco advertising in this country—whether on cigarette ads on TV, tobacco companies sponsoring sporting events, or tobacco advertising in magazines, newspapers or cinemas. We have heard all these excuses before. But we do know one thing—when we look at the history of the excuses given by tobacco companies and then look at the excuses given today—we know that the numbers are down and that every single measure that we and governments of all persuasions took had an effect on the number of people who smoke. To hear once again the excuses that have been used over the last 40 to 50 years by the tobacco companies brings back memories of when we banned tobacco advertising on TV, in newspapers and magazines, at the cinemas et cetera. I have already referred to some of
the evidence earlier and before in other speeches.

On the second point, I am yet to hear even the Leader of the Opposition oppose this measure for fear of undermining confidence in the future prosperity of the tobacco industry. I am yet to hear anyone from the Liberal Party or the National Party speak up in defence of consumer confidence and the availability of cancer sticks. We have not had the opposition spreading fear and inciting panic, warming that 1,000 tobacco jobs will be lost, or that the industry will need compensation, a bailout or some other form of government subsidy. With the propensity of the opposition to spread dire warnings of the sky falling upon the—

(Quorum formed)

As I said, the arguments of the tobacco companies have not been entirely logical or consistent in this debate. In the past, we have heard contradictory arguments such as the one that the government's measure will force the price of tobacco products up at the same time as counterfeit products swamp the market, forcing prices down. The tobacco industry now state that the measure will be effective and that smoking rates will be decreased while in the same breath they argue that they are going to lose business as a result of the change. Which one of the two is it—an ineffective change, hence no changes to profit, or an effective change, resulting in a decrease in sales? It cannot be both. I wonder why the tobacco lobby would argue to the government that these bills will have negative effects on the tobacco industry. Why would they argue that they are going to sell less cigarettes? They would argue that because the bill will work. If they are opposed to the plan, why would they add weight to the government's rationale for introducing it?

I support this bill and commend it to the House. I hope it cuts down on smoking not by 15 percent or by 20 percent but by 100 percent. (Time expired)

Mr Adams interjecting—

The DEPUTY SPEAKER: The honourable Member for Lyons—please.

Mr Adams having left the chamber—

Mr Adams: That's where he made his money.

Mr Dutton: Mr Speaker, I rise on a point of order. The member made an offensive statement. It is not unusual for members on the opposite side to make offensive statements against former police officers—they have done it before. I ask that you ask the member to come back into the chamber and withdraw what was a deeply offensive statement. I think he should make the statement outside of these four walls, and I will take appropriate action.

The DEPUTY SPEAKER: I will reflect on the point made by the honourable member for Dickson.

Mr BRUCE SCOTT (Maranoa—Second Deputy Speaker) (16:09): I rise today to speak on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. The coalition will move one amendment to the Tobacco Plain Packaging Bill during the consideration in detail stage. It is an important amendment because it reflects a lot of the thinking on this side of the House on elements of that bill. We will be opposing the Trade Marks Amendment (Tobacco Plain Packaging) Bill.

The government claims that the Tobacco Plain Packaging Bill will discourage the use of tobacco products, so aiding the government's bid to reduce smoking rates in Australia. This bill will not be a silver bullet in reducing smoking rates, and no single
measure will work on its own. Instead, a comprehensive anti-tobacco strategy to control smoking must be put in place. I acknowledge that over many years a great deal has been done, but more needs to be done.

There is no doubt that increasing the size of graphic health warnings will help to reduce—and, I believe, has helped to reduce—the rate of smoking. When I see those graphic images on packets of cigarettes—I do not smoke, but I see them—I think, ‘My goodness! How could anyone buy this product?’ But there is no doubt that decreasing the size and locations of branding will have an impact. The coalition maintains that increasing the size of the graphic health warnings on the front of cigarette packets would be the most effective measure that any government could take. The impact of plain packaging will be quite marginal, and I believe that increasing the size of those graphic images needs to be done as well as some advertising. Putting those images on television, particularly when sporting events are on, is the best way to get the anti-smoking message out there.

It has been suggested by some that the measures proposed by the government will help reduce the incidence of new people taking up smoking and help those people who are thinking about quitting do so for good. If the Tobacco Plain Packaging Bill is passed—whether in an amended form or in its present form—I look forward to seeing whether there is a measurable reduction in smoking. The government seems to be relying on the one tool that it seems to have in its toolbox in its attempts to reduce the rates of smoking in the community.

The coalition have a proven track record in the field of tobacco control, and we have significantly reduced the rates of smoking in Australia. Former Prime Minister Sir Robert Menzies first introduced a voluntary tobacco advertising code for television in 1966. In 1976, the Fraser coalition government first implemented a ban on the advertising of tobacco products on TV and radio. The Howard government, with Tony Abbott—now the Leader of the Opposition—as health minister, introduced the graphic health warnings on tobacco products in 2006. In 2009 the coalition first proposed increasing the tobacco excise, a measure which was later adopted by this Labor government. To say that the coalition is soft on tobacco companies is just plain wrong; the coalition has always supported and will continue to support sensible measures to reduce smoking rates, especially amongst our Indigenous population and amongst young people, particularly whilst they are in those formative years when they can be influenced by all sorts of images of people who smoke. We are absolutely committed to measures that reach not only the broad population but also young people and Indigenous Australians.

I had the great privilege of being the Minister for Veterans’ Affairs for almost six years, and in 2000 I introduced laws under the Veterans' Entitlements Act which meant that, if someone in the Defence Force commenced smoking after the year 2000, they would no longer be able to claim at some time in the future that smoking had a detrimental effect on their health. We believed at the time, as well as for many years leading up to that time, that there was sufficient evidence, advertising and knowledge for people to be aware that smoking is injurious to their health and can lead to many cancers and other ailments. However, the reason that under the Veterans Entitlements' Act smoking was considered a causal link to many cancers prior to that change—although it was only prospective, not retrospective—was that the Army, Navy
and Air Force used to put cigarettes in ration packs. So the government, by virtue of that fact, had a duty of care and a duty of responsibility to accept that they had put cigarettes in the ration packs and that, if someone started to smoke and subsequently, even many years on, developed cancer or other health ailment that could be linked to smoking because they became a chain-smoker or even just smoked, they should be entitled to benefits under the Veterans Entitlements' Act—and it was right that they should be compensated. Anyone in the defence forces who commenced to smoke after 2000 was not eligible for the entitlements that then existed and that remain for those who were in the Defence Force prior to that and smoked as a result of the service and were able to make a causal link to their health.

The coalition presided over the biggest decline in smoking rates whilst in government. It was under the coalition government that the prevalence of smoking declined from 21.8 per cent of Australians over the age of 14 in 1998 to 16.6 per cent by 2007. So, between 1998 and 2007, there was a decline for Australians over the age of 14 from 21.8 per cent to 16.6 per cent. This is one of the lowest rates of smoking in the world. The decline in smoking rates between 1989 and 2007, a fall of 40 per cent for men and 44 per cent for women, was amongst the biggest in the OECD. This is testament to the long and hard work that has been done—by other governments, I acknowledge, but also by the Howard government—dating right back to the Fraser government's initiatives. That fall in smoking for women was the biggest in the world. Even though these falls are significant and we have one of the lowest rates of smoking in the world, we cannot afford to be complacent.

My electorate offices in Roma and Dalby received over 700 items of correspondence—from postcards, letters, emails and more—from people across the electorate. They were voicing their opposition to this government's proposed changes. I want to describe why they were concerned. I have a responsibility to be the voice of the people of Maranoa. Even if I might not always agree with what they are protesting about, I have a responsibility to bring it to the attention of the government and the parliament. One of their main concerns was that they may not be able to determine the strength of cigarettes. I think that is a very legitimate concern. My office was contacted by a lady who was concerned that her husband may become even more addicted if he accidentally purchased and smoked stronger cigarettes—a legitimate concern. Many others have told me that they are adults and have the right to make up their own minds when it comes to smoking. They believe the Labor government is now interfering with their choice and their lifestyle. They were the sorts of comments we had from the constituency of Maranoa.

Among the hundreds of people to contact my office were many local businesses, not only employers but also some employees. They represent businesses from around the Maranoa electorate, in smaller communities like Inglewood, Kumbia—outside Kingaroy, as you would know, Mr Deputy Speaker Slipper—and Nanango, through larger centres such as Roma, Warwick, Dalby and Kingaroy. These small businesses may be located in different areas of the electorate of Maranoa, but their concerns are the same. They are not happy with the government's lack of consultation, which we have come to expect, with small businesses and retailers over this issue. Small retailers are concerned at the way this proposal will impact, for instance, on their stock management, and there may be difficulties in differentiating between different packets that will look
almost identical. They believe the new reforms will hurt their businesses through increased price based competition, which will drive customers to large retail chains and, potentially, the illegal black market for tobacco products.

Another concern raised by the people of the Maranoa electorate was the potential for an increase in counterfeit tobacco when plain packaging is introduced. The Australian Customs and Border Protection Service annual report shows that, over the last three years, it has seized some 743 tonnes of tobacco and 217 million cigarettes. Most recently, at the end of July, an estimated 20 tonnes of tobacco was seized after a series of raids on greenhouses in Sydney's west. Unfortunately, the government appears to have completely ignored the counterfeit tobacco issue and has made no effort to address it through this legislation. The World Health Organisation recommends implementing a track-and-trace regime for tobacco products and strengthening the legislation against the illicit trade in tobacco products. However, the government has instead let the tobacco companies manage their own tracking of tobacco products. I think the WHO's recommendations are sensible and should be looked at.

In order to address the concerns raised by small businesses during consultation with industry, the coalition will be moving an amendment to the Tobacco Plain Packaging Bill 2011. This amendment seeks to address the concerns of small businesses, which have fallen on the deaf ears of this government. Our amendment seeks to allow the use of a tobacco company's trademark on one of the two smallest outer surfaces of the cigarette carton. We hope this will aid in the stock management concerns of retailers, which I have outlined and expressed on behalf of my constituency, without undermining the public intent and the good intent of the plain packaging proposal. The coalition has also decided to oppose the Trade Marks Amendment (Tobacco Plain Packaging Bill) 2011. We first saw this bill when it was introduced into the House on 6 July this year. It was not flagged or issued as part of the government's exposure draft or consultation paper of April this year. This bill will give extensive powers to the minister—regulations made by the minister under an act of parliament could override the act itself. We do not believe this bill is necessary for the government to continue to implement their plain-packaging agenda.

This bill is about improving the health of the nation—I accept that. I accept that smoking, like drinking, is legal in our society, despite its often damaging health effects. Nicotine is one of the most addictive drugs. The majority of Australians who smoke become addicted to nicotine at a young age, many in their teens, and most wish that they could quit, but struggle with their addiction. Sadly, smoking remains by far the major cause of preventable cancer and cardiovascular disease deaths in Australia.

As a representative of the electorate of Maranoa, I want to do everything in my power to reduce the prevalence of smoking in Australia. Tobacco products should be just one part of a number of measures aimed at reducing smoking rates. Most importantly, we must ensure that the message is getting through to those young people who are just contemplating smoking. We have a good record of reducing smoking rates in our country and I hope that we can continue to reduce those rates. I hope the government has listened, as part of my contribution, to the concerns of many in my electorate from small businesses, particularly in those smaller communities, and some of those people who feel that there was not enough consultation with small business people. But I guess that is one of the things we have
come to expect from this government—a lack of consultation on so many issues, including the carbon tax issue.

The DEPUTY SPEAKER (Hon. Peter Slipper): Before calling the next speaker, I recognise the honourable member for Lyons.

Mr ADAMS (Lyons) (16:24): I understand the member for Dickson objected to a comment I made across the chamber and I wish to withdraw.

The DEPUTY SPEAKER: I thank the honourable member for Lyons for assisting the House. I would also just gently mention to the member for Dickson that in response he maybe ought not to make a generalised criticism of members opposite in retaliation.

Mr CHESTER (Gippsland) (16:25): I rise to speak on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging Bill) 2011. In doing so, I would like to commend the member for Maranoa for his contribution, which we have just heard, because I think he raised some very important points along similar lines that I intend to take with my contribution to the House this afternoon.

There has been a lot of discussion in this debate that I think has been very positive in nature, in the sense that members on both sides have committed themselves to the desire to reduce the incidence of cigarette smoking in our community. The negative health impacts that tobacco products can have are well understood, and there have been some excellent contributions by members who are keen to ensure that the rate of smoking amongst young people and amongst our Indigenous community is targeted more heavily in the future. But I fear that a lot of this debate in terms of the legislation being put forward by the government and, in particular, the minister's approach to prosecuting her case in the public domain have been more about political stunts and lecturing the opposition than about actually achieving an outcome which is desirable for the Australian community.

I believe that there is genuine goodwill from members on both sides regarding reducing the smoking rates in our nation. I look back on the coalition's record, in particular, in its efforts on tobacco control. The coalition does have a proven track record of reducing the rates of smoking in Australia, and that record dates back more than 40 years. The Minister for Health and Ageing has often criticised the current Leader of the Opposition and former health minister, Tony Abbott, but it was Mr Abbott, in his role as health minister, who introduced the graphic health warnings on tobacco products in 2006. In fact, the coalition presided over the biggest decline in smoking rates whilst in government. Under the coalition government, the prevalence of smoking among Australians over the age of 14 declined from 21.8 per cent in 1998 to 16.6 per cent in 2007.

I make those points from the outset to underline my view that there is a commitment on both sides of this chamber to reducing the incidence of tobacco use in the community. Having said that, I do not think there is a silver bullet now. I think the easy gains, if you like, have been gained. We have been very successful in driving down the smoking rates in Australia over the past three or four decades, and I sincerely believe that it is going to be hard to drive them down much further. I am not convinced that the Tobacco Plain Packaging Bill will achieve very much at all. I fear that this is more about political posturing than about achieving an outcome in reducing the rates of tobacco use in the community. I fear it will not work, but hopefully history will prove me wrong and the figures will be reduced in the years ahead.
I am also concerned that, in going down this path, the government has exposed Australian taxpayers to potentially expensive legal action. This issue has been raised by other members in terms of the intellectual property of the big tobacco companies and the value they place on their brands. We have exposed ourselves to legal action, and I am not given much comfort from the reassurances from this government, given this government's long history of mishaps, to say the least. This is a government that could not put insulation batts in people's ceilings without burning down homes, tragically costing the lives of young Australians. This is a government that could not get value for money when it came to building school halls. So I am not filled with great confidence when I am reassured by those opposite that they have got legal advice that everything will be okay in relation to this issue.

Some of the other concerns that I want to raise, which were also touched on by the member for Maranoa and others on this side of the House, relate to very legitimate issues that have been raised by the small business sector. Small business people have taken the time to contact me, as I am sure they have many other members of parliament, and some of the issues they have raised deserve more consideration by the government, particularly in relation to the lack of consultation, some productivity issues and even some safety issues that they have presented to me. When I say safety issues, a couple of things have been pointed out to me. When you are running a small business and you have to turn your back on the customer to go to obtain a packet of cigarettes from behind a screen door, you are exposing yourself and your staff members to an added safety risk, either of assault or robbery. That is a legitimate concern that has been put forward by the small business sector. I go back to the point that the tobacco products are already behind a screen. The whole concept of plain packaging is to avoid that marketing opportunity. But, in states like Victoria, the tobacco products are already behind a screen. So I am not sure exactly what the government thinks it will achieve by putting the tobacco products in a plain package behind a screen. I raise that point because I think the small business sector has a great deal of concern about the identification of the tobacco products. When they open that screen they will see a wall of green or beige or olive or whatever the colour is that the government finally decides on for these tobacco products, and it will be difficult for the staff to identify the particular brand of cigarettes that they are going to obtain. This is a very practical problem and I am disappointed that the government has not engaged with the small business sector and tried to come up with a solution.

I add that as a practical problem because we heard yesterday in the House the Minister for School Education, Early Childhood and Youth, the member for Kingsford Smith, Mr Garrett, talk about issues of literacy. The minister said in his speech that we know that around 40 per cent of working Australians, that is, some 4.5 million working Australians, do not have adequate literacy skills for employment. I am pleased the minister is here today. I am not trying to have a go at him at all but there is a real practical concern he is with people with poor literacy skills. Minister, I think you made a good point, but these people with poor literacy skills will be opening these screen doors and they will have trouble reading the brands. They will have trouble reading the names on these cigarette products. The government really should engage a bit more with the small business sector to at least allow them, when they open the screen door, to have some level of branding so that people with poor literacy have some hope of
identifying the product that has been ordered. These are very practical implications of this bill which the government has not thought through.

One member on this side suggested that perhaps there would be an opportunity to put a small brand as an illustration on the base of the packet of cigarettes to enable easy identification for staff members. In which case, if it is on the base of a cigarette packet it is hard to believe it will provide any great marketing opportunity for the companies when that packet is always going to be upside down in someone's shirt pocket. It will hardly be an opportunity for them to promote their brand. That is a very practical implication of this bill which the government has not thought through. I think lack of consultation with the small business sector has been part of the problem.

The concern has been raised with me as to whether this creates more opportunities for organised crime in terms of the capacity to easily counterfeit the tobacco products. I have no information to back up that suggestion either way other than to say that the allegation is out there in the community that it would be easier to develop a counterfeit cigarette when there is no branding allowed on it. You run the risk of more tobacco products coming into the country and the government will miss out on its excise, which clearly this government is addicted to more than most cigarette smokers are addicted to nicotine. I raise these points in good faith because I do not think the government has thought through many of the aspects of the plain packaging legislation.

I wonder whether the government in its rush to present this bill to the House really thought about the simple fact that there are no reports or research material which actually backs up the position it is taking. I remember one of the ministers tabling, in one day, 11 reports, I think it was. I thought, 'Here we go; this is going to be the substance behind this whole debate.' So I got all those 11 reports and I read through them. There was some interesting material amongst them but it was inconclusive at best, and there are many unanswered questions about whether this legislation will actually work. I would have thought that a health minister and a government that are serious about tackling a problem like this would have evidence based material to put before the House to justify the position they are taking. It is hard to know with this government where the nanny state starts and where the government begins. And that is a concern expressed right across the community in relation to this government.

Another concern that I would like to raise in the time I have left is this: what is next? What is next from this government in relation to this plain packaging approach? We already have members opposite murmuring about products which are high in fat. Are we going to end up with plain packaging for all fast food outlets? We have a lot of pressure developing in the community at the moment in relation to alcohol products. Is that going to be the next target of the nanny state? I am concerned that we have a product which is legal, and the brand value and the property rights of the companies involved are being eroded by a government without any compensation. My concern is not so much for the big tobacco companies because, quite frankly, I think they can look after themselves. I have no great love whatsoever for the product or the industry. But I am concerned about what is next. Are we going to head down the path of eroding the rights of legal companies? What will this government take on next? Will it be the fast food industry or the alcohol industry?
For the sake of the debate, I also wonder whether this is the best use of the government's resources in terms of tackling this issue of tobacco consumption. There is no discussion of issues which I think have the potential to reduce the take-up of smoking even more—issues related to product placement in films. I wonder why the government has not been prepared to look down that path. Would the government even consider making it a condition of the receipt of Screen Australia funding in the future that there be no tobacco placement whatsoever—prohibit the product placement of tobacco products in films which receive Australian funding? That would be an equally contentious move; I acknowledge that. But I wonder why the government has not been prepared to look at measures which I think will de-glamorise smoking and take on the big tobacco companies in a way that I believe would be more effective.

In conclusion, I note that this is an unproven measure. There is great concern within the small business sector about whether it will be easy for them to implement. The practicalities of it in the workplace will make it difficult for small business owners in particular and their staff. It will be difficult for people who have trouble with literacy, and I do not think the government has considered that. I have the overarching concern that I am not convinced that this government actually has its legal advice in place. I fear it is exposing the Australian taxpayers to a costly legal action for very little gain.

Mr LAMING (Bowman) (16:37): In my brief contribution on the Tobacco Plain Packaging Bill and Trade Marks Amendment (Tobacco Plain Packing) Bill I will be expressing my support for plain packaging of tobacco, making a few observations from the health perspective and also acknowledging the good work done by my colleague Andrew Southcott in his attempts to pull together general agreement in this area. It raises elements of free trade, the extinguishment of IP for firms, the absolute pre-eminent objective of any government to reduce tobacco consumption and complex issues around trademarks and the illegal importation of tobacco that can be a result of overregulation in that industry. All of those issues taken together, the one concern of any Australian government, whichever side of this chamber, should be to reduce tobacco consumption and smoking rates. Australia has the best record in the world for achieving that. There are probably only three or four countries I can think of—Singapore, Sweden and possibly one or two others—that have lower rates, although in the United States there is a handful of states that have a lower prevalence of daily tobacco consumption than Australia.

We do it pretty well, and that history goes right back to voluntary codes of conduct under the Menzies administration and efforts by the Fraser government and by Labor administrations since then. But one thing that is certain is that the great drops that were acknowledged internationally occurred under the Howard government in a series of sequential ratcheting down of tobacco consumption in Australia, including what at the time was the largest campaign in Australian history funding public awareness of the dangers of tobacco.

What is interesting about this debate is that every time we approach a new forefront in tobacco control everything that went before appears anachronistic. I suspect that other nations will follow us on plain packaging if it proves not to extinguish IP or to lead to significant challenges in the High Court. So my key point is that the one amendment that we are making to this legislation, which is the ability to leave a small identifier not on the packet but on the
package or the carton of cigarettes, be they a four, a six or a 10, for easy stock tracking and identification so that those working in small business can identify them quite easily without relying on a simple font of small point is a very good thing. I would put my support behind that amendment. Once the packet is opened, all that branding is removed; it is almost unheard of to buy cigarettes in packets at retail level in Australia because there is no volume discount, unlike overseas where we sometimes do see these larger packets coming into the country.

There is always the possibility that plain packaging will make it a little easier for illicit tobacco. We know that 743 million tonnes have been seized by Customs in the last three years along with 200 million cigarettes. That is just an aside. We will deal with that problem when it comes along. The best problem you can have is fewer people smoking and more illicit stuff—let us have that battle with the illicit stuff when the time comes. Today is about what a government does to make tobacco as unattractive as possible. I can see that, fundamentally, every individual has a right to purchase what they want—that has not been impeded—but certainly the great power of marketing through the brand will be nullified with this legislation and it is worth a go.

I will not stand here as probably the only health researcher in this chamber and say, 'We won't do this until we see the evidence.' I think with tobacco the bar is fundamentally different. With tobacco there is no safe level of consumption. We know tobacco is highly addictive and has become socially acceptable by virtue of centuries during which we could never link cause and effect. Were we able to do that, were the implications of tobacco realised an hour or a day after you smoked, tobacco would not exist in society. It is the latency in the temporal element between exposure and disease that leads tobacco to have this almost complete penetration through certain seams of society, with levels of smoking between 15 and 25 per cent.

Due to my interest in Indigenous health I am concerned about Indigenous levels of smoking. What we know is that right across urban, regional and remote Indigenous Australia smoking is still prevalent in excess of 50 per cent. What disappointed me earlier this month was the Minister for Indigenous Health trumpeting a fall in smoking levels. You only had to read the report from which this minister was quoting to see that the report itself said there was no significant change. To be clutching at one and two per cent changes and highlight them as successes is disappointing because it is a minister taking leave of the evidence in his own report. It is misleading to take a report and assign conclusions to it that simply are not supported by the very text. We need a minister who reads the report. We needs a minister who says, 'Crosscheck that and show me exactly where that claim comes from.'

What we are seeing is a pattern of behaviour to whitewash over the data, send it through Commonwealth departments and then allow these tiny little sound bites that somehow encourage the Australian people to believe we are making progress in Indigenous health. I desperately want to see the progress, but I want to see the evidence, and if there is no evidence for it I do not want people to be misleading the Australian public. You simply cannot take data from three jurisdictions and then quote it as a national trend. That is misleading. It was done repeatedly by this minister. It is simply wrong to take cardiovascular disease and say, 'We are delighted that there is a 29 per cent decrease over the 10-year period of that study into Indigenous levels of cardiac disease mortality,' when mainstream levels
fell 35 per cent and you do not mention it. The gap may well have opened over the last 10 years, but this minister cannot acknowledge the possibility. You only have to see there is a 29 per cent fall in Indigenous Australia and a 35 per cent fall in the mainstream to know that there is potentially a problem that needs funding and an address, but nothing is coming from this government. Look at Closing the gap that has been implemented with a highlighted, targeted area of smoking and find for me in all that fine print an attempt to measure smoking levels in Indigenous Australia. You will not find it. Try to find for me evidence that there are fewer cigarette sales in Indigenous communities. You will not find it. This is a government so determined to measure the irrelevant and hide from reality that I fear that, at the end of Closing the Gap, not only will it not have closed, not only will the gap not even be starting to close, but this government will feel they have to tell a completely different story about Closing the Gap. They have not got the evidence on the other side. And why? They are not collecting the data. They are not interested in whether Indigenous Australians are smoking less; they are not even counting. Instead, what they are measuring is the number of public health officials on the ground and the number of anti-smoking programs rolled out. They are fabulous inputs and absolutely necessary but are in no way sufficient to reduce smoking levels. So do not measure the stuff that does not matter. The critical element—the independent variable—is how many people are smoking. How much are they smoking? How many cigarettes are being sold? That is not even being counted. So how can they be serious about reducing smoking if in Indigenous Australia we have rates of over 50 per cent and, most concerning of all, Indigenous pregnant mums with the same smoking rates? Unlike most of the rest of the world, there is no difference between the pregnant mums and the rest of Indigenous Australia. So there is one area where we genuinely have to focus.

In many ways this legislation is difficult to argue against. I think it is worth giving it a go, and the reality is that there will be a slow and progressive ratcheting of pressure onto the tobacco industry. This is just, in the footnote of history, another small move in that general direction. And I genuinely hope it works. I hope it succeeds. I am prepared to give it a go. I can understand it might be a little harder for shopkeepers to identify stock sometimes, but I am prepared to wear that in the interest of making it as unattractive as possible to smoke. Everyone listening, both on the broadcast and here in the gallery, will say, 'If you hate smoking that much, when are you going to ban it?'. But of course there is no discussion about that.

Marcia Langton makes the suggestion that, if we care so much about alcohol consumption and pregnant mums, why don't we put them on a banned list? Are we that serious about it or are we not? Here is a government that does not even have that debate. I am not saying to do it; I am saying let's consider some options. Emblematic of this legislation is that these guys over here are fiddling with the packaging. They have been preoccupied with the packaging for 12 months. Ever since they gave it up on alcopops it has been packaging—and doesn't that represent how far they have penetrated in this debate? Nowhere into cigarettes themselves; it is purely the packaging.

On my watch I can say that we supported the removal of branding from cigarette packaging, going from what is already 30 per cent down, effectively, to a very simple font with 14-point text. Let's see it work. Let's see if it is effective. I wonder about government entities deciding what the uncoolest colour
is. There is actually someone who was paid to work this out. Someone was paid here to work out the most unattractive colour for a packet of cigarettes. And what did they come up with? They came up with olive green. I will tell you one thing: today's uncool is tomorrow's cool. Whoever worked that out did not realise that in the same month they decided on olive green Porsche released their latest 912 turbo. And what colour was it at the Melbourne show? What colour was it on the front of the magazine in the Australian? Olive green. So, before we get too smart about what colour we need to make a cigarette packet, let's focus on what is inside. Let's focus on whether we are serious about actually measuring what is happening both in the Australian public and, more importantly, in Indigenous Australia.

I finish where I started. Fifty-two or 53 per cent—sometimes it falls to 47 per cent prevalence—is a major killer in Indigenous Australia. I would like just one-tenth of the time spent quibbling over plain packaging and trying to line this side up as though they are for Big Tobacco just because they receive political donations—if you do not like it, ban it. There is no move over here to do that. If you do not like it, ban the sector. But there is no move to do that. They are quite happy to make a cheap political point. But while they have their hands on the reins of government this lot will be judged on what we have achieved in reducing smoking.

My great fear is that all we achieve out of this health minister is plain packaging. Once that is done it is like: 'Whew! We've done alcopops and that's out of the way. We've done some plain packaging around tobacco and that's out of the way. Now let's just roll a bit more money into programs—and don't measure anything too closely in case tobacco and smoking rates don't fall. The last thing we'd want the Australian people to know is that it made no difference. So, to be sure of that, let's not count anything.' This is the great problem. They do not mind going for the headline. They are an administration excellent at writing a press release. But then the rest of Australia scurries around saying, 'What are they trying to achieve here?' It was government by press release for three years under the former Prime Minister, and now I fear it is government by headline grabbing.

So you have bipartisan support. We will give it a go. We will see if it works. There should be no problem so long as IP is not extinguished. If it is extinguished, our only fear is not that tobacco companies are going to make a swag of money; our fear is that the Australian people have to pay for it. If there is a challenge in the High Court, isn't it the case that if the decision is awarded against the government it is the Australian people who pay for that? If there is possibly a way of not extinguishing IP but removing the branding from packets of cigarettes, this would have been wholeheartedly supported. While I am not a lawyer and cannot give an opinion, the fact is that under our amendment there will be a small amount of branding right on the end of the package that allows shopkeeper to find it. By that element alone IP is not extinguished. It is a very important point to make. We are trying to save this government from its own legislation and from a High Court challenge, but we cannot help them if they cannot help themselves.

We will support the plain packaging. We hope that it makes a difference. We implore the government to count and see if it does. Most importantly of all, we ask for way more focus on Indigenous smoking than there has been already, because up to now through the Closing the Gap objectives we have seen a whole host of counting inputs but precious little counting of outcomes.

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CHAMB
Dr WASHER (Moore) (16:51): If I may have a preamble, I thank the member for Bowman for his useful comments. I would like to make a couple comments on the member for Bowman's statements. I thought they were well thought out. The first is that prohibition does not work. I say this separate to this debate, but with cannabis smoking in this country, which is experienced by a large proportion of people, prohibition definitely has not worked, and we need to look again at that issue. However, to come back to the subject of the packaging, which I greatly support and have been on the public record many times so doing, I certainly support this bill. I will detail briefly the reasons why I support this legislation.

Smoking is one of the leading causes of preventable disease and death. Smoking kills over 15,000 Australians each year. We have heard this before, but I will say it again. Smoking costs the Australian society and economy around $31½ billion per year. More than 3.3 million Australians aged 14 and over smoked in 2007. This is 16.6 per cent of the population, down from 30.5 per cent in 1998.

Under the COAG National Healthcare Agreement the government has committed to reducing the daily smoking rate among Australian adults aged 18 years or older from 19.1 per cent in 2007-08 to 10 per cent by 2018 and halving the daily smoking rate among Aboriginal and Torres Strait Islander adults aged 18 years or older from 47 per cent in 2007-08 to 23.8 per cent by 2018. I add to the member for Bowman's comments: this is one of the leading causes of premature death in Aboriginal folk.

Smoking is a leading cause of cancer, accounting for 20 to 30 per cent of all cancers. Both active and passive smoking increase the risk of lung cancer as well as other cancers, including stomach cancer, pancreatic cancer and leukaemia. Smoking is responsible for 84 per cent of lung cancer in men and 77 per cent in women. Longer duration and heavier smoking increase the chance of developing cancer. Stopping smoking can greatly reduce the risk of smoking-related cancers. Common symptoms of lung cancer include persistent cough, breathlessness, blood-streaked sputum, chest pain, recurrent bronchitis, pneumonia or chest infections, fatigue and unexplained weight loss. These can also be symptoms of other conditions. Anyone coughing up blood or displaying these other symptoms should consult their doctor. If coughing up a lot of blood, you should go to your nearest hospital emergency department.

The benefits for quitting smoking are: in eight hours blood levels of carbon monoxide will drop dramatically; in five days most nicotine in your body goes; in one week your sense of taste and smell will improve; in one month better blood flow to your skin is improved, so you look better; in 12 weeks your lungs regain the ability to clean themselves; in nine months your risk of pregnancy complications is the same as a non-smoker; in a year your risk of heart attack is halved; in five years the risk of stroke is dramatically decreased, and you save $4,000 a year to spend on other things.

The Tobacco Plain Packaging Bill 2011 is the latest step in reducing the toll on families of smoking-related deaths. It sends a clear message that the glamour is gone. The new packaging will have the lowest appeal to smokers, making clear the terrible effects that smoking can have on health. Identification of the manufacturer's name can be adequately identified by the retailer to provide the customer with the brand requested. The carton packaging that carries the individual cigarette packs will be labelled with the maker's logo. Identification codes to reduce the probability of illegal tobacco will
be present on packets of cigarettes on a voluntary basis by the industry. Criminal and civil penalties will apply to sales of non-compliant packs from 1 July 2012. I have no doubt that plain packaging will reduce the appeal of tobacco products to consumers, particularly to young people, and increase the legitimisation and effectiveness of mandated health warnings and reduce consumer confusion about the harms of smoking. Let us all hope that, along with other comprehensive tobacco control measures, this will reduce smoking rates in this country.

Mr IRONS (Swan) (16:56): I rise this evening to speak on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. Over recent decades there has been strong bipartisan support in this chamber for reducing the rate of smoking across Australia. Since the 1950s, research has highlighted the negative health effects of tobacco smoking and both parties in this chamber have resolved to make people aware of these dangers while at the same time not moving to restrict freedom of choice of Australians who decide to smoke.

That is why it is surprising and disappointing that over the past few months the Minister for Health and Ageing has, through her conduct in this chamber, tried to convert this public health issue into a partisan political issue. Her attempts to attack the coalition have fallen flat, partly because of the coalition's proven track record on tobacco control as a public health issue. This began with Robert Menzies' introduction of a voluntary tobacco advertising code for television back in 1966, which was converted to a compulsory radio and TV advertising ban by the Fraser government in 1976.

More recently, in 1997, as the minister will no doubt remember, the Howard government announced what at the time was the biggest ever national advertising campaign against smoking, worth $7 million over three years. In fact, it was the Howard government and Tony Abbott as the then minister for health who introduced the graphic health warnings on tobacco products in 2006. These coalition public health measures have had a significant effect. Statistics show that the coalition presided over the biggest decline in Australian smoking rates whilst in government, with prevalence among Australians over 14 falling from 21.8 per cent in 1998 to 16.6 per cent in 2007. This has contributed to Australia having the third-lowest smoking rate in the OECD, behind only Sweden and the US.

What is the Labor party's record on this issue? I think it has increased cigarette taxes a few times. Hardly a proud history on such an important public health matter and certainly not a history good enough to give the Minister for Health and Ageing the right to lecture the coalition. In fact, while the WA smoking rate fell from 22.6 to 14.8 per cent between 1998 and 2007, Australian Institute of Health and Welfare figures show that since Labor took office in 2007 the smoking rate has risen nearly one per cent. The minister's attempts to politicise smoking appear to have backfired after the revelations of her own dealings with big tobacco companies. This has led her to tone down her rhetoric in recent weeks and we hope that she will now work in a more constructive, bipartisan manner.

Other members contributing to this debate have commented on the lack of transparency from the government during its formulation of this policy. For example, the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 suddenly appeared last month without
any real explanation as to why it was needed. Unfortunately, there has also been evidence of this lack of transparency in the government's attempts to rush an inquiry through the House of Representatives Standing Committee on Health and Ageing, which was charged by the House with reporting on the two bills in question. The coalition was only made aware of the tabling of this report on the morning of the day it was scheduled to be tabled in the committee and there were a number of procedural issues during the process. There has also been criticism raised that the committee did not accept its wide-ranging brief to consider the impacts of the legislation on small retailers or the impacts of illicit tobacco. The chair has now advised in his report that he believes these matters should be considered by other committees.

Nevertheless, the government has decided to bring on debate today and, as such, the House is forced to consider the bill without the scrutiny of other committees as recommended by the member for Hindmarsh in the report. So, in scrutinising these bills today we need to consider the issues that have been raised both publicly and through inquiries.

One of the major issues raised to date has been the legal impact of this legislation, with concern centred on the possibility that a protracted legal dispute involving the High Court might develop, potentially costing the taxpayer millions of dollars in legal fees. The first legal question mark hanging over this legislation centres on opinions that this legislation would constitute acquisition of property on other than just terms under section 51 of the Australian Constitution.

The second concern floated is that the legislation may violate article 20 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, a multilateral agreement made under the World Trade Organisation on intellectual property. Article 20 states that the 'use of a trademark in the course of trade shall not be encumbered by special requirements', and there is contention over whether the health exception would apply in these circumstances.

The third legal point of contention is that this legislation may violate the 1993 Australia-Hong Kong investment treaty. In response to these concerns, the government and the minister have on many occasions assured the opposition that its legal position on the plain packaging proposal is 'robust' and on 'strong legal ground'. We in the coalition have accepted this assurance at face value because the last thing this country needs is more waste and more debt from some of the world's wealthiest companies. However, despite the government's reassurances about its legal position, it is clear that the minister has some concerns, particularly in relation to trademarks. The Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 has been hastily added to the main bill, after having not been flagged at all in the government's exposure draft or consultation paper of April 2011. The bill contains a Henry VIII clause which allows for regulations made by the minister under an act of parliament to override the act itself. Hence, regulations made by the minister, under the Trade Marks Act, could override the Trade Marks Act itself.

There are significant questions about the constitutionality of this bill and that is why it has been referred to the Senate Standing...
Committee on Legal and Constitutional Affairs. These clauses are exceptionally rare and only used when there are no other alternatives. It is the view of the coalition that the original plain packaging bill should have been drafted properly to take this into account. There are questions to answer on whether this bill is necessary and whether the minister should be given the power to override the Trade Marks Act through regulations.

I have heard members of the government argue that a trademarks amendment was enacted by the Howard government in 2000 with regards to the Madrid protocol, but I think those members would acknowledge that this was a very different situation, where there was a clearly defined purpose. There is only vague reasoning coming from the government for this particular bill and no concrete justification, which only adds another element of uncertainty to the debate. It has been added without explanation and the government needs to do a better job than this.

As I am a person with small business experience, the concerns of the small business community in my electorate are never too far from my thoughts. I have received phone calls, faxes and letters from many newsagencies and retailers in my electorate of Swan expressing concern over the bills we are discussing today. These concerns have centred around impacts on stock management, point of sale and stock identification, given all packages will look identical. It is certainly the case, as the shadow minister said in his contribution, that the government's consultation with small businesses and retailers over this issue has been lacking.

It is based on these concerns raised by small business that the shadow minister has indicated that he will be moving an amendment to the Tobacco Plain Packaging Bill 2011. This amendment seeks to allow the use of tobacco companies' trademarks on one of the smallest outer surfaces of a cigarette carton in order to help retailers with the concerns raised above. This may also help with a third issue that has been raised by stakeholders on this legislation, which is the potential for increases in the proliferation of counterfeit tobacco in Australia.

With plain packets and no trademarks it has been suggested that there could be an explosion in counterfeit cigarettes, already a problem for Australia, given the Australian Customs and Border Protection Service has seized 743 tonnes of tobacco and 217 million cigarettes in the last three years. It is important to note that the government has ignored the counterfeit issue so far and indeed has made no attempt to address it in this legislation, despite the fact that articles 15 and 20 of the World Health Organization Framework Convention on Tobacco Control recommends implementing a track-and-trace regime for tobacco products and strengthening the legislation against illicit trade in tobacco products.

The government's proposal is to let tobacco companies manage their own tracking of tobacco products, despite articles 7.2 and 7.12 of the draft protocol to eliminate illicit trade in tobacco products stating that 'the obligations of each party of the FCTC shall not be performed by or delegated to the tobacco industry'. Has the government thought this one through? So, in conclusion, the coalition's position is to move an amendment, during the consideration-in-detail stage of the debate on this bill, in support of small retailers.

I will make one more point. No-one in this chamber is proposing to ban cigarettes. It is legal, and the many people who make the choice to smoke should be respected. We
had an issue in my electorate of Swan recently where constituents felt they were being treated with disrespect by one of the shopping centres. I made a number of representations on their behalf because I believe it is important that we do not start to vilify smokers.

For the record, I do not smoke and I do not advocate it. I guess because I had a father who smoked and because of peer pressure I took up smoking as a young person. It certainly was not because of the colour of the cigarette packets. I gave up 10 years ago and that was because I became involved in junior sport. I would advocate to anyone who smokes that they should give up as quickly as possible. I gave up, cold turkey, with no support of patches or anything like that, so it is an achievable target.

Anything we do on a bipartisan basis in this House to reduce the smoking numbers in Australia should be commended. So I share the bipartisan goal of reducing the Australian smoking rate but I will always respect the rights of people in my electorate to smoke. I think the minister's shrill rhetoric over the past months has not assisted in this respect. There is no silver bullet and Australia needs a comprehensive tobacco strategy. California in the US, which has a lower smoking rate than Australia, has already been raised by the shadow minister as a good example of this. I congratulate all members for their contributions on this bill.

Mr McCormack (Riverina) (17:07): Tobacco smoking is one of the largest preventable causes of disease and premature death in Australia. About 15½ thousand Australians die from smoking related illnesses each year. Will packaging cigarettes in plain packaging make a difference? Whilst the coalition will not oppose the Tobacco Plain Packaging Bill 2011, there are important amendments which are needed.

The government's consultation with small business and retailers over this issue has been sorely lacking. Small retailers are concerned about the impact the government's plain-packaging proposal will have on their stock management and at their point of sale. The difficulty is in differentiating between packets which look almost identical. Many retailers in the Riverina have contacted my office in relation to this to express their deep concerns. At present, cigarettes are hidden. No marketing is brandished in stores and all advertising of smoking has been removed. Why would removing colour and name branding make any different to smokers who want to buy cigarettes? Smoking is an addiction through what is in the product, not what the packet looks like.

Lung cancer is the second most common cancer in men and the top cause of cancer death. It is the fourth most common cancer in women and ranked second most common cause of cancer death. In 1998, there were 27,675 new cases of cancer in New South Wales. Of these, 2,724 people were diagnosed with lung cancer—1,870 males and 854 females. Males were 2.6 times more likely to develop lung cancer than women, and 2.7 times more likely to die from it.

The coalition has always acted decisively to address the prevalence of smoking in this nation and has a proud history in reducing the smoking toll. Robert Menzies first introduced a voluntary tobacco code for television in 1966. In 1976, the Fraser government implemented a ban on the advertising of tobacco products on television as well as on radio. The former Minister for Health and Ageing and now the Leader of the Opposition was an essential player in increasing the size of the vivid warnings on cigarette packs and helped to drive down the rates of smoking in Australia. As a result of these initiatives, the prevalence of smoking in Australia declined to be amongst the
lowest in the world. In fact, between 1998 and 2007 smoking prevalence in people 14 years and older fell from 20.8 per cent to 16.6 per cent.

Any suggestion that the coalition is soft on tobacco companies is just plain nonsense. We do understand the need to drive down smoking rates, which is for the good of the individuals concerned and also for the overall health of the nation. The coalition continues to support sensible measures which actively discourage smoking. We have recently supported legislation to tighten electronic advertising restrictions. For this reason, we will not oppose the government's plain-packaging legislation, but we do seek to move worthwhile amendments.

Labor's bill claims there is 'significant evidence' to suggest that plain packaging will work, that it will actually drive down the use of tobacco products. It is fair to say that a lot of that evidence is inconclusive at best. It puts forward a range of hypotheses which I am afraid do not come up with a definite conclusion which is not quite as convincing as the government would have us believe, so I have some significant doubts about where the government is trying to take us in that respect. Having said that, I note that the problem the government has in this space is that we are talking about a legal product. I am uneasy about any attempts by a government to strip away the property rights of an individual or a company. The concern there is always going to be about what is next.

This Labor-Green alliance is taking away our freedom to make our own decisions and pushing us into a nanny state. We know that high-fat, high-sugar foods are not necessarily good for us and understand overconsumption of alcohol is not desirable for a healthy lifestyle. However, are we going to put obesity warnings on hamburgers and packets of biscuits or plain-packaging bans on alcohol and bottles of wine? Is that where we are heading with this nanny state type legislation? If the Greens have their way, Perhaps or even probably yes.

I make these comments in a constructive way, because I abhor smoking. My own father died from lung cancer three years ago. It is something I personally feel very strongly about. But I am worried that the government is investing a lot of time and effort in a particular initiative without the evidence base or scientifically proven results which would be worth the expense and effort of the path along which we are heading.

Whilst smoking is on the decline in Australia, it is particularly concerning that almost 60,000 teenagers aged between 15 and 17 are regular smokers, and five per cent of 12- to 15-year-olds smoke. I believe more education is needed about smoking, particularly at the secondary school level. Primary school children too need to be warned of the dangers of smoking. We need to be getting through to children and teenagers about the dangers smoking poses to them, and the long-term implications diseases such as cancer, heart disease and respiratory diseases pose. This is where all the effort of the government should be going: into education.

In many cases, a premature death is just one aspect of the finality of smoking. Living with smoking related symptoms is cruel and painful. This is the path we as a parliament, as adults who have witnessed the effects of smoking, should be concentrating on: educating younger generations, not simplifying the marketing of what cigarette packs look like. It is not an uncommon sight to see pregnant women smoking. Despite advertisements on television and the graphic warnings advising of the risks of smoking to an unborn baby, the addiction factor is so
strong that many pregnant women continue to smoke even though it could harm their unborn child.

I cannot emphasise enough that we need to be investing more in education: educating these women, educating students and helping smokers through a quit program with the appropriate support required. The health benefits of quitting smoking are remarkable. The human body starts to repair the damage from the very first day a smoker quits. Within eight hours, the excess carbon monoxide is out of the bloodstream, within five days the nicotine has left the body and within three months lung function starts to improve. If a person quits at the age of 50, you halve the risk of smoking related death. But if a person quits at the age of 30 they avoid almost all of the excess risk. Education and support are vital to helping a smoker quit. Ultimately, it is up to the individual if they want to quit to have the absolute willpower to do so. We cannot force someone to quit. Tobacco control is an important measure, but we must tread carefully because we must not become—a nanny state.

While Australia is generally seen by its peers as one country which has a lower rate of illicit and counterfeit tobacco, there are some concerns that plain packaging may increase this rate. The Australian Customs and Border Protection Service annual report shows that over the past three years it has seized 743 tonnes of tobacco and 217 million cigarettes. The government has completely ignored the counterfeit tobacco issue and has made no attempt to address it through this legislation. This is despite the fact that the World Health Organisation also recommends implementing a track and trace regime for tobacco products and strengthening the legislation against illicit trade in tobacco products. The government has instead let the tobacco companies manage their own tracking of tobacco products on, would you believe, a voluntary basis.

The freedom of the individual is paramount. This legislation to impose plain packaging on cigarettes has been described by many as a nanny state initiative, and some see it as a complete waste of time. As proposed, the legislation represents another hit to businesses, particularly small retail operators, and consumers and it threatens to drive customers from small businesses into the arms of the retail giants, the big duopoly. Worse, I fail to see how it will work as a smoking prevention measure. Cigarettes are already required to be away from sight at most points of purchase. Wrapping cigarettes in olive-coloured plain packets has been proudly proclaimed by the health minister as a world-first, but it is a smokescreen. The legislation introduced simply plays politics and achieves nothing. I think smoking rates will continue to fall regardless of this legislation.

Mr WYATT (Hasluck) (17:16): I rise to support the Tobacco Plain Packaging Bill 2011 insofar as the impacts that smoking has on the health of Australians, the long-term cost to Australian society and the healthcare system are significant. I have been involved with the work of the Preventative Health Taskforce and some of the representations made to that task force on the arguments for the reduction in the levels of smoking within Australian society and the need to consider strategies that would reduce the level of uptake of smoking, particularly amongst young people, and also prevention programs that see a downturn in the number of Australians who smoke. Part of the interest in the discussions with the Preventative Health Taskforce was in some of their thinking around some of the strategies, and we were certainly exploring the need for well-informed awareness programs that provide an educative process that would
enable people to give greater consideration to the risks and health impacts that smoking has on them.

One of the arguments that are always straightforward and simple is to increase the excise, but one of the alternative debates to that is that those who tend to live in low-socioeconomic circumstances will reduce smoking for a period of time but do not sustain it; they return to their smoking practice or habit. In making that decision, they then make decisions about what they alleviate when they need to set money aside in order to pay for the cigarettes that they buy. Often choices are made around prescription medications or a child’s excursions. So there are a whole range of factors where, if you have a limited budget and you want to continue smoking even though the price has gone up, you start to make choices, and some of them are the wrong choices.

I had the privilege of working on the Aboriginal and Torres Strait Islander Health Performance Framework, in which we looked at why we needed measures, the findings for each of the measures and then the policy implications. What struck me when I was working through that was the impact of tobacco or smoking on health—both passive smoking and direct smoking in which an individual chose to expose themselves to risks. Even though they had the knowledge from what they had seen and what was on cigarette packets, that did not cause them to diminish that harmful behaviour.

In this whole debate I have wondered about the impact of the plain packaging. Certainly, when I look at the mock-ups of the plain packages, the visual images of the types of cancer or other health problems you can have with smoking are extremely graphic, but I also accept that you can switch those off after a while, or you find a container that you can fit these into and it alleviates that message.

I also talked to retailers within Hasluck and sought their views on a range of issues around what it would mean for them, and the first thing they said to me was that the plain packaging may not make a difference. They had all run straw polls just to see if people would stop smoking or reduce their smoking with plain packaging. They indicated to me that in each of their stores or outlets the indication was that people would not change. What they were annoyed about was the fact that the colouring of their packet would be affected, but it would not alter their smoking. There were a couple of very key, important issues that the retailers raised with me. They made the point that, as my colleague who spoke previously said, cigarettes are locked behind doors. From their perspective the retailers saw that as workable and they also saw it as helpful, because when you run a business every second and every minute is money to you. They said it was easy just to scan the shelves and see cigarette packets by colour. They said that if we go to plain packaging then their problem would be that those customers who are illiterate or who have English as a second language identify their packets by colour. So they put to me a number of propositions that would impact on their time. But, strangely enough, they also conceded that the importance of health was a significant factor that should be considered. Their argument was for better awareness programs and more funding. To that end, I had some degree of empathy for their needs given the task that they will have in having the base of their packages roughly the same in visual appearance, which makes it a detraction from their time—although by human nature we adjust, and they would tend to find ways of being very effective and efficient in the way that they would dispense

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cigarettes. But I do have some degree of sympathy for their situation. Tax versus plain packaging? I certainly would not support an increase in excise on tobacco and its supply at this time and would lean towards plain packaging, because I think that is far better to alleviate some of the cost of living stresses that families within my electorate who do smoke will experience, particularly in the context of rising prices with the onset of a potential carbon tax that will have an impact. Also, I think that the initiatives of the Australian health ministers, certainly of the Council of Australian Governments, have strengthened an awareness around the need for people to weigh up and consider their health in the context of smoking and the impact of tobacco. What I have been pleased to see is the focus on passive smoking. Certainly the Preventative Health Taskforce and the work led by Professor Michael Daube and many others has highlighted the need for very considered thinking by those in households where there are children about the impact on them of tobacco smoke. If this approach to plain packaging works and helps further to decrease the number of people smoking then it is at least a constructive outcome.

By the same token, I have a concern about the way in which we can become a nanny state. At times we have to give people responsibility for their decisions. It is easy for governments to legislate on a range of factors in which we become protective in a way that sees the state intrude on the choices that people make. To that end I would not want to see a further reduction in the way that Australians do have a choice. However, I do see the benefits of at least plain packaging that might make that difference.

Another element that is of interest to me is that, when I walk past hospitals, I am always fascinated to see people standing there with drips in their arms and bandaged getting in as many cigarettes as they can in the short period of time they can stand out the front of the hospital.

Mr Slipper: And in some cases it is pregnant women outside a maternity hospital.

Mr WYATT: I agree with you, it is pregnant women also. To me that is an anomaly in terms of the health of an individual, given the level of impact that smoking has, that it is detrimental to the wellbeing of a child in a womb or the person who is a patient.

In the inquiry by the House of Representatives Standing Committee on Health and Ageing, our discussion focused on the health prevention measures, the health outcomes and the health benefits to Australian society. We hoped that the amount of funding that is needed to be spent on treating people whose health situation is exacerbated by their smoking will diminish and that that funding can be directed towards preventative measures in other health sectors and other initiatives within those sectors.

One of our challenges in all of this is the balancing of responsibility against the need to intervene. I suppose the task force heard this in submissions to it. Certainly the health and ageing parliamentary committee heard arguments from those who have a very strong interest either as a wholesaler or retailer or as a consumer of the product. In weighing up those arguments we considered the health impact, the impact on work and the workforce, and the level of poor health. We also considered the World Health Organisation frameworks that encourage a reduction in the level of smoking and the suggestion that plain packaging would be highly beneficial in discouraging people from taking up smoking.

In reading through some research papers I was interested to see that countries such as
Canada, the United Kingdom and New Zealand have considered at some point introducing plain packaging. One of the challenges in that is the issue of intellectual property. Certainly the legislation that related to intellectual property and plain packaging was referred to the health and ageing committee, but it was not within our scope or experience, particularly legal experience, to make a judgment with respect to that element of the legislation.

I hope that at the end of 12 months we review what progress has been made as a result of plain packaging, to see whether it has made a difference and whether it has led to a reduction in the take-up of smoking, particularly by younger people. What perturbs me is the number of young women I see smoking, particularly in the teenage years. If we can see a reduction in that 12-month period and then take more of a longitudinal look at this issue, maybe the decision to have plain packaging will be vindicated. It may be vindicated with respect to the amount of funding required to provide hospitalisation treatment for those who experience cardiopulmonary illnesses, chronic disease conditions and other conditions that have a related impact from smoking. I also hope to see that impact of passive smoking—on a child as it develops in a womb, or in its formative years—diminish. Having travelled overseas I enjoy the clean air that we have in restaurants in this country and being at sporting venues, events and functions where smokers are now much fewer than nonsmokers. The Tobacco Plain Packaging Bill, whilst challenging in concept and in the debates that have occurred and from the evidence we heard in the committee, has challenged my thinking about prevention, awareness, targeting and the relationship of colour to a tobacco brand's IP. The needs of retailers in all this have been very illuminating.

I acknowledge that the Minister for Health and Ageing in her considerations has looked at the health impact outcome and has embedded that strongly in her speeches. Having had a health background for some period of time, I would endorse those messages so that we have a population which is much healthier and has lower rates of illness from tobacco smoking and a community in which people are given the opportunity to make choices because there will be some people who will continue to smoke. Within a democracy, I would equally defend their right to exercise that choice, but I would encourage them equally to relinquish the habit of smoking, consider their health and look at alternatives that will prolong their life, give them the opportunity to be healthy and to contribute to Australian society.

Mr SLIPPER (Fisher—Deputy Speaker) (17:31): One point on which I strongly agree with the member for Hasluck relates to the fact that in a democracy people should be allowed to smoke if they wish, however undesirable that habit might be. I think we always have a difficult problem in our community balancing the rights of people to do certain things even if those things are not good for them with the fact that it would be enormously better and in the community's interest were those people not to take that course of action. A prime example of that is cigarette smoking and the way in which so many people over so many years have become addicted.

For a moment we probably should pause and just say how fortunate we are in Australia to have actually reduced the incidence of smoking. I recall people telling me that, in times past, medical practitioners used to advise pregnant women to smoke as it would help them relax. I can recall, as others can, going to places where there were smoking sections and non-smoking sections.
Somehow in those days we did not seem to have our nostrils as offended as they now are by the smell of cigarette smoke or, indeed, smoke from other tobacco products. I remember my grandfather had the most incredible array of pipes and each of them had a name. His favourite one was called Thora and was shaped like a lion. It was a beautiful pipe. He happily lived until almost 90. But the impact of smoking on the collective health of the Australian community is something that ought not to be underestimated.

Governments have sought over the years to combat smoking through a range of measures, using both the carrot and the stick. The Liberal and National parties in government have a really good track record with respect to tobacco control and in reducing the rates of smoking in this country. Way back in 1966, the then Prime Minister, Sir Robert Menzies, introduced a voluntary tobacco advertising code. Ten years later, in 1976, the Fraser government implemented a ban on the advertising of tobacco products on television and radio. Dr Woolridge, in June 1997, announced what at the time was the biggest ever national advertising campaign against smoking with the federal government then spending some $7 million over two years. The Howard government, in 1999, reformed cigarette taxation from a weight basis to a per stick excise. The Howard government, with the now Leader of the Opposition as Minister for Health and Ageing, introduced the graphic health warnings on tobacco products in 2006. In 2009, the Liberal-National Party proposed an increase in the tobacco excise, a measure which was happily—and I thank the Minister for Health and Ageing for this—later adopted by the government.

The Liberal and National parties have presided over the greatest decline in smoking rates whilst in government. It is illuminating to recognise that the prevalence of smoking declined from 21.8 per cent in 1998 to 16.6 per cent of Australians over the age of 14 by 2007. These are amongst the lowest rates of smoking in the world. The decline in smoking rates in Australia, with a fall of 40 per cent for men and 44 per cent for women between 1989 and 2007, were amongst the biggest in the OECD. The fall in smoking rates amongst women was the biggest in the OECD. So it is wrong to suggest that the Liberal-National opposition is soft on tobacco companies.

The reduction in the rate of people smoking cigarettes has partly been as a result of the increased cost of cigarettes and partly as a result of education. I think it is also due to the fact that people recognise that smoking is not a healthy thing to do. In 2011, more and more people are aware of the benefits of health, the benefits of healthy practice and the benefits of not smoking.

I am very pleased to join the debate on these cognate bills. As other honourable members have said, the Liberal-National opposition is supporting the first bill, the Tobacco Plain Packaging Bill 2011, with an amendment to be moved but is opposing the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. I think one ought to give credit where credit is due and there is no doubt that the government, through this bill, is seeking to build on the excellent record of former Liberal-National governments in the improvement of the rate of people who do not smoke in Australia. I think that most people, even many smokers, would accept that smoking is a filthy and costly habit which has been allowed to gain a considerable foothold in societies around the world, including in this country. We do, however, have a situation here where the rate of smoking is so much lower than in many other parts of the world. When I have travelled, I must confess that I have been
shocked at the wafting smell of cigarette smoke almost everywhere and I have forgotten that once in this country we had the same sense of pollution and the same kind of pollution.

Smokers themselves will tell you that it is an unwelcome habit. Many of them hate themselves for smoking. Many of them understand that their health is diminished as a result of this habit and also that their lifestyle has been diminished because the smoking habit tends to consume considerable amounts of income. I am actually not sure what a packet of cigarettes costs today, but I understand that it is quite expensive. Some people smoke a packet a day, two packets a day or three packets a day, so it may well cost them $45 a day. If you multiply that $45 by the number of days in a year and then the number of years in a lifetime, often it is not hard to see that tens of thousands of dollars, if not hundreds of thousands of dollars, could have literally gone up in smoke. Many smokers have described themselves quite bluntly as the 'sucker' at the end of their cigarettes, and I suppose that term applies to them in more ways than one.

The biggest danger is that once new smokers get a feel for the hit they receive from nicotine and cigarettes it is only a short step further to where they become addicted and dependent on cigarettes. All of us would know of people who, when they had a difficult phone call to make, would sit down and light up a cigarette. That would enable them to accumulate the mental concentration necessary to carry out what they perceived to be a difficult task. Unfortunately, although they might temporarily receive a euphoric feeling, as with many other addictions the victim is slowly dragged towards financial disaster and also health disaster.

The cigarette industry has through advertising encouraged people to smoke. I suppose they want to sell cigarettes and that is understandable in a commercial sense. However, I am pleased that they do not have the same opportunity to advertise as they once did. It is hard to believe that not so long ago there were people who actually said that lung cancer was not caused, partly, as a result of smoking cigarettes. Lung cancer is a considerable killer in Australia. Figures from 2007 show some 9,703 sufferers of lung cancer at that time in this country. That same year saw 7,626 recorded deaths from lung cancer. One would be quite incorrect to suggest that all lung cancer could be attributed to smoking, but smoking does account for a considerable number of people who fall victim to lung cancer.

It is, therefore, the responsibility of the government of Australia—and in fact all other governments regardless of their political make-up—to do all that they can to maintain the health of Australians generally, and with the benefit of the facts now out there about smoking and the impact it has on so many Australians, there is little argument from anyone that more needs to be done to address the problem and reduce the deaths. It is the government's responsibility to do all that it can to reduce smoking and ensure that those who choose to smoke are given the best information available so that they are able to make an informed decision about this practice so as to reduce illness and death and reduce the costs of health care in this area.

The first health warning appeared on cigarette packets in the early 1970s and it was a simple warning: 'Warning—Smoking is a health hazard', and I mentioned before about steps taken by the Liberal-National government when graphic pictures accompanied various warnings on cigarette packets. Under the legislation currently, the warnings must cover 30 per cent of the front and 90 per cent of the back of the box. Pictures are accompanied by printed
messages such as: 'Smoking causes emphysema', 'Smoking causes throat and mouth cancer', 'Smoking clogs your arteries', 'Smoking harms unborn babies', and of course 'Smoking causes lung cancer', and others.

This bill aims to strengthen further, from 1 January next year, the message to smokers and those thinking of taking up smoking. From that date under the provisions of the Tobacco Plain Packaging Bill 2011, all forms of brand logos, colouring and printed promotional text will no longer be allowable on cigarette packets. The new regulations will allow only a brand name and graphic health warnings.

There have been some concerns and objections regarding the right of any commercial company to display its company logo on its products and this issue has been addressed in part in the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. Under the Agreement on Trade-Related Aspects of Intellectual Property Rights, the TRIPS agreement, administered by the World Trade Organisation, the 'use of a trademark in the course of trade shall not be unjustifiably encumbered by special requirements'. However, the obvious concerns in relation to plain packaging are somewhat allayed as the WTO agreement does include exceptions based on health reasons. This bill aims to address the concern by overriding any tobacco company concerns with the Tobacco Plain Packaging Bill 2011.

There is a group in our community who is disadvantaged by cigarette smoking but who did not make the decision to actually smoke. They are forced to smoke because of the polluted atmosphere when they are around people who do smoke. I refer of course to passive smokers. I suspect that even those people who do not smoke have over the years absorbed quite a lot of smoke passively and there have been situations where the health of people who are victims of passive smoking have been affected either as adversely or even more adversely than the health of people who actually do smoke.

So I believe this is a work in progress. The bills before the House are not a panacea. They are not going to solve the problem overnight. It would be delightful in a health sense if the government could ban smoking—except that would be incompatible with Australia being a democratic society and people being able to do what they want when they want as long as the rights of others are not adversely affected. With smoking, the rights of others are adversely affected because passive smoking has impacts for people who are not actually smoking.

While the simple solution might be to remove this product from the shelves, I do not believe that is an acceptable proposition in a democratic society like Australia. Therefore, the government must use the range of weapons at its disposal. Plain packaging of cigarettes will make them less attractive. Advertising campaigns pointing out the dangers of smoking must be continued. Advertising campaigns pointing out the dangers of smoking must be continued. I believe that over the years governments will continue to increase the rate of excise levied on cigarettes with a view to discouraging more and more people from continuing or taking up this practice which is clearly adverse to their health. Some people like to smoke socially, but the reality is that nicotine via cigarettes is clearly addictive. There are many people who might want to occasionally light up one with friends and ultimately end up smoking one, two or three packets a day.

I do support the Liberal-National position on these bills. I commend the Tobacco Plain Packaging Bill 2011, with the amendment, to honourable members.
Mr BILLSON (Dunkley) (17:46): I rise to support the coalition's position of being in favour of the Tobacco Plain Packaging Bill 2011 in this second reading stage and with some thoughtful and well-considered amendments in the consideration in detail stage and to oppose the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. Tobacco smoking is the largest preventable cause of disease and premature death in Australia. When in government the coalition acted decisively to address the prevalence of smoking in Australia. The former coalition government presided over the biggest ever fall in smoking to a prevalence rate of 16.6 per cent for people over the age of 14, giving our nation one of the lowest smoking rates in the world. As the health minister in the former coalition government, Tony Abbott introduced the current graphic health warnings that cover 30 per cent of the front and 90 per cent of the back of cigarette packaging.

The coalition has always supported and will continue to support sensible measures to reduce smoking rates. That is relevant because in this debate the Minister for Health and Ageing and some government members have sought to characterise the coalition's position as being somewhat less than committed to a coordinated and considered effort to reduce rates of smoking in Australia. The minister herself has gone so far as to suggest that the coalition's position is being dictated by big tobacco—a statement I found offensive and that the record shows is untrue. That has created a very difficult atmosphere for this discussion and for considered debate on what additional steps we as a nation need to take to reduce smoking rates amongst young people particularly and amongst those who have found their addiction very difficult to shake over many years.

Particularly frustrating for those on the coalition side is that it seems that whenever the government was in trouble it would reannounce its plain-packaging tobacco measures. It was as if they would say: 'We're in trouble. Break the glass. Talk about tobacco.' That did not assist in a thoughtful and considered debate on the merit of these measures and created an atmosphere where it was very difficult to have sensible discourse on what else might be done or what finetuning might be worthwhile to a broad plain-packaging initiative.

I reiterate that the coalition has a proven track record with regard to tobacco control and reducing smoking rates. I will not go over all of the measures that have been canvassed by previous speakers, but they include the initiatives of Robert Menzies, the Fraser government and Dr Michael Wooldridge, who was an indefatigable advocate for action to reduce smoking rates, and the broader work of the Howard government in terms of reforming cigarette taxation and advertising the graphic health warnings. Even when in opposition the coalition first proposed an increase in the tobacco excise in 2009—a measure that was later adopted by the government. That is the record of the coalition and any suggestion that the coalition is soft on tobacco companies is just plain nonsense and completely unsupported by the facts.

We are faced now with what to do next. What considered action will see a further reduction in rates of smoking uptake and smoking prevalence? There is no one straightforward solution that will do the trick. A coordinated strategy is what is required. Also we can look internationally to see that a concerted strategy can achieve results, but action without thought can actually produce unintended results. In some jurisdictions, where a coordinated strategy
has not been introduced, illegal tobacco, chop-chop, has found a bigger market share.

That brings us to the bills before the chamber today. There is the effort to introduce plain packaging, as it is characterised in the Tobacco Plain Packaging Bill, and also a second bill that is mainly to do with the potential of this action to offend trademark obligations. We are opposing the second bill relating to trademark amendments because there needs to be an outstanding argument put forward as to why a regulation should trump a piece of law. The government has failed to make that case, and that is why the coalition will oppose that bill. We do so in that there are certain protections available to people in relation to their property right and more broadly property in section 51 of the Australian Constitution. Where those protections are violated there should be consequences.

The government have repeatedly said that they have taken account of those constitutional issues and have also taken account of the TRIPS agreement and are on ‘robust and strong legal ground’—I think those are the words—to proceed down the course they are proposing. We would like to accept on face value those reassurances, but this is difficult because we cannot actually access this legal advice to see whether or not it is more political speak from the government, which has used as a political strategy this issue that was once pursued in a bipartisan spirit. We have not seen that legal advice to learn how robust and dependable it is. What is interesting is that the bill seeks to ensure that, if there is some offending of the acquisition and property on just terms, it then has a consequence as to the application of the bill. That setup seems to point to some legal doubts about the strength of the advice the government has received and, as I said earlier, the concept that a regulation should trump a piece of statute is something that should be avoided wherever possible. That is why the opposition will be opposing the trademarks amendment bill. We do not think the case has been made for that action where regulation made by a minister could override the Trade Marks Act itself. That is an exceptionally uncommon cause of action and, because the coalition have not been privy to the legal advice that the government aims to rely upon, we find that course of action quite dubious. We believe that, if the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 is necessary, there should be other action considered and the minister should not have the power to simply override the Trade Marks Act through regulation if he or she feels that is the way to go.

On the broader question of the plain-packaging measure I have been alarmed at the lack of engagement between the government and the small business community. I was troubled by the fact that a very legitimate range of concerns have been raised by small retailers as to the impact of this measure on their business and on their costs of doing business but no-one in the Rudd-Gillard government seemed to be interested in those points of view. It does carry forward a history of the Rudd-Gillard government not really taking small business seriously and that is reflected in the fact of 300,000 jobs being lost in the sector since the Labor government was elected. But here is another example where the Commonwealth led by a Labor government seems to think it knows best and legitimate concerns are just brushed aside as if they are immaterial and not worthy of proper consideration. Not only has the minister displayed that kind of dismissive attitude but even the parliamentary inquiry process seemed to go out of its way not to engage with the small business community,
particularly small business retailers, about their legitimate concerns.

The coalition has listened to those concerns and the amendment proposed by my friend and very capable shadow parliamentary secretary Dr Southcott seeks to address some of those concerns as they relate to the storage and stock management of tobacco products. This activity is a long way away from the point of sale—in back storerooms. Stock control and management, the ready identification of what tobacco products are at hand and what needs to be ordered, should be facilitated by the kind of amendment that the opposition has proposed—that is, a marking on one of the two smaller packaging surfaces for cartons so that small businesses can properly manage their stock.

I still believe that there should be scope to more genuinely address a broad range of small business concerns but it is clear that the government is just not interested in doing so. The small business community have contacted me and raised a very legitimate range of issues. I will just touch on those briefly. Then I will come back to the motivation for this measure and show how I thought there was scope for common ground to be found but there needs to be an appetite by the government to engage in a sensible conversation. Sadly, that appetite is not present.

The small business community, particularly the retailers, are the meat in the sandwich of most of the tobacco control measures. We have already seen many small business retailers having to adapt to display bans. A decision was made that there needed to be, in many cases, a refitting of the shop presentation and point of sale so that tobacco products were not visible to people when they entered retail premises. As I understand it that was aimed at not activating a spontaneous desire to buy tobacco—someone fills up their motor vehicle, goes in to pay, sees a whole bunch of cigarette packets and thinks, 'I don't smoke, but I'll buy one,' or something of that kind. There has not been a lot of evidence to show how effective that has been. What is clear though is the cost that the imposition of that measure has provided for small business retailers and that it is another example of how small business retailers are the meat in the sandwich.

When we come to the area of penalties that are faced for the sale of tobacco to minors, I entirely agree that they should be penalised where it occurs, but the sale process actually involves a purchaser. What I do not understand is why this is so vigorously pursued. Even my own city, the city of Frankston, recently on 16 March boasted about how they had gone after 60 retailers to see whether they were upholding the law of not selling tobacco products to people under the age of 18. There were a number who had not done the right thing. The circumstances under which people are not doing the right thing need to be explored. That is a discussion for another day.

What I find fascinating is the case of a mum-and-dad owned corner store that has half-a-dozen big, strapping 16-year-old lads come in and give them plenty of advice about what they should be selling to them and plenty of indications that, if they are not going to make that sale to them, there will be all sorts of consequences for their business. There is plenty of intimidation to say that retailers should engage in a transaction with people who may well assert that they are over the age of 18 but refuse to provide any evidence that they are. You might have someone who is somewhat taller than me—and I am somewhat over the age of 18—looking very much over the age of 18, but who is perhaps not.
Mr Windsor interjecting—

Mr BILLSON: Thank you for the interjection. What happens in that case is that the entire weight of the law lands on the retailer. Is this fair and reasonable? Surely, there should be some responsibility carried by the person who is under the age of 18, who is seeking to purchase or is in possession of tobacco, but there is no such requirement. The small business community is saying, 'Hang on, this is another example where we are the meat in the sandwich.' The penalties that they face for selling tobacco to under-age customers are steep and may involve a loss of licence while the under-age person seeking to buy or in possession of the tobacco faces no penalty.

Retailers then point to the growth of the illegal and counterfeit market that seems immune from enforcement activities while there is brazen selling going on in community markets on street stalls and even, in some cases, with an offer of home delivery of chop-chop—illegal tobacco products. That seems to be something that cannot be detected by enforcement authorities, yet there is this coordinated effort to crack down on small business retailers. Even the large supermarkets are positioning themselves in the market. Just as we have seen them push their own brand with other products, right now Coles is importing cheaper cigarettes from Germany, labelled 'Made for Australia', so that they can optimise their profit margins and sell at a cheaper price. How is that helping the issue of managing the uptake of tobacco in Australia? All these things are going on and small business people are saying, 'Where is the pro-active education campaign to senior primary school students about the dangers of smoking?' There is a price signal benefit from the continual price rises for legitimate retailers, but there is little action on excise lost on chop chop or on the health and safety concerns of illegal products. There is the sense that any intervention will do without the need to provide supporting evidence.

This is the atmosphere within which the small-business community operates. I thought there was some scope to consider even more health warnings on the front of the package, even greater visual displays, rather than the generic name and variant which is displayed in a number of locations under the government's proposal. Have more graphic health warnings, have greater warnings for smokers and those considering it, and in return maybe a small stripe on the bottom of the packet—not something that is highly visible, but something that at least the small-business person could put the cigarettes top down in their chutes, readily identify them and not at another burden to their cost. That would also go some way to guarding against what the minister says are efforts 'designed to remove the last vestige of glamour from tobacco products'. We could have done more, we could have improved this with some fine tuning, but for that to occur we need those opposite to be willing as well and that has not happened.

Mr CHRISTENSEN (Dawson) (18:01): In rising to address the Tobacco Plain Packaging Bill, I have a vision of these little men or women in olive green uniforms jumping out of their little olive green car with 'fun police' written on the side in a small and discreet font. Since this minority government was cobbled together with a plethora of promises and compromises, we have seen this little olive green car popping up all over the place. The fun police do not want us to enjoy a drink, so they tax the alcopops more. The fun police do not want us to play the pokies, so they regulate them. And the fun police certainly do not want us to smoke, so they put cigarettes in olive green packets. It is as if there is a little Julia or Nicola in an olive green uniform on your
shoulder and, when she is not telling you what to do, she is making a sneaky grab for your wallet. We must wonder if there is any place in our recreational lives that the fun police will not show up under this government, because if that little olive green car can fit through the bedroom doorway then I bet it will even show up there too!

I recognise the issues associated with smoking, and in an ideal world the concept of setting fire to a bunch of chemicals and breathing it in would never have been invented. But it was invented; it was invented and it was legal; and it is still legal. At what point do we stop this incessant attack on people who choose to smoke? Is this the end of it? If not, what will be the end of it? For the security of people who smoke and the businesses whose livelihoods depend on the tobacco industry, please tell us where this is going. If you are fully against it, then just ban it. It would be interesting to know if that is the government's end policy. The policy in other areas is: if it moves, tax it; if it does not move, ban it. If they are not serious, then get back to focusing on something more productive, like getting the basics right on everything else.

The government talks a great deal about leading the world with this plain packaging bill, just like they make a great deal about leading the world with a carbon tax. But do we want a government that is trying to lead the world. As one constituent in my electorate of Dawson said, 'We don't want a government that leads the world, we just want them to lead the country'. We have to ask: if Australia is going to lead the world, is this the government we want to do it? The people out there, the people who are genuinely and justifiably disenchanted with this government, those people do not think this government is capable of leading a dog, let alone leading the world. But here we are, standing on the edge of a cliff, getting ready to be the first to jump and hoping like hell that the parachute is packed right and wondering if someone has really thought this process through. The truth is that plain packaging probably will not work.

It probably will not do a thing to reduce the level of tobacco use, which is unfortunate. It probably will not do a thing to stop people from starting to smoke, which is unfortunate. And it probably will not do a thing to make people stop smoking, which is very, very unfortunate. There is very little research covering what effect plain packaging will have on consumer behaviour. The Canadian House of Commons Standing Committee on Health noted the lack of evidence to support such a case. Their expert panel found that plain packaging would have a slight to moderate effect on smoking among teenagers.

While the opposition does not plan to oppose the enabling bill being debated in the cognate debate, I do believe that it is a bad bill and the responsibility for this bad bill will ultimately rest on this government. Any legal consequences that arise out of the bill will rest solely on this government. These bills, although they provide a doubtful benefit, also come with an inherent legal risk. Even before this bill came up for debate, there had been significant discussions about potential legal action from the tobacco companies. I can understand why a company that invests millions of dollars into their brand and their trademark would be upset when they can no longer legally use it. There is a serious question about whether or not the government will be liable to compensate for the acquisition of this property in this case. The government will contend that they are not acquiring the property because they are not going to use it. But taking candy off a baby and then
throwing it in the bin does not take away the fact that you took the candy from the baby. The fact that there are other legal barriers associated with these bills is of great concern. I refer of course to the Paris Convention for the Protection of Industrial Property and, as the Minister for Trade tends to go on about, the World Trade Organisation's Agreement on the Trade-Related Aspects of Intellectual Property Rights 1994—

**Dr Emerson:** It is a one-world government.

**Mr CHRISTENSEN:** Look it up, Craig.

The government believes that there is a loophole. The loophole is in the interpretation of the ambiguous word 'unjustifiably'. The government is willing to stick its neck out here; it fancies its chances with this loophole. But do we want a government sticking its neck through a loophole for legislation that will probably provide very little benefit? We must wonder, given past performances, if the government has fully thought this through. Have they thought through what people will do and exactly what impact this bill will have? Have they considered what the tobacco companies will do? Will the tobacco companies be too scared of the government to take legal action? Will they baulk at the cost of such legal action? This government, and certainly the member for New England, would have us believe that they are here to stop us from smoking, but they are not willing to buy the trademarks from the tobacco companies. Those two statements prove that the government is not really serious about the health of this country.

And what about the consumer and tobacco market in Australia? As I said, I do not believe there will be much effect on the consumer. But what about the market? How will that work? Has the government considered how the industry will be forced to compete on price, and how much more attractive the prices will be to smokers and potential smokers, especially young people? Will the move cause an increase in the illegal tobacco trade? I would like to think that a government would fully think through all the consequences of a bill before it puts that bill before parliament, but history suggests this is not the case with this government.

What will the affect be on shopkeepers and retailers? Did anyone consider the practicality of trying to determine which pack of cigarettes is which when faced with a cabinet full of little olive-green packets? People who work in the corner store and the independent service station are usually very busy people. They are selling, taking money, watching the store and helping customers. There is usually only one person to serve at the counter, and they are run off their feet. What impediments will this bill put on those workers and those businesses? As is the case in some shops, including in my electorate, the person behind the counter may have English as a second language, and that will only complicate the issue.

Another niggling worry I have is that, if the government is right and somehow this bill does reduce the number of smokers in our community, who will then bear the financial brunt? Do they seriously think that it is going to be British American Tobacco? Tobacco firms with a worldwide consumption can easily do a high-intensity marketing campaign in Central America or South-East Asia to make up for the relatively small loss of revenue here in Australia.

The people who do need to worry about a small loss of turnover for the tobacco companies are the corner store and the independent service station, who make a small margin on tobacco but generally rely on the tobacco trade to generate the traffic
required for the rest of their trade. If the tobacco companies lose a market they have
the money to take the federal government to court, as I mentioned before. Who does a
small shopkeeper turn to for compensation? How do they fund a court case against the
government? Will the federal government now grant small shopkeepers and
independent service station owners a 'cigarette income loss rescue package'? Or
will this government pull out the bandaid like they did when they stuffed up the live
cattle export trade and put people out of work? Will they once again offer the dole to
those who lose their job? This could be one of the unintended consequences of this bill.

While I doubt the bill will actually change consumption, we should never underestimate
this government's ability to create detrimental, unintended consequences with
whatever they do. Like it has been said elsewhere, this government has the Midas
touch, but in reverse. Everything they have touched so far this year has turned to what
can only be referred to in parliamentary terms as 'fertiliser'.

What they want to do with this plain packaging plan is to exert more control over
what we, as citizens, do. We are being further and further devolved into a people
who are not capable and not allowed to make decisions for ourselves. But we are
intelligent people who want to be able to make a choice. People want freedom, and if
we keep taking away people's choice we are taking away their freedom. Australians do
not want to be prisoners in their own lives, with 'nanny state Nicola' making all the
decisions for them.

Mr Windsor: Are you voting for it?

Mr CHRISTENSEN: The coalition is not opposing this bill, but I think the bill is
very wrong.

Mr Neumann: You read the wrong speech!

The DEPUTY SPEAKER (Mr S Georganas): Order! I ask members to cease interjecting.

Mr JOHN COBB (Calare) (18:12): I rise to speak in the debate on the Tobacco Plain
Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill
2011. As the House knows, the coalition is not opposing the Tobacco Plain Packaging
Bill, but there are a few things I do need to talk about, and which I could not let go
without mentioning in the House.

I probably have more right to speak on this than most people in the House. Until my
eldest girl left school, which was quite a long time—well over 20 years—ago, I was, as my
children used to say, a heavy user. When there were seven girls, my wife and I in the
car they probably had reason to call themselves 'passive smokers' in a big way.
They were all very relieved when I did give it up. I am not here to defend smoking. If I
had not given up I have no doubt that I would be in a box by now. Smoking
definitely contributed to the deaths of both
my mother and one of my aunts in their 80s. However, they were both highly intelligent,
very tough and very strong-willed women.
So I guess that was their decision, and if they
had decided to stop that would have been
their decision too—as it was mine.

I must mention the fact that it would seem that, as previous speakers have said, there are
legal issues surrounding this bill. If the
government believes they can deal with
those, that is their business. But, obviously, it
would seem that there are legal issues.

There is no silver bullet to stop people
smoking or to prevent them from doing so in
the first place: that is totally correct. I would
never stand in the way of any measure which prevented it or which encouraged or coerced
a child into not doing it. I guess most of us started as kids in one way or another, but most of us did not go on with it. But I do have enormous issues with totally taking control of people's lives. The conundrum I have in this debate is that, if this is so bad that we are going to risk trademark rights, intellectual rights and treaty rights, and bring all these legal issues up—if smoking is so bad that we are willing to do that—why not just ban it?

If, however, it is not, why are we so concerned with taking away the right or the ability of an adult to make their own decisions?

I am rather stunned that we want to control people's lives to this extent. As I said, when it comes to helping parents and their children in this area—preventing children making bad decisions, denying children access to nicotine, helping parents—I am all for it; you will get no argument from me. But it seems to me that, if I remember correctly—and I probably would be a similar age to the member for New England—back when Whitlam was Prime Minister, he lowered the age of the right to vote and all those things from 21 to 18, so one assumes an 18-year-old is quite capable of making their own decisions. I just come back to that point. I do not want to speak for long about this, but when do we stop? At what point do we say, 'You are an adult; you make your decision'?

I very much wish my mother had not smoked and that it had not contributed to her death. But she was an intelligent woman and a very strong character, and it was her decision what she did, just as it was my decision what I did—it contributed to bad health for me and I had to give it up.

As I said earlier, I just wonder, if it is so bad, why it is not illegal to sell it, let alone to smoke it. Surely it is not just about money. I do not believe it is just about money, even with this government, who certainly have great need of that commodity. I should add at this point in time that they have nobody but themselves to blame. They have run short of it because they are borrowing $135 million or whatever a day to deal with their habit of borrowing money and spending it.

I have to say that, as adults, we make our own decisions. At 18 we are supposed to have the ability to make decisions; otherwise, why in the hell is 18 the age at which you reach seniority and have the rights every adult in the nation has? Yes, let's stop those who are under that age from smoking. For those over that age, either make it illegal or get over it.

Mr WINDSOR (New England) (18:17): I would just like to make a few comments in relation to the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. I personally congratulate the government for bringing forward the plain-packaging legislation. I identify with some of the concerns that have been raised in terms of the retailers, and I might get to that in a moment. But I think for people to back two horses on this piece of legislation is quite strange. I know we all have our constituencies to play to, but there is a very real health issue that we are trying to address here.

If I were God, I would ban cigarettes totally. Obviously that is not going to happen. I think most people recognise that that is not going to happen. In terms of the disease factors that are absolutely certain, it is the community that pays that bill. It is all very well for people to say that an adult should have the choice of making their own decisions, but, if we are chronic smokers—and I have been in my lifetime—or we are prone to obesity from overeating, we do not
pay. The health system is not a user-pays system. It is not based on what you have done in your life. It is a socialist system that we all pay for. I think we are honour bound as representatives to, where we do see some form of health risk, try and do something about it.

I first smoked when I was at school. I was a bad boy—I am not a bad boy now, but I was a bad boy, I did smoke and I received quite severe punishment on occasions—

Mrs Bronwyn Bishop: This is getting close to being too much information.

Mr WINDSOR: as the member for Mackellar probably did and probably still does! I was at school around the same time as the member for Calare—we are similar ages. I smoked at school and became addicted to cigarettes. At different times I attempted to give up cigarettes and found that very difficult to do. I visited a hypnotist in Manly, as many other people did, from time to time. On three occasions I was able to stop smoking, because I was advised that it was not good for one's health to smoke 40 cigarettes a day—Benson and Hedges they were, beautiful. One time I gave up for three years; another time for 18 months; another time for six months; and a fourth occasion for one day. In the late eighties, I attended a single face-to-face hypnotherapy session which was successful, and I have not had a cigarette since. I still carry a legacy of that addiction to this day. I was warned at the time by my medical practitioner that the pulse in one of my feet was not terribly good—and the possibility of my demise might interest some people in this chamber! However, that was 20-odd years ago, and I can assure everyone that my foot is in magnificent condition now. This shows that if you give up an addiction—whether it be cigarettes, food, alcohol or whatever—you can reverse some of the processes that you put in train during your addiction.

The other and major reason that I sought hypnotherapy on the last occasion was my kids. I heard some discussion before about what we are doing to educate kids. Those people who come from New South Wales would be well aware of the Life Education Australia band that travels around the schools with Harold the Giraffe—I think that is his name.

Mr McCormack: Healthy Harold.

Mr WINDSOR: Healthy Harold—he bears a striking similarity to Andrew Southcott! My children are now aged 29 and 26 respectively. Healthy Harold visited the infants school of one of my children who became very concerned about the message that Healthy Harold had given about cigarettes. It was through badgering from my kids that I sought help once again through hypnotherapy, and to this day I have not had another cigarette. I think that if I had maintained the rate of cigarette intake that I was on in those days I would not be here to make this speech today. The point I am making is that reducing smoking rates is not just about people making decisions in adulthood but also about expenditure in the health system—and there is no doubt that smoking is not good for one's health. So I applaud the government for taking this step. It is not an easy step, but it should be taken.

There are some people in this building who argue that science is not absolute. For instance, some people have argued in the course of the climate change debate that the science is not absolute, and therefore we will not really know who was right and who was wrong until it happens or does not happen. The science is not absolute on smoking and lung cancer either; yet we believe, because the scientists tell us so, that there is a relationship between lung cancer and
cigarettes. I have not gone out and proven whether there is a relationship between the two because I am not a medical practitioner or a scientist. There is no absolute proof that massive amounts of alcohol are not good for your liver; yet we believe, on the basis of scientific evidence, that this is the case. There is no absolute proof that being obese is not a healthy way to live—you have some stored bodyweight to go through a drought—but I think most people would understand that there are real issues, particularly in the Western world, with obesity and weight issues. We are, where we can, in our job as representatives of the people of Australia, attempting to encourage people into more healthy lifestyles. This legislation is about trying to remove some of the attraction to a product that is addictive, not to every personality but to many. I think we should applaud this legislation rather than get stuck on the relatively minor differences that we have found here between the opposition and the government.

I congratulate the Life Education Australia movement and am grateful to them for saving my life and sending a positive message to my children, none of whom smoke. I think education is part of the process, along with recognition of the science on cancer and so on, of making sure that the next generation does not make the same mistakes as the past generations did. Presenting warnings on cigarette packets and presenting them in plain packaging, as this legislation provides for, is a step in the right direction and I think we should endorse it.

Like many members in this House, I have had representations from retailers about the management, storage, display and identification of cigarettes. I will be listening very closely, because I know the opposition has an amendment before the parliament that we will be asked to vote on, to what the minister has to say about the amendment and the issues that the retailers, particularly smaller retailers, have. Cigarettes are not an illegal product, but we are sending a message through the plain packaging arrangements in an attempt to make smoking less attractive. Some of the laws that have been made in recent years on the display of cigarettes by retailers have been designed to send that message. However, under the changes proposed in this legislation, retailers have legitimate issues about their ability to identify cigarette brands in the storage area at the point of sale. There have been some indications from the minister, and as recently as last night we had some discussions about this question, but I would like her to clarify. I do understand that there are some state issues here with ticketing and display rules, but the amendment which the opposition is putting up and which we are going to be asked to vote on relates, as I understand it, to allowing retailers to have the two smallest outer surfaces of the cigarette carton exempted from sections 19 and 21 of the bill.

As I understand it—and again I ask the minister to put this on the record to clarify the areas I have difficulties with—retailers, even with the legislation, will be able to put a sticker on the shelf so that they can identify the cigarette packet or the brand of the cigarette that is behind the barrier. There are different dispensers of cigarettes, some vertical and some horizontal. The retailers are suggesting that there may be issues around recognition of which packet they are trying to get from the shelf for the purchaser. I understand that the cigarette packets, even in plain packaging, will have the name of the brand on the bottom of the packet—correct me if I am wrong, Minister. I understand that some retailers have the problem that, if their dispenser holds the cigarette packet vertically, the railing on the dispenser may obscure the name of the brand so that the shop assistant cannot see which packet they
are getting. I am led to believe that, in those circumstances, it would be legal for the retailer to mark the dispenser with the name of the brand so that the shop assistant can go to the dispenser and look along the row, not at the packet but at the name of the brand behind the barrier—Benson and Hedges, Marlborough or whatever the cigarette brand may be. I would like the minister, if she could, to go through some of that information because I will be listening closely to what the opposition are saying about their amendment as well.

As to whether stickers can be coloured, I understand that New South Wales point of sale regulations go into some detail about the requirements regarding colour, size et cetera for labelling and price tickets at the point of sale. I would like that clarified against the opposition's amendment, which goes to this issue of the storage and identification of a legal product in the shop area.

I am almost out of time, but I said at the start and I say again: I congratulate you, Minister, for doing this. I think it is an important step on our road to better health. But I would ask you to consider the real issues that some retailers have at point of sale. (Time expired)

Mrs BRONWYN BISHOP (Mackellar) (18:33): In rising to speak on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011, I find it necessary to put on the record that, unlike the previous speaker, no, I did not smoke at school. Yes, I did smoke at university, but I gave it up fairly soon after becoming a mother of two daughters because I felt it was adverse to my health. Rather than suffering the trials and tribulations that the member for New England seems to have experienced, I simply said one day, 'Tomorrow I will no longer smoke,' and I have not from that day to this.

In supporting the bill, I agree with the sentiments that have been expressed about smoking being bad for health. I also agree with other sentiments that people have expressed about intervention in people's lives, but I want to make this point: public policy has meant that there has been a strong advertising campaign which has been successful in reducing the percentage of the population that smokes from what it used to be, somewhat over 50 per cent, to, if my memory serves me, somewhere around 16 per cent. That has been a highly successful campaign. Equally, with regard to drink driving, we have had a very successful public policy which has meant that the incidence of people being picked up on random breath tests is now one in 170.

But the real elephant in the room is that we do not seem to take seriously the need to prevent young people in particular taking up illicit drugs. I recall that when we were in government the former minister and current Manager of Opposition Business proposed a campaign against illicit drugs which was cancelled by this current health minister and has never seen the light of day. It will perhaps shock people when I tell them that statistics broadcast this morning show that, on random testing for illicit and illegal drugs, the incidence picked up is one in 70. It is high time that we take seriously the damage that is being done to young people in particular, who become easy prey to addiction to illegal and illicit drugs, and do something about it, instead of trying to pretend that they are merely 'recreational drugs'—a term which, in my view, should be struck from the lexicon. We should have a very strong public campaign against illicit drugs and hope it is as successful as those we have had against drink driving and smoking.

The second point I wish to speak on is the question as to why we are voting against the second bill. There has been much talk about
the fact that the regulation-making power can overcome primary legislation. It is indeed a very serious matter. It is known as a Henry VIII clause. When I sat on the Senate Standing Committee on Regulations and Ordinances, we would frequently, if we thought there was a Henry VIII clause, send it back to the minister for redrafting for the simple reason that one of the first principles of that committee, which will examine this legislation, is that laws should be embraced in primary legislation and not in secondary legislation, otherwise known as subordinate legislation. I think it is interesting that in 1990 the Queensland Law Reform Commission issued a working paper under the chairmanship of Justice McPherson CBE, in which it notes that the Henry VIII clauses were so named after the monarch in disrespectful commemoration of his tendencies to absolutism. It also noted that on occasions the Supreme Court of Queensland had held that regulations were invalid as they were contrary to the intention of the legislature. But I do like the comments of Dr TP Fry contained in that report of the Queensland Law Reform Commission:

By thus upholding Parliamentary Statutes against Cabinet Regulations which sought to impose penalties which Cabinet was unable to induce Parliament to impose, the Supreme Court proved itself to be a bulwark to constitutional government.

I think that is an important message to heed. If the practice were to again be introduced, to again raise its ugly head—as it has seen flights from time to time in the history of parliaments; and I think this is the first time I have seen it in this parliament—whereby we had a practice to allow subordinate legislation to overturn a term contained in primary legislation, we would not be doing our job as legislators. It is a serious responsibility which we have and I believe we should uphold it. We should all, as legislators, oppose this legislation for this reason. The opposition will not support this legislation, because of the way in which it is so sloppily drafted, because it is, simply, a Henry VIII clause—a clause which is held in disrepute. I do not wish to see it in this parliament again.

The DEPUTY SPEAKER (Hon. Peter Slipper): Before I give the call to the Hon. Minister for Health and Ageing, I would like to recognise present in the advisor's box Zac Power, who is a work experience student with the Parliamentary Secretary for Pacific Island Affairs. He is working with the parliamentary secretary this week and he is a student at Geelong High School. He is accompanied by Grant Dew, who is a member of the staff of the parliamentary secretary.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (18:39): I am sure that, for such a young person doing work in an area interested in other countries, witnessing this world first will be a good experience.

I am pleased to be summing up on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. These are very important pieces of legislation. I think over 30 members of the House have spoken in this debate. I want to use this summing up to address a range of issues that have been raised by members in this House, and I hope that we will be able to vote on this important legislation tonight before the House adjourns.

It is of course a landmark day for tobacco control in Australia. Those members who have spoken in favour of this legislation have demonstrated that they are prepared to put the public health of their constituents absolutely at the top of the list of their priorities and certainly above the partisan party politics that we have seen from some
speakers. They join with 260 professors of health and medicine, including four former Australians of the Year, who have written to all federal MPs seeking unanimous support for legislation to mandate plain packaging of tobacco products sold in Australia.

When I introduced these bills some six weeks ago, I detailed the toll of death and disease felt by our community each year from tobacco related diseases, and I will not repeat that in the House again today. But of course the purpose of this legislation is to reduce that toll that is felt within our community.

Tobacco is a product not like other products. When it is used as intended it kills people. The pack is not opened and then thrown away; it is carried around by the smoker, continually brought in and out of their pocket, put on their desk, held in the public arena and shown to friends—reinforcing the brand and personal identity and exposing the marketing to many social groups that it may not have been intended for and to children. Plain packaging joins the range of direct actions that we are taking to tackle tobacco, including the 25 per cent tobacco excise introduced in April 2010, record investments in anti-smoking social-marketing campaigns and legislation to prohibit the advertising of cigarette products on the internet.

The first piece of legislation will mandate that packaging can only appear in a standard, drab, dark brown colour and the only thing to distinguish one brand from another will be the brand and variant name in a standard colour, standard position and standard font size and style. Let me assure the member for New England that the name will appear on the top and bottom of the pack to accommodate concerns that have been raised by retailers who pack and sell their products stacked horizontally—and I will come to the other issue in terms of those who might stack vertically. That was a suggested change that came through our consultation process and one that we have taken on board.

I understand that the coalition have made clear that they will support this first piece of legislation that mandates plain packaging. However, they have flagged that they will move an amendment in the consideration in detail stage to allow branding to remain on cigarette cartons. We are very concerned that this will undermine the policy intent of the legislation. The coalition amendment creates a series of loopholes in the legislation that will enable tobacco companies to continue to brand and therefore market their products—the very thing we are trying to restrict. Though cartons are used in some cases to deliver wholesale product to retailers, they can also be sold at the retail level, particularly in duty-free settings but also in shops. There are also cases where individual packets can be bundled together—for example, two small packs of cigarettes bundled together in transparent wrapping—that would fit the definition of ‘carton’ in the opposition’s amendment.

The opposition claim that the amendment is designed to help retailers in the handling of the product, but the legislation already does this because the legislation allows for the brand name and variant to appear prominently and legibly on the front and two small end surfaces of cartons for retail sale. The legislation does not affect wholesale packaging of tobacco products. Under the legislation, it is open to the industry to fully brand cartons delivered to retailers—with colours, logos et cetera—as long as the retailers are not on-selling the branded cartons to consumers. So, for the purposes of handling stock in the back of an office, in a warehouse and elsewhere—legitimate concerns that industry have—this legislation does not affect that.
The amendment, however, would open a loophole which would mean that products that are branded are called ‘cartons’ and are not only used for wholesale and would be made available to retailers. This amendment could also have the perverse impact that retailers stock and sell more cigarettes in bulk packaging such as cartons rather than in individual packets, potentially increasing the consumption of cigarettes. Clearly this would dramatically undermine the policy intent of the legislation. Let me make clear, if it has not been apparent, that the government will not be supporting that amendment. The opposition have already said that they will also oppose an important part of the legislation— the second bill, the Trade Marks Amendment (Tobacco Plain Packaging) Bill—and now they are moving this amendment which will water down the legislation and potentially create a loophole for tobacco companies to continue to market their products.

In regard to that second piece of legislation, there has been a lot of debate in this House about the Trade Marks Amendment (Tobacco Plain Packaging) Bill. It will allow the government to act quickly to protect trademarks owners’ rights if there are unintended consequences from the practical operations of the plain packaging legislation. Contrary to what the coalition have been spruiking today about the trademarks amendment bill, any regulation made under new section 231A will not have any effect on the operation of the Trade Marks Act in relation to goods or services that are not covered by the plain packaging bill. So suggestions that this can affect broader trademark legislation for products other than tobacco products is simply not correct. It does seem a little strange to us that the opposition is going to oppose this second bill which actually provides additional assurance to tobacco companies that, if someone were seeking to deregister a trademark for lack of use as a result of the plain packaging legislation, we would be able to take action which would protect the existence of that trademark.

The member for New England also raised some concerns about what sort of coloured stickers or promotional or marketing material will be able to be displayed at the point of sale, particularly where cigarettes might be sold and stacked vertically rather than horizontally. I need to advise the House and the member for New England that this is something that is covered by state legislation. I have been able to identify and provide that to the member, but am happy to also put on the record that the New South Wales fact sheets that cover the specific requirements for price tickets make it clear that tobacco retailers can use price tickets. They can use two colours, one for the ticket and one for the price. There are a number of restrictions on how they can be used, how distinctive they can or cannot be, and what sort of lighting and lettering can be used for them. This is consistent with legislation in each state and territory that restricts very tightly the sort of display that is allowed in any retail shop but makes sure that there is identification available for those who sell the product and need to be able to know which brand they are choosing. A number of members on this side of the House have met with retailers, and when they have said to them, ‘If you stack your products alphabetically, won’t that actually be quite easy for your sales assistants?’ that has been received quite enthusiastically. People do have concerns, but we believe that the combined protections of this act and the restrictions will still allow retailers to identify where products are, which brand they are being asked for and which brand they are selling.
I said that today was a watershed day for tobacco control. It is also a day where we have seen the best and, unfortunately, the worst of this parliament. Listening to the speeches by the majority of members of the opposition, it is obvious that they are not voting for this legislation because they believe in doing everything possible to lower the smoking rate. It is clear from the comments made by many opposition members that they were shamed into this position but when they vote it is with every fibre of their being saying they should oppose it. I think it is not an exaggeration to say that today we scratched the skin of the opposition and the extreme right has come oozing out of the wound. The member who— (Quorum formed) I understand why the member for Dawson, who called attention to the state of the House, is sensitive about that, because he gave one of the most appalling speeches, where he told this parliament that smoking was fun. He, as a member of parliament and a leader in the community, was prepared to stand up here and say to his constituents that a product that is going to kill people who use it as intended is fun.

Honourable members interjecting—

The DEPUTY SPEAKER (Hon. Peter Slipper): I apologise to the minister, but would honourable members on my right please resume their seats or leave the chamber. I cannot hear the minister, and if I cannot hear the minister I suspect others cannot.

Ms ROXON: The member for Dawson I think may have been bettered by the member for Mitchell who, in his speech, made it absolutely clear that he does not support this legislation, and told us that 'life kills'—that we might as well not worry about doing anything on smoking because life kills anyway. What a silly statement to make in this House. It is something that the Liberal Party and the Liberal leadership should be embarrassed about. He also made the claim, which was made by many others opposite, that we enjoyed the revenue that big tobacco raised for the government. Let us correct the record here: the revenue that is raised by the excise on tobacco is five or six times less than the amount that we spend in dealing with the social, health and economic costs of smoking. This financial year it is projected that the revenue raised from tobacco excise will be $5.8 billion. The latest report indicates that the estimated health and social costs of tobacco in Australia a number of years ago was $31.5 billion annually. Therefore, the costs to our system are far greater than any benefit that the coalition says the government or taxpayers receive from this product.

The party room compromise to support plain packaging was obviously that it would oppose the trademarks amendment bill, and we are very sure that the coalition is just playing politics on this issue. In response to those opposite who claim that the trademarks amendment bill would avoid parliamentary scrutiny, I remind them that any regulations made under this act would be able to be disallowed by the parliament and they should stop playing politics on this. I also remind the House that the Howard government introduced a similar regulation making power in 2000 to implement the obligations of the Madrid protocol. The enactment of these bills will give effect to Australia's commitment under the WHO Framework Convention on Tobacco Control. The fact that we will be the first country to introduce these measures is very exciting and I am aware that a number of countries around the globe are supportive of our legislation.

One of the shadow ministers opposite raised the issue of track and trace. There are not any international agreed standards for
that yet, but we are happy to continue to work on those and to do ongoing work with those opposite. The passing of this legislation will be another nail in the coffin of tobacco marketing and I commend the legislation to the House. *(Time expired)*

Question agreed to.

Bill read a second time.

**Consideration in Detail**

Bill—by leave—taken as a whole.

Dr SOUTHCOTT (Boothby) (18:55): I move:

(1)Page 21 (after line 12), after clause 18, insert:

**18A Application**

Sections 19 to 21 do not apply in relation to one of the 2 smallest outer surfaces of a cigarette carton to the extent that a trade mark covers the surface.

The purpose of this amendment is to help small retailers. The government's consultation of small business and especially small retailers has been lacklustre at best.

We heard from Simon Cotterell, the Assistant Secretary of the Department of Health and Ageing's Tobacco Taskforce, who stated during the health and ageing committee's public hearing:

… we have agreed to meet and discuss this legislation with any retailer or retail organisation that has approached us.

Unfortunately, given the impact on retailers, you would have thought that the department would have been more proactive in engaging them. It is really easy to sit back and say, 'Look, come and see us if you've got a problem.'

But this is an improvement on the government's previous position. Its position before Senate estimates was that the consultation that was done with small business and small retailers had been conducted by the Preventative Health Taskforce. For the first time, what we have heard is that cartons, which are available for wholesale but not retail, will have trademarks and branding on them. That certainly will be helpful for small retailers and it is not something that was obvious from the explanatory memorandum or the legislation. There is a pattern appearing here because when looking at the bill as a whole the Senate Scrutiny of Bills Committee had a lot to say about these two bills. Specifically they sought the minister's advice on clause 27 and questioned whether this was inappropriate delegation. The committee has taken the step of seeking the minister's advice as to why any further requirements cannot be identified in the primary legislation, particularly as offences and civil penalties may apply.

On the issue of track and trace of tobacco I would have welcomed a more considered response from the minister. Track and trace of tobacco products is an issue that features in several articles of the Framework Convention on Tobacco Control. The opposition has been suggesting to the government that it adopt a neutral track and trace scheme for tobacco. They have had all day, they have had their departmental people here and it would have been good to have a more considered response to that. This is international best practice, Minister. Look at what they do in California, in Massachusetts and in Canada: international best practice. Inexplicably, the minister and the Department of Health and Ageing's response to any question that there might be increased amounts of illicit tobacco or counterfeit tobacco has been to consult the tobacco companies, which is the exact opposite of what the World Health Organisation and the Framework Convention on Tobacco Control say.

It is certainly not the intention of the opposition to undermine the public health intent of this bill with this amendment. We
supported this bill at the second reading stage. We feel that the consultation by the government of small business and small retailers has not been up to scratch and that is why we will be moving this amendment. We do not see that it will undermine the public health intent of this bill, which we support.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (18:59): To support the convenience of the House, I put on record the government’s reasons for opposing these amendments. It might suit the convenience of the House to have the vote before the adjournment. Question put:

That the amendment (Mr Southcott’s) be agreed to.

The House divided. [19:03]

(The Speaker—Mr Harry Jenkins)

Ayes.................67
Noes...................72
Majority.............5

AYES

Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Chester, D
Ciobo, SM
Coulton, M (teller)
Entsch, WG
Forrest, JA
Gamboro, T
Griggs, NL
Hartseyker, L
Hockey, JB
Irons, SJ
Jones, ET
Kelly, C
Ley, SP
Marino, NB
Matheson, RG
Mirabella, S
Neville, PC
O’Dwyer, KM
Pyne, CM
Randall, DJ
Robert, SR
Schultz, AJ
Secker, PD (teller)

Slipper, PN
Somyay, AM
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wyatt, KG

AYES

Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Crean, SF
Dany, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Fitzgibbon, JA
Georganas, S
Gray, G
Griffin, AP
Hayes, CP
Jones, SP
Leigh, AK
Lyons, GR
McClelland, RB
Mitchell, RG
Neumann, SK
O’Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, CR
Vamvakinos, M
Windsor, AHC

Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ

NOES

Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Crean, SF
Dany, M
Dreyfus, MA
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Windsor, AHC

Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ

PAIRS

Abbott, AJ
Broadbent, RE
Moylan, JE

Abbott, AJ
Broadbent, RE
Moylan, JE

PAIRS

Abbott, AJ
Broadbent, RE
Moylan, JE

Abbott, AJ
Broadbent, RE
Moylan, JE
Wednesday, 24 August 2011

PAIRS

Ruddock, PM  Macklin, JL

Question negatived.

ADJOURNMENT

The SPEAKER: Order! It being past the hour of 7 pm I propose the question:

That the House do now adjourn.

Mr Stephen Smith: Mr Speaker, I require that the question be put immediately without debate.

Question negatived.

BILLS

Tobacco Plain Packaging Bill 2011

Consideration in Detail

Debate resumed

Bill agreed to.

Third Reading

Ms ROXON: by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011

Second Reading

Question put:

That this bill be now read a second time.

The House divided. [19:16]

(The Speaker—Mr Harry Jenkins)

Ayes....................72

Noes....................67

Majority.................5

AYES

Adams, DGH  Bandt, AP
Bird, SL  Bowen, CE
Bradbury, DJ  Brodtmann, G
Burke, AE  Burke, AS
Butler, MC  Byrne, AM
Champion, ND  Cheeseman, DL
Clare, JD  Collins, JM
Combet, GI  Crean, SF

AYES

Crook, AJ  Danby, M
D'Ath, YM  Dreyfus, MA
Elliot, MJ  Ellis, KM
Emerson, CA  Ferguson, LDT
Ferguson, MJ  Fitzgibbon, JA
Garrett, PR  Georginas, S
Gibbons, SW  Gray, G
Grierson, SJ  Griffin, AP
Hall, JG (teller)  Hayes, CP
Husie, EN (teller)  Jones, SP
Kelly, MJ  King, CF
Leigh, AK  Livermore, KF
Lyons, GR  Marles, RD
McClelland, RB  Melham, D
Mitchell, RG  Murphy, JP
Neumann, SK  Oakeshott, RJM
O'Connor, BPJ  O'Neill, DM
Owens, J  Parke, M
Perrett, GD  Plibersek, TJ
Ripoll, BF  Rischworth, AL
Rowland, MA  Roxon, NL
Saffin, JA  Shorten, WR
Sidebottom, PS  Smith, SF
Smyth, L  Snowden, WE
Swan, WM  Symon, MS
Thomson, CR  Thomson, KJ
Vamvakrou, M  Wilkie, AD
Windsor, AHC  Zappia, A

NOES

Andrews, KJ  Andrews, KL
Baldwin, RC  Billson, BF
Bishop, BK  Bishop, JI
Briggs, JE  Buchholz, S
Chester, D  Christensen, GR
Ciobo, SM  Cobb, JK
Coulton, M (teller)  Dutton, PC
Entsch, WG  Fletcher, PW
Forrest, JA  Frydenberg, JA
Gambaro, T  Gash, J
Griggs, NL  Haase, BW
Hartsonky, L  Hawke, AG
Hockey, JB  Hunt, GA
Irons, SJ  Jensen, DG
Jones, ET  Keenan, M
Kelly, C  Laming, A
Ley, SP  Macfarlane, IE
Marino, NB  Markus, LE
Matheson, RG  McCormack, MF
Mirabella, S  Morrison, SJ
Neville, PC  O'Dowd, KD
O'Dwyer, KM  Prentice, J
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Question agreed to.

Bill read a second time.

**Third Reading**

**Ms ROXON** (Gellibrand—Minister for Health and Ageing) (19:22): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**Income Tax Rates Amendment (Research and Development) Bill 2010**

Returned from Senate

Message received from the Senate returning the bill and informing the House that the Senate has agreed to the bill as amended by the House at the request of the Senate.

**ADJOURNMENT**

**Ms ROXON:** I move:

That the House do now adjourn.

**Petition: Halal Food**

**Mr SIMPKINS** (Cowan) (19:23): I have previously spoken in the parliament of the Barnabas Fund and my personal support for their work in supporting and highlighting the plight of persecuted Christians in the world. Last week the director Mr Ian Wright came to see me and handed me a petition calling on action against the imposition of halal in Australia. As I said before, the mission of the Barnabas Fund is to support Christians where they are in a minority and suffer discrimination, oppression and persecution as a consequence of their faith.

The Barnabas Fund's goal is to strengthen Christian individuals and their communities by providing material and spiritual support in response to needs identified by local Christian leaders. This petition supports the freedom of Muslims and other religious groups to access food that meets the requirements of their faith, but the point is that halal food should not be imposed on everybody. The core reason for this petition is that halal food should always be labelled as such, and that non-halal alternatives should always be available for consumers.

As Christians and others are concerned about the increased presence of halal products, the Barnabas Fund believes that as a result of this it shows the commitment of many Muslims to continue on the path of Islamisation of their non-Muslim host societies. This includes the imposition of Islamic practices on non-Muslims, of which halal food is a major instrument in the process. The imposition of sharia practices on non-Muslims may be seen by many Australians as an assertion of Islamic supremacy. This petition seeks to stop this through various measures, one of which is the labelling of all halal products.

Another point in this petition is the common belief that halal slaughter is cruel. A number of well-known animal welfare groups have consistently criticised halal methods of slaughter and they have also previously called for their prohibition.
Groups such as the Farm Animal Welfare Council have publicly spoken out against the treatment of animals when being slaughtered to meet halal requirements. The Farm Animal Welfare Council also concluded that killing animals without first stunning them causes unnecessary pain and suffering. Dr Marc Cooper who is a farm animal welfare scientist from the RSPCA stated that: ‘… from a welfare point of view, it's an unnecessary practice. It causes pain and distress.’ This petition seeks to warn Australian consumers by labelling all halal products so they have an understanding of what they are purchasing and eating.

This petition also seeks for governments not to legislate regarding the standards required for halal products, thus endorsing them by implication. It also seeks for governments and other public institutions to offer halal products only as a choice, and that those halal products should never be the only option available there. This goes back to the fundamental point of the denial of choice to consumers, and that alternatives should be provided. The petition also highlights and objects to having to pay extra for certification agency fees and other extra costs involved in the halal processes and industries. If the products are not labelled, Australians would not know if they were paying extra for the processes and agencies mentioned.

I know that the Barnabas Fund is not anti-Muslim or anti-Islam. The Barnabas Fund is simply trying to protect and support Christians through various proposed reforms. One of them is the eradication of the offence and the punishments involved in apostasy, again a point that I have made strongly in the past and continue to believe requires action around the world. The Barnabas Fund is seeking the Australian government to support this reform by encouraging other countries to follow.

In conclusion, through this petition the Barnabas Fund has framed the problem of the denial of choice to consumers, how halal foods promote the Islamisation of non-Muslim societies and the cruelty to animals involved in halal-compliant methods of slaughter. This petition seeks to solve these problems through three methods. First, governments should not legislate regarding the standards required for halal products, thus endorsing them. Second, all halal products should be clearly labelled. Third, governments and public institutions should offer halal products only as a choice and halal products should never be the only option available there.

I thank Ian Wright and the Barnabas Fund for their efforts in highlighting these important issues. I also thank all those who signed the petition. I now seek leave to table this petition.

The DEPUTY SPEAKER (Hon. Peter Slipper): The honourable member does not need leave to present the petition as it has been approved by the Petitions Committee. The petition is received pursuant to standing order 207(b)(iii).

The petition read as follows—

PETITION AGAINST THE IMPOSITION OF HALAL

To the Honourable the Speaker and Members of the House of Representatives:

This petition of certain citizens of Australia draws the attention of the House to the need of Australians to be informed when a meat product is halal.

We support the freedom of religious groups to access food and other products that meet with the requirements of their faith but are concerned about the massive growth of Shari'a compliant products being sold to all Australians whatever their faith, often without being informed or consulted.
We do not wish to pay for halal products when a proportion of our money will go to an Islamic agency for Halal certification.

We therefore ask the House to ensure that halal food does not become the norm in Australia and to this end require the food industry to label all halal products clearly and give their customers a choice.

from 11,881 citizens.

Petition received.

Newcastle Electorate: Community Arts

Ms GRIERSON (Newcastle) (19:28):
The City of Newcastle has always had a diverse and rich cultural scene thanks to the effort of many committed individuals and organisations. Earlier this month Simon Crean, the Minister for Regional Australia, Regional Development, Local Government and the Minister for the Arts, visited Newcastle and took the time to host with me a roundtable of local participants in community arts and cultural organisations.

This roundtable included Marni Jackson, the General Manager of Renew Newcastle; Allison Hammett, the Chair of the Octapod Association; Toni Main, the Artistic Director of Tantrum Theatre; Claire Williams of Newcastle Theatre Company; Savitri Naidoo from Chakras Performing Arts; Conjoint Professor Dr Allan Chawner from the University of Newcastle; Barbara Greentree from Newcastle Studio Potters; David Le Marchant from the Lock Up Cultural Centre; Debbie Abraham, the Chair of Regional and Public Galleries New South Wales; Dr Ian Cook from the Conservatorium of Music; Katherine Gillet from the Hunter Writers Centre; and Capree Gaul an advocate for youth orchestras.

Together they painted a vibrant picture of the arts fabric of Newcastle but they also spoke of the need to sufficiently fund human and physical infrastructure to underpin and sustain arts activities which are, of course, more challenging in regional cities. Since that time, Minister Crean has released the national cultural policy discussion paper, and I look forward to him receiving further advice from the arts community of Newcastle. A very dear and important part of the Newcastle cultural community till her death last month was Margaret Olley and I take this opportunity to acknowledge her talent, her generosity, her individuality and her long association with Newcastle. It is an association that grew from her friendship with well-known gallery owner Anne von Bertouch, beginning in 1964. Margaret Olley painted a number of famous paintings of Newcastle from her iconic Church Street residence. She grew in love with the city’s then iconic industrial atmosphere, picturesque working harbour, unique architecture and stunning natural beauty. She was famous for sketching or painting the view from her home on the hill, which provided unparalleled views of the juxtaposition of Newcastle’s heavy industry, architectural heritage and natural beauty. Of course, Newcastle has changed enormously since Margaret first visited in 1964. Whilst its skyline is no longer dominated by the smouldering blast furnaces of BHP, the unique creative energy that Margaret cherished continues to this day. Margaret said:

The marvellous thing is, I miss all that smog and that sort of humming in the night that used to be part of Newcastle. It was like the heartbeat of Newcastle.

Well, we will miss Margaret. She was a great and generous friend to the Newcastle gallery and the people of Newcastle. Her earthiness had special synergy with our city.

Another talented artist and teacher in my electorate, Carol Carter, was recognised this week with a Premier’s Teacher Scholarship, one of only 31 awarded in New South Wales.
This is due recognition of Carol’s significant contribution to education and the arts. Carol received the Premier’s contemporary art scholarship and will go to Beijing, Shanghai and Hong Kong in April and May next year. She will be there for five weeks to research the way that Chinese contemporary artists use a range of photomedia in new ways. Carol will use this trip to document Chinese practices so that she can develop materials to be used in local schools. This is a wonderful opportunity for a well-deserved, enriched learning experience—one that will broaden the cultural understandings and opportunities for teachers and students in Newcastle. We take great pride in Carol’s achievements.

Sadly, I would like to take the time to acknowledge the wonderful work of ABC journalist Paul Lockyer, pilot Gary Ticehurst and cameraman John Bean, who died when their chopper crashed near Lake Eyre last Thursday, 18 August. I express my deep regret and condolences to their loved ones and friends. In their craft and through their unique approach they also gave expression to the Australian landscape and the human experience. They were artists of very special talent. They will be sorely missed. Our cultural fabric is an important element of our identity and our purpose. When it is strong, it strengthens the civil society that the people of this nation deserve. I applaud generally all those Australians enriching our cultural experience and heritage.

Food Security

Mr FORREST (Mallee) (19:32): I want to use this opportunity to lament yet another piece of Australian history that seems to be heading offshore, with more and more Australian food processors being purchased by offshore interests. It is a real concern to my constituency that this trend of purchase by overseas interests, particularly of food handling, is increasing dramatically. In the last few years we have seen the barley handling process—the Australian Barley Board—sold to the Canadians and now called Viterra. Our wheat and grain handling companies were purchased by the Americans; Cargill now owns what was the iconic Australian Wheat Board, AWB Ltd.

Sadly, it now seems it is the turn of that Sunraysia icon, Sunbeam Foods. The jury is out as to whether a Chinese investment in this important sector of Australian horticulture will be beneficial or detrimental to my Mallee constituents. It seems that the Bright Food Group—a Shanghai municipal government-owned assets management authority—on Wednesday, 17 August announced the purchase of 75 per cent of Manussen Foods, the owner of Mildura's iconic Sunbeam Group of dried fruit, citrus and juice businesses.

Sunbeam's predecessor, Co-operative Dried Fruit Sales, was formed in 1926 by three local packing companies—the Mildura Co-operative Fruit Company, Irymple Packing and Sarnia Packing. None of those entities still exist. The Sunbeam logo is steeped in the heritage of the Sunraysia area, depicting golden, bright rays of sunshine and encompassing all that is Sunraysia: the sun-drenched region with its fertile, rich red soil, irrigated by Australia's largest river, the Murray, that produces the golden dried fruit that is world renowned. In more recent times Sunbeam Foods merged two companies—its joint owners Mildura Co-operative Fruit Company and Irymple Packing—to become Sunbeam Foods Group, operating three divisions: Sunbeam Foods, Mildura Fruit Company and Mildura Fruit Juices. Soon after, Sunbeam Foods was taken over by Manussen Foods, a Sydney-based management company, to the dismay of many locals at the time, including myself. Now, in 2011, majority ownership of this iconic company, which is part of the Mildura...
region's heritage, seems to be heading offshore.

I am not opposed to foreign investment. When I look at Australia's great history, from colonial times prosperity and development relied on foreign investment. But I am concerned that in this new era with its mantra of food security it is other countries that are taking more interest in that than Australians are. We are losing more and more control of our food-processing and food-gathering entities. This is not foreign investment to secure development for our nation, as has been our historical trend; this investment is more in the interests of those countries investing. It is a particular concern that a Chinese government-owned entity is purchasing this entity and I wonder if it is truly in the national interest.

The sale will be scrutinised by the Australian Foreign Investment Review Board, because the cost is well above the threshold and, more importantly, the purchasing entity is a government-owned enterprise in China. It is crucial that the FIRB take a close look at this. I encourage my constituents who have expressed their concern to make a submission and, while the Foreign Review Investment Board is not able to advertise the fact that it is conducting an inquiry, the purchasers themselves have announced it. I am encouraging my constituents to make their submissions. I think it is important to recognise the historical connection of Sunbeam Foods to Sunraysia and I think it is important for the Foreign Investment Review Board to recognise that this is not an investment by Chinese companies in development. Whilst it may well be in the interests of opening new market opportunities, that could be achieved without the full purchase of a controlling interest in Sunbeam Foods.

So I await with interest the deliberations of the Foreign Investment Review Board, and ultimately the position that the government might take in any advice it receives from the board.

National Disability Insurance Scheme

Mr GEORGANAS (Hindmarsh) (19:37): Today we face issues that affect Australians as they have affected Australians for decade after decade. These issues impact people of all walks of life, all income brackets, all regions, all cities, all religions and all ethnic backgrounds. If left alone, unaddressed, the discomfort or outright suffering of members of our community will only continue and become more widespread across our nation.

This Labor government is a responsible, forward-looking government. We continue to confront and address the great structural issues that affect our people. Today, as for last year and the decade before that, we have people in our communities right around the nation who have no real choice but to care for their disabled children and loved ones. These carers have been fulfilling their parental or spouse roles with love and infinite patience for they know that with things being as they are they have no alternative; neither they nor their children have any choice.

Through the decades they have cared for their disabled loved ones, during the manifestation of congenital problems, psychiatric illnesses and many other forms of disability which make their children helpless or, at worst, a potential danger to themselves and possibly even others.

As these parents age they ask the questions, ‘Who will look after my child when I am too old to provide effective care? Who will look after my child when I am gone? What is to become of my disabled child?’ These are the questions that these people ask themselves all the time, every
single day of their lives. These concerns are not new and, regrettably, these concerns are not uncommon. Equally regrettably, they have been left unaddressed by governments for far too long. I am pleased to say that this Labor government is prepared to take up this issue head on.

Of course, I am speaking of the need for a system of care that does not depend on the longevity and ability of parent carers. I am speaking of a system that overarches the care of family members, providing the support that is needed as it is needed and for as long as it is needed, irrespective of a disabled person's immediate environment. I am, of course, speaking of the National Disability Insurance Scheme. This scheme is national in its composition and application, in its values and its principles and in the relief it gives to the disabled person and their loved ones and carers.

This is truly an ambitious government, intent on prescribing a sustainable and an eminently supportable policy for the ongoing betterment of Australians in most need of assistance. Of course, such reform is not straightforward. We have multiple tiers of government involved, multiple jurisdictions to reach agreement with, complex financing to simplify, costly support to fund this into the future and the citizen guidance, acceptance and ultimate ownership of the reform as it is developed, implemented and then embraced.

The process of this reform will take considerable time. I regret that, and I think that all of us would like to see it come to fruition much quicker—but that is fact. But I most regret the fact that this was not done a decade or more ago. As this reform will take more time than the full term of this current government, and will probably only be implemented in the term after next—well into an uncertain future—it would be best if we had some level of agreement within and outside of this place, across all political parties, to take a degree of ownership of the outcome towards which many, many people will work over time. We will have very different state governments involved, as I said. Different parliaments in both state and federal tiers of government will be asked to change their existing systems, their budget allocations and forward estimates, and all will be asked to make positive contributions towards an eventual outcome.

And we will have a public which, as with other issues, is likely to have a moving opinion, changing perspectives and, importantly, increasingly firm and expanded hopes as the architecture of this scheme is thrashed out and debated, and there is evidence of the system being put together. I would ask that all current and future parties to this great work approach the outcome with positive expectations. This reform and the needs of our fellow Australians which it will address are too great.

(Time expired)

Healesville Football and Netball Club

Mr TONY SMITH (Casey) (19:42): I rise this evening to pay tribute to the Healesville Football and Netball Club. On Friday, 5 August the Healesville Football and Netball Club hosted a team from Canada, who came across to play a game of Aussie Rules football. They are the North Delta Juniors, as I said, from Canada. They are also known as the Canadian Wolfpack under-19 team.

Mr Speaker, back in 2008—as an AFL fan you would be aware of this—the Australian Football League celebrated its 150th anniversary. Of course, the AFL held an international football carnival in that year. The Healesville Football and Netball Club then first hosted the North Delta Juniors under lights at the Don Road Sporting
Complex. That was where the bond between the two clubs was first formed.

Of course, as all members of this House would be aware—particularly my Victorian colleagues: the member for Dunkley at the table; you, Mr Speaker, and the member for Corio—the tragic bushfires at the beginning of 2009 in and around Healesville affected many members of the Healesville Football and Netball Club. That bond formed the year before led to the North Delta Juniors raising $1,200 to assist Healesville Football and Netball Club families who had lost some football memorabilia and other goods during the bushfires. It started a tradition of the club coming out from Canada and playing a game in Healesville. On Friday, 5 August they did just that. Twenty-seven players, 17 parents, adults, coaches and other visitors from the North Delta Football Club came to the Yarra Valley. They visited the sites, as you would expect—the Healesville sanctuary and some of the other iconic local sites—before the night match, again at the Don Road Sporting Complex.

It will not be a great surprise that the local Healesville team won the match, nine goals four to four goals five. But I am told it was a very competitive game throughout. The Wolfpack played amazing football, hampered by the fact that they do not have Australian football league sized grounds back in Canada; they have to play on whatever is available. But I am told they were very competitive and gave the local boys a run for their money. They will be back again next year and in coming years.

I was going to offer them Carlton football club jumpers on the night—because I was not sure what they played in—as a visiting team; but, Mr Speaker, given that you have given me the call, I will offer them Brisbane Lions jumpers, I think, because I know that will come from a hereditary support for Fitzroy. I have a soft spot for Fitzroy and for the Fitzroy Football Club.

I just wanted to pay tribute to the Healesville Football and Netball Club. They are a great driver of the local community there in the Yarra Valley. I want to thank Kym Estcourt, the President of the club, and Kerri Goding, the secretary, for all their hard work in making the visit a wonderful success. Of course, they could not have made it so without all of the help from the club volunteers and parents, who cooked dinner for the visitors and made them feel very welcome indeed. It was my pleasure ahead of the match to provide the club with some Australian flags for representatives of the team to take back to Canada to help them remember their visit. I hope when they come back next year, after a bit more training, the match is competitive again. It would be great if they were able to beat the local guys here in Australia out in Healesville.

Throsby Electorate: BlueScope Steel

Mr STEPHEN JONES (Throsby) (19:47): On Monday this week, BlueScope advised the Australian Stock Exchange that it had posted a $1 billion loss. As a consequence, it announced that it was exiting the export steel market to focus on its profit-making domestic steel market. This means that in my region over 1,000 workers in the Illawarra will be laid off.

I am very pleased that, within hours of the announcement, the Prime Minister, the Treasurer and the Minister for Innovation, Industry, Science and Research advised that a $140 million assistance package would be made available to the workers, the company and the region.

We have been making steel in the Illawarra since 1917. It has come to define the region; it is a part of our identity—indeed, it was the name that we gave to our football team when they first entered the
NRL. The decision on Monday by BlueScope will mean a fundamental change for the company and for the region. The reasons cited by the company are well known and have been debated in this House: the high Australian dollar, which is a consequence of the high demand for our natural resources, and the high cost of coal and iron ore, which is also increasing the cost of producing steel here in the Illawarra. These factors are being felt by every manufacturer in Australia but especially by BlueScope and steelmakers in the Illawarra.

Whether your favourite analogy is the patchwork rug, the multi-laned highway or the invisible hand, what we know is that these forces are transforming Australia. They also have the potential to divide us between regions, between workers who enjoy the fast lane—one of the nice patches as opposed to one of the shabby ones. It is spreading benefits but also uncertainty and insecurity. In circumstances like this, I believe, the government has a role: to explain what is going on in clear and concise terms so that all Australians understand what is happening to their economy and the consequences that has for them as workers and as families, to devise a plan which brings people along to ensure that we are able to spread the benefits of the mining boom and to provide assistance to individuals, industries and regions who are required to make a transition. And in the Illawarra we certainly need that assistance.

We are a region that has relied on manufacturing and it has been one of the great strengths of the region. We have a tremendous skill base in the manufacturing sector. We also have been transforming over the last decade. We are now the region that produces more ICT graduates from our local university than any other university in the country—a fact little known. Unfortunately, most of them do not stay in the Illawarra after they graduate, and that is something that we really need to change, by creating more opportunities for those students.

So government has a role to assist the Illawarra region make the transition. When you withdraw a significant amount of capital—and I estimate somewhere in the vicinity of $1 billion will be withdrawn from the regional economy as a result of the BlueScope decision—there is a need for both government and business to fill that hole. It is critical that we take steps to restore business and consumer confidence. I think the immediate response of the government, the $140 million package, is a good start, but we need to do more.

Together with my colleague the member for Cunningham, Sharon Bird, we are looking at other opportunities to ensure that we keep the regional economy of the Illawarra moving. The Regional Development Australia Fund, which is somewhere in the order of $1 billion, available for regional development projects, has been targeted by the member for Cunningham and me as a source of funds, together with the $500 million that has been set aside in the Education Investment Fund. We are also very keen to ensure that the minerals resource rent tax passes through this House because we see it as a critical source of revenue which will help fund sorely needed economic infrastructure projects in the Illawarra region. One project that the local region particularly supports is the completion of the Maldon-Dombarton rail link. We believe that there is a bright future for the Illawarra, but we will need assistance from the government and business to realise it.

**Dunkley Electorate**

Mr BILLSON (Dunkley) (19:52): The government’s Building the Education Revolution program is littered with disappointments and some disasters. There
have been some sweet spots but also many disappointments in the community that I represent. Thankfully, through advocacy, we have been able to address the challenges faced by Frankston Special Developmental School, the particular needs of which seem not to have been well accommodated by the approach that was taken to rolling out the Building the Education Revolution program, and by Langwarrin Primary School. We are pleased to see that some sensible outcomes were achieved there, even though we had to rely on inviting over the dispatch box the Prime Minister to meet the school community in order to achieve them. That was followed by some good discussion and a better outcome than we might otherwise have seen.

However, we still have issues. Frankston High School is facing considerable pressure to receive the science laboratory built under the BER program even though there are quite a few occupational health and safety concerns over the building. WorkSafe advisors identified: a lack of locks on classroom doors to cater for instances of a lockdown; the fact that there is no suitable ventilation in laboratories where practical activities are conducted, which makes the building unsuitable for the storage of dangerous chemicals; the absence of cupboards; the presence of inflammable liquid rooms; and the fact that the sinks in the building do not meet occupational health and safety requirements. I hope the government will recognise that a substandard building should not be forced on a school community and that taxpayers pay handsomely for these projects and they should, therefore, at least be fit for purpose.

Frankston East Primary School still has the dilemma of a stonehenge building: one of the light timber-frame construction wings that was supposed to have been demolished. Also, new basketball courts were supposed to have been constructed for the primary school in recognition of the fact that the site of the old basketball courts was used to build the facility that came through the BER. Apparently, after running over budget, those two key elements at the end of the project will not be carried out. The demolition of the old wing will not occur, and the school community has to find funding to ensure that it is not a safety risk, even though as far as the state government is concerned it is an invisible asset on the grounds of the school. In addition, the basketball courts are clearly not being developed. When the school community raised these failures as breaches of contract, they were told that the contracts were merely a statement of intent and were not considered binding. All this means that the school has been left high and dry.

Derinya Primary School is currently urging the Commonwealth and state governments to purchase an adjoining residential property given that it has had so little in the way of a play area left for the students after the building it received under the BER was plonked right in the middle of already very scarce play areas. We still need to pursue all this work, and I can assure the local school community of my ongoing advocacy.

There is also the matter of the grave of the Hon. James Edward Fenton at the Mornington cemetery. For those who are unaware of him, James Fenton was an Acting Prime Minister for a period in our nation's history and, as he deserved, he was afforded a state funeral. However, his gravesite has fallen into horrendous disrepair, and this is of great concern to the local historical society in Mornington. I have previously raised with the government that the original guidelines of its Commemorating Eminent Australians program expressly rule out funding to provide for the ongoing care and restoration
of the grave. I am pleased to see that Senator Don Farrell has intervened and that the restoration of Mr Fenton's grave is now eligible for funding. I hope that the advocacy I have provided to date results in a considered application so that we can fix Mr Fenton's grave with the support of the Mornington and District Historical Society as the township of celebrates a very significant birthday. Part of its birthday celebrations will be exploring the history of eminent citizens from the area. We would hate to have people visiting a former Prime Minister's grave and seeing it in a state of such disrepair.

I turn now to the cleanliness of roads in the Baxter area, particularly the Baxter-Tooradin Road. As progress continues with the construction of Peninsula Link, a number of heavy vehicles are leaving the work site and leaving quite an array of debris, mainly while carting away unsuitable soils. I am pleased that Abigroup has now engaged a street sweeper dedicated to the Baxter area. On hot days the site turns into dust that ends up in people's houses; on wet days it turns to slop. This is not acceptable, and I am pleased that Abigroup is responding to the problem.

Finally, I reflect on the plight of many small telco providers, among them Megalink Australia, which is run by Brenden Cooper and his crew in my electorate. They are being caught in the NBN squeeze. Their clients are sprinkled right across the rural and regional area and are relying on the services of Megalink to extend the reach of broadband, but they are now been cut off because of the NBN. There is big money washing around to look after the decommissioned assets of Telstra and Optus; but what about these little telcos whose owners have mortgaged their houses to provide infrastructure? (Time expired)

Parramatta Electorate: Parramatta City Brass Band

Ms OWENS (Parramatta) (19:57): On Saturday I attended the 100th birthday celebration of the Parramatta City Brass band. At 100 years old, it is probably the oldest surviving band in Sydney, and it is one of the few fully functioning bands in the local area. It is a local icon worth celebrating for what it is now and for the path that it has followed over a century.

St John's Church of England first formed the band in the early 1900s under the leadership of bandmaster AE Taylor, but within a decade the band had seceded from the church and renamed itself the Parramatta Citizens Band. In its early life the band was considered an A-grade band, and it placed in the New South Wales state A-grade championships in the early 1910s. The band developed a very close relationship with the military and joined the New South Wales Lancers regiment as a mounted band. Later, it became the 4th Cavalry Brigade headquarters band. However, in 1943, the military recalled their instruments, leaving a band with only the instruments owned by its members. Parramatta City Council then came to the rescue and purchased instruments for the band.

The separation from the military was short-lived. In 1948, the band reformed the lancer band to support the 1st Armoured Division, but in 1951 the military asked the older members to resign from the band, and the relationship with the military once again came to an end. The band stuck together and became a civilian band again. This was a committed lot—over the next eight years the band rehearsed at the Parramatta council's work shed and in the backroom of a local Chinese restaurant—and, finally, in 1959 they got their new hall and named it after Harry Todd, who had been secretary of the
The band from 1916 to 1968. In the same year they renamed themselves the Parramatta City Brass band, the name they still have.

The band went through a bit of a decline in the 1960s, 1970s and 1980s, but then along came Ken Marks, who developed a new crop of juniors, and the band began a long phase of recovery and improvement. Ken finished his term in 1994; A-grade conductor Steve Nolan then took over, and the band progressed from D-grade to C-grade. In the last seven years the band has progressed again, under the leadership of state and national tenor horn champion Jonathan Gatt. Jonathan has done a remarkable job, and the band has now progressed to B-grade, which is the highest rating that the band has held in its recent history. The bank currently has 33 members in its senior band and 24 members in its training band. It was a great night with great company, and I acknowledge this extraordinary Parramatta icon. *(Time expired)*

**White Balloon Day**

**Mr ROBERT** (Fadden) (20:00): Mr Speaker, I request that you receive, in a spirit of great generosity, a white balloon on behalf of the parliament. As you would be aware, 7 September is White Balloon Day as part of Child Protection Week. Bravehearts started White Balloon Day 15 years ago, in 1997. This year marks the 15th anniversary of White Balloon Day. Following the first White Balloon Day, there was a 514 per cent increase in disclosures of child sexual assaults. I hope that you will accept the balloon as part of the nation's realising our responsibility for the protection of children and to commemorate White Balloon Day.

**The SPEAKER:** I would have been happy to receive the balloon, but it has gone 8 pm and the debate is interrupted. Nevertheless, we all join with the member for Fadden in wishing White Balloon Day every success in its work on behalf of a worthy cause.

**House adjourned at 20:01**
Wednesday, 24 August 2011

The DEPUTY SPEAKER (Hon. Peter Slipper) took the chair at 9:31 am.

The DEPUTY SPEAKER: Order! There being no quorum present, the sitting of the Main Committee will be suspended until a quorum is present.

Proceedings suspended from 9.31 to 10.01

CONSTITUENCY STATEMENTS

Hume Electorate: Wollondilly Shire

Mr SCHULTZ (Hume) (10:01): I rise to speak on the issue of small business confidence in the electorate of Hume and in particular the Wollondilly Shire. The Wollondilly Shire is a growing region of the electorate I represent. Of the 98,000 constituents I represent, nearly a quarter reside in the Wollondilly Shire. The region has every possible advantage for continued investment. It is located at the edge of the Sydney basin and is only 30 minutes away from Port Kembla. It can also boast the advantage of having both the Hume Highway and the Sydney to Melbourne southern railway running directly through it. Despite these advantages, small businesses and townships such as Picton are still struggling. Driving through Argyle Street in Picton and seeing the empty shops and 'for lease' signs gives a stark illustration of how small business in this country is struggling under this government and this economic climate.

If the government introduces a carbon tax, even under their own example of assistance for small business, a cash-strapped cafe owner would need to find $6,000 for some new equipment to receive a one-off earlier tax benefit of $1,800. Any additional one-off tax benefit will not relieve the ongoing and unavoidable increased operating costs due to escalating energy costs under the carbon tax, particularly electricity prices.

I congratulate the Wollondilly Shire Council and Mayor, Councillor Michael Banasik, as well as the new state Liberal MP, Jai Rowell, for convening a strengthening local business forum last month, with participants from the Wollondilly Economic Development Advisory Group, the Macarthur Business Enterprise Centre and the shire's six chambers of commerce—Picton, Appin, Menangle, Bargo, Tahmoor and The Oaks—to talk about issues affecting businesses and how to overcome them. Reports from this meeting are encouraging and are an illustration of how local communities are uniting to develop solutions to overcome the issues.

Before entering politics, my wife, Gloria, ran a nursery and gift shop business in Cootamundra. We both understand the sacrifices that small business owners make on a daily basis. There are rarely holidays, good staff are hard to find, you do arduous hours of unpaid overtime and then there is always the paperwork and the government red tape. At every opportunity government needs to get out of the way of small business and certainly does not need to introduce a new carbon tax.


Mrs D'ATH (Petrie) (10:04): It is my pleasure to rise and speak about the 2011 Petrie Future Leaders Essay and Public Speaking Competition. This is a competition that I run each year. This competition is the second time the event has been held. The 2011 competition was
launched in March of this year at the Petrie Schools Summit, with the final event being held in July at a gala evening. Entrants to the competition were required to prepare an essay on this topic: ‘If you could talk to the Prime Minister, what local or national issue would you discuss?’

There are two categories of entry—primary school students and secondary school students. Primary students were to write no more than 1,000 words and secondary students no more than 1,500 words. From these essays the finalists were selected to give a speech on their essay topic at a gala evening. There were seven entrants this year—four in the primary school category and three in the secondary category. Essay topics ranged from wildlife conservation and the importance of quality teachers and resources to the creation of a small-cap stock exchange to support Australian businesses.

Our youngest entrant this year was Sophie Beddoe. She is in grade 3 and is seven years old. She spoke about the need for improved public transport so that her grandmother could be more independent. Sophie was not only our youngest entrant but was also runner-up in the primary school category. Our runner-up in the secondary school category was Kate Walker, who was our runner-up in the 2009 primary school category, from Clontarf Beach State School. We had two accredited public-speaking adjudicators judging the speeches. Over 60 people attended the gala evening, with all of the students delivering passionate speeches that kept everyone engaged.

In addition to individual trophies for the winners and a perpetual trophy to be held at the winners' schools, the main prize was a trip for the two winners, accompanied by a parent, to Canberra to spend a day behind the scenes. I would like to welcome here today the two winners, Frederique Bloomfield and Sheng Huang, together with Isabelle Bloomfield, Frederique's mother, and also Sheng's mother, Angela. We hope you enjoy your day in Parliament House today. Frederique is 11 years old and in grade 6 at Grace Lutheran Primary School in Clontarf. Frederique won the primary school category talking about the dangers of food additives. Sheng was in our secondary school category and is from St Paul's School at Bald Hill, is in Year 10, is 15 years old and talked about the small cap stock exchange.

It was a great evening with fantastic essays. In conclusion, I acknowledge the Brisbane Airport Corporation for sponsoring the flights for this competition. I hope both students take away from today's visit an enthusiasm to participate in public debate and to ensure that the youth of today have a strong voice. Frederique, Sheng, Isabelle and Angela; welcome to Parliament House.

**Stirling Electorate: Balcatta Soccer Club**

Mr KEENAN (Stirling) (10:07): Balcatta Soccer Club, one of the great soccer clubs within my electorate, was on the Sunday before last presented with the All Flags League—the highest league of soccer in Western Australia—winner's trophy after their match against Perth Soccer Club at Grindleford Reserve. Balcatta Soccer Club sealed the premiership with four games left to play, and in only their second year in the premier league, which is quite an achievement. This is the first time that a team has won the premiership in their second year in the premier league, and to top it off Balcatta remains 11 points ahead of the team in second position. I might add, for the record, that I am the No. 1 ticket holder for Balcatta Soccer Club and very proud to be so.
This achievement has capped off what has been a fine year and the team is still tipped to claim end-of-season honours. The coaching staff, consisting of Michael Roki, Peter Vatistas, Saul Contera and Johnny Vastistas, has done a fine job this season, as have the dedicated and passionate volunteers who keep the club afloat. Captain and leading goal scorer Ashley Rosindale and vice-captain Adam Tong, along with his teammates Bobson Karoma, Lewis Italiano—who I have been told has had an exceptional season—Adam Stillitano, Chris Thakray, Jack Clisby, Spencer Harris, Daniel Micevski, David Micevski, Moe Atak, Daniel Neiderberger, Stephen Burton, John Migas, Veo Human, Paul Vastistas, Jovo Pavlovic, Luke Palmatee, Michael Black and Simon Elton.

Balcatta Soccer Club goes far beyond what is expected of any normal sporting unit, especially when it comes to community support and engagement. Balcatta Soccer Club has donated over $10,000 to various charities in Western Australia, including a $2,500 donation to the telethon appeal. Similarly, the club collects new and used soccer equipment and uniforms to send to an orphanage in El Salvador.

A true testament to the club is last year's winning of the fair play award. The award was won by the men's premier league and was accompanied by a prize of $2,000 for the club. Balcatta was the only team in both the premier league and first division to not receive one red card. Pat Luca, the club's president, who is generally a human dynamo, continues to do an excellent job of engaging the players, members and sponsors in every aspect of the club. He is a very difficult man to say no to.

I am sure the Balcatta Soccer Club will continue to set a fine example in the league as an exceptional community grown and driven organisation, and I wish all the players, members, coaching staff, committee members, sponsors and fans all the best for the coming end-of-season honours and the season ahead.

Child Care

Ms BURKE (Chisholm) (10:10): Today I rise to speak about an issue of growing concern in my electorate and call upon the state government to do their bit in this space. I speak of the issue of universal access to child care, and issue on which the federal government is incredibly proud of the initiatives that we have put into place. Some $955 million has been given to the states and territories over five years to achieve universal access to early childhood education. This will ensure that all children have accessible, affordable, quality early childhood education in the year prior to entering formal schooling.

It has been demonstrated time and time again through every education survey across the country and indeed across the world that getting that important year prior to school in an educational setting, in a kindergarten setting, will set you up for life. As we know, education does not begin when you go to school or university; education begins the day you are born and travels through with you to the day you die. You are constantly learning. That first year before you begin school is vital, and that is why, as a federal government, we sat down with states and territories and said, 'Let's introduce 15 hours for that year before people start school.' Money was given to the states and territories and a significant lead time to ensure that universal access was set up.

Now the state government in Victoria is stepping away from these concerns and saying that it is not enough, that they do not have time, and that they are not prepared to do it. This will
put in jeopardy a wonderful initiative for all children and for all of our communities. We are blessed in Victoria to have some of the highest rates of kindergarten enrolment. We have access to both three- and four-year-old kinder. I know there are concerns about it, but that is why the time lines were introduced—so that these issues could be measured out.

Some $210 million is going to Victoria alone to deal with this issue. They came to the table via COAG and said they were prepared to engage in this process. They accepted the issue and were doing it. Now they are saying that there is not enough money. They also talked about the occasional care and Take a Break in our neighbourhood houses. Wendy Lovell, the state minister, is not being honest about the money given by the federal government. She has been given $210 million towards a process. Yes, money was taken out by the federal government, but it was a small proportion. A much larger proportion was given to the state government. They should be honest about that in their discussions with individuals. This is a state government failure to operate in this wonderful space of occasional care in neighbourhood houses. (Time expired)

Manufacturing

Walk for Autism

Mr HUNT (Flinders) (10:13): The government's buy Australian manufacturing campaign is a sham. Let me be clear about this. This campaign will proceed, but 10 months from now the government will introduce a massive new manufacturing tax and impost on Australian manufacturing. Whether it is a firm such as Carroll's Injection Moulding in Hastings, run by Mick Carroll, a member of the Mount Martha CFA, who has staff members who are members of the CFA, an all-up an employer of six people, including himself and his wife—it is a small business—which will face higher electricity costs or whether it is BlueScope, from the small to the large every Australian manufacturing firm that uses electricity or gas and relies on road transport will face significantly higher costs immediately. According to the government's own modelling, there will be a 10 per cent increase in electricity bills. This is irrespective of whether the firm has a direct emissions responsibility. Every Australian manufacturing firm will suffer a 10 per cent immediate increase in electricity costs on the government's own modelling and higher on the New South Wales government's modelling. This has rendered the government's buy Australian campaign a sham. Not only that; we understand the steel industry advocate position has been vacant for nine months. Again, this makes the campaign nothing more than lip-service in the face of real job losses.

Having said that the government should drop its carbon tax if it is serious about Australian manufacturing and adopt the better way of direct action through incentives rather than taxes, I want to speak more positively about a local matter. I recently met two brilliant young Australians in my electorate, Liam and Lachlan Martin. The elder brother has Aspergers. They were part of the Walk for Autism and were joined by a third brother, Callum, who is currently completing his VCE studies. As part of the Walk for Autism, they indicated that they were keen to work but did not have work. I was fortunate to be able to link them up with the Green Jobs Corps program, which is a successor of the Green Corps program largely established by the now Leader of the Opposition, Tony Abbott. Already the two brothers have been enrolled in a Green Jobs Corps program on the Mornington Peninsula. They will study for a Certificate II in Conservation and Land Management. I am delighted at that outcome.
This is a great program. I fear that the government is set to terminate it, and it should not do so. Instead it should adopt our model of a broader green army. *(Time expired)*

**Lyne Electorate: Roads and Timber Bridges**

Mr OAKESHOTT (Lyne) (10:16): I rise to talk about local roads and timber bridges in the electorate of Lyne, an ongoing issue of concern. On 7 September last year an agreement was reached to provide a stable minority government for Australia until the next election. A key part of agreements reached was around roads and timber bridge funding. The first in regard to the electorate of Lyne is the perennial issue of the Pacific Highway, with a billion dollars of federal funding brought forward in the May budget. If and when matched by the New South Wales government in their first budget in September, we as a community will be on track for a 2016 upgrade completion. National funding of vital national infrastructure does make sense in every way.

The second is the $12.7 million secured for various roads and bridges in the Manning Valley, and the third is the $17.6 million that was secured to upgrade Bucketts Way between Gloucester and Taree. As all members are, I am certainly determined to get a fair share for my electorate. I have had visitors to the area break their drive along the Pacific Highway to visit my electorate office just to tell me how bad local roads are, and I can only concur. Report cards from Engineers Australia back up this assessment.

To be frank and honest, I think it is absurd that fixing a timber bridge on a council road was a key element in determining who governed Australia. Something is wrong when the Prime Minister of this country is helping to set road maintenance budgets for Greater Taree City Council or any council. I certainly stand by the result, but I despair of a funding model that makes beggars one and all of local members of parliament. Vertical fiscal imbalance is alive and well in Australia today and is, in my view, best exemplified by funding inequality in regard to timber bridges and local roads.

Yet, as always, there is hope. Over five years we have had the Productivity Commission, the Henry tax review and the COAG road reform plan all sketching out a new approach to pricing and funding road use. Ken Henry was born in the Manning and I hope Manning roads are certainly better now than when he was a boy. That tax review said that fuel taxes and registration charges by themselves cannot adequately price or fund road use. Instead it recommended pricing that takes proper account of the mass, distance and routes of heavy vehicles, pricing that correlates with road congestion and road damage. Better pricing and funding promises substantial productivity improvements to be realised and shared as general economic gains and specific road improvements.

These are important considerations for the future of Australia and addressing this problem of vertical fiscal imbalance. I hope the experience of other members of parliament in chasing road funding will make this a priority issue and we do get this important issue resolved sometime soon. *(Time expired)*

**Private Health Insurance**

Mr LAMING (Bowman) (10:19): When you are a cash-strapped government looking for every cent you can, you can understand why having a go at the 30 per cent private health insurance rebate is attractive. Like most shortcuts in public life they can look good at the time but there is a very good reason why they have never been done before. Today I am going to
talk about the regional cities and towns around Australia because they are at the forefront, at
the battlelines, where we will see significant economic pain, which has not been modelled by
Treasury, if we see a continued molestation of this 30 per cent rebate by the government.

When you take out the 30 per cent private health insurance rebate, the first thing you do is
give incentives to downgrade to cut-price insurance. That may well mean not so many people
pull out because of the Medicare Levy Surcharge but more importantly—and I note the
Australia Physiotherapy Association’s statement yesterday—it is the ancillary cover that starts
to disappear. It is the revenue model for physios, dentists, podiatrists and other allied health
providers that starts to suffer. It is the specialists who devote their services to regional towns
and cities as you go from Sydney north through Port Macquarie, Taree, Coffs Harbour and
Ballina who say, ‘Maybe I am better going back to the city where there are more people who
are privately insured.’ These are the specialists who do honorary sessions in public hospitals.
These are the specialists who while they work at a private hospital are doing the on-call
arrangement at the public. These are the specialists who if they go will leave a dangerous
situation with on-call cover in some of these larger towns and smaller cities. This starts a
perpetuation of the underskilling and the workforce shortages that we already face.

It is always attractive to find a quick, easy solution to this perennial problem, but usually
that easy solution is wrong. It is time that we started to get over this notion that you are
paying PHI to millionaires from poor people. No-one on an income of under $800 a week
pays any net tax. No families under $900 a week pay any net tax. It is called the net tax
threshold. Secondly, if you take a dataset from the ATO and actually look at it, people who
are insured are only $100 or so a year more wealthy. When they pay their health insurance
premium they are actually hundreds of dollars poorer.

If you hate the rich, as half this chamber appears to, take it out in the tax system and raise
taxes, but stop cutting off social services to Australians. We are proud of what Medicare
delivers to every Australian. We are proud of what the safety net delivers to every Australian.
We do not charge rich families more to send their kids to an independent school. We do not
charge rich families more to send their kids to university. Back off the 30 per cent private
health insurance rebate. It keeps 51 per cent of Australians insured and it is something that
should be protected and supported in Australia. (Time expired)

Australian Volunteers Overseas

Mr MARLES (Corio—Parliamentary Secretary for Pacific Island Affairs) (10:22): Every
year many hundreds of Australians head overseas to volunteer in developing countries. In my
role as parliamentary secretary I meet many of these people throughout the Pacific and see the
benefits of the wonderful work that they do. These are men and women who take time out of
their own lives, away from their jobs and their families, to share their skills and expertise to
help improve the lives of others. Today I would like to pay tribute to the work of volunteers
from Geelong. My office has recently been given the opportunity to extend a thank you on
behalf of the Australian government to 15 local people who have returned from volunteering
missions to Asia and the Pacific during the last 12 months or so. The work they did is
extraordinarily varied and says a lot about the huge range of skills needed by many of our
nearest neighbours but it also says a lot about how we, as Australians, are prepared to pitch in
and help wherever it is needed.
For example, Peter Hudson is known to many people in Geelong as the former executive director of United Way and also formerly of the Lord Mayor's Foundation in Melbourne. Retired now, Peter has years of experience in fundraising and business management and his task as a volunteer with Australian Business Volunteers during two months in Cambodia was to help a team at the Bright Hope Institute improve their own fundraising and management skills and secure the future growth of the institute. In doing this he was assuring the educational future of the 400 students from remote and rural areas of Cambodia who attend the institute in any year, gaining valuable skills in agriculture and business management.

Geoffrey Moss from Geelong spent six weeks in East Timor training biomedical technicians how to fix medical equipment in the country's hospitals. X-ray machines, suction pumps, heart monitors, blood monitors and incubators used to save the lives of newborn babies were all fixed by Mr Moss and his trainee team. The equipment itself had been donated by countries around the world, but it is no good to anyone if it is not functioning properly.

A retired bookshop administrator, Margaret Tembo spent a month in Tonga last year lending her expertise to the Friendly Islands Bookshop. It is the only bookshop in the capital, Nuku’Alofa, and employs 20 people across its main street retail outlet, book warehouse and small shops on outlying islands. As part of the Uniting Church's international mission, Margaret played an important role as a fresh pair of eyes and ears during the bookshop's critical rebuilding phase. The shop and all its stock was destroyed by fire during the 2006 riots and its staff have been working to restore the business since then.

Volunteering comes in many shapes and sizes, but the constant in all these stories is the desire to give of oneself, to make a difference and to do some good. Perhaps Margaret Tembo summed it up best when she said, 'We are a caring community in Geelong and it is something to be proud of that we are prepared to look outwards and help others whose lives are much more difficult than ours.' As you can see, there is no single set of skills needed by volunteers except perhaps for an open heart. I would like to acknowledge Zach Power in the audience, who is on work experience with me from Geelong High School and will be preparing my next constituency statement.

**Live Animal Exports**

Ms SAFFIN (Page) (10:25): I have with me four different types of petitions all dealing with live animal export. They were given to me to bring to the parliament. They went before the Petitions Committee. I got a notice back that they were not in the proper order. I want to do justice to the people who put their signatures on them so I shall talk to them.

There are three different petitions from three different sources but with hundreds of signatures calling for live export to be banned outright. Then there is another petition which states:

We demand government take the needs of animals, farmers, meatworkers and Australian jobs seriously by supporting the local slaughter industry and chilled/frozen meat export.

I will speak to the last point. I have just come from a forum in this place from WSPA, the World Society for the Protection of Animals. They were handing over a petition along the same lines, talking about banning live export and phasing it out. They had a meat processor with them, a plant operator whose name if I remember correctly was Peter Cody, from Western Australia. He was talking about the issue and the idea that the live export industry
has grown up at the expense of the domestic meat industry. I said, ‘That is an idea that we need to test and I want that tested in this place.’ It is an idea that I have taken up in my local area, where I have a large meat-processing industry as well, Northern Cooperative Meat. That is what they were talking about. It is always the plea from the locals.

We have heard the debate that has taken place on live export recently. I know that all members in this place have been overwhelmed with emails and with commentary. It was an issue that really ignited people right across electorates with an outpouring of feeling. I live in an electorate that is rural and it has a very strong and viable agricultural industry and beef and dairy. I am conscious that it is not in live export but in that sector. In my seat the overwhelming feeling of people was that, whilst this industry exists, we have to do this in a humane way and animal welfare has to be the primary goal. Secondly, a lot of people want it phased out.

I have had a few private member’s motions before the House over the last parliament and this parliament. One of them was quite lengthy. It talks about that and it talks about a renewed consideration. (Time expired)

The DEPUTY SPEAKER: Has the honourable member taken that petition to the Petitions Committee?

Ms SAFFIN: I have, and I got a note back saying they were not in order, and I was doing justice to the people who put their signatures on just to—

The DEPUTY SPEAKER: You could seek leave to table them as a document and if no-one objects they can be tabled. Are you seeking leave?

Ms SAFFIN: I am.

Leave granted.

Electorate of Chifley: No School No Play Program

Mr HUSIC (Chifley—Government Whip) (10:29): I have said in this place a number of times that one of my big passions within the electorate of Chifley, where nearly a third of the people who live in the electorate are under the age of 19, is education. It stands at the forefront of the issues that I take a particular interest in within the electorate. This is in terms of not only public education but also the non-government sector, which is operating very well within the electorate. I am also pleased to see the growth of trade training schools. We had the pleasure of seeing the opening of the Tyndale Christian School’s trade training centre recently, which will provide support for students learning the hospitality trade and getting involved in that trade, and seeing their last two years of secondary schooling being counted as an apprenticeship, which I think is a tremendous initiative that will ensure that students who want to move into a trade have support. I am very happy to see that. Obviously, the University of Western Sydney, my old university, is doing a lot of great work.

Besides providing the opportunity for students to take on further education, they also need to turn up. They also need to balance out their education. By that I mean that their attendance is strong, that their engagement in school is strong and that they are engaging in healthy lifestyle and wellbeing, particularly through sport and taking up physical activity. It is for those very reasons that I was keen to see the federal government’s $2 million No School No Play program rolled out in the seat of Chifley. There are about six schools in the electorate that I am really pleased have agreed to participate.
Another pleasing aspect of what has gone on is the fact that we have been able to get private sponsorship, chiefly through Woolworths and a shareholder at the Sydney Kings, Greg Bundy, chipping in to ensure that the program can roll out. Basketball Australia is participating in the scheme. Six schools in the Chifley electorate through the Chifley campuses, Plumpton High, St Clare's Catholic High School, and schools in Bidwell, Shalvey, Mount Druitt and also Dunheved will take part in the program. For one hour a week over six weeks 120 students will engage in the sport and on the commitment that they will turn up to school that they will be engaged in school and that, through the support of Woolworths, they will have healthy breakfasts and snacks and learn the value of physical activity. It is a tremendous program. I am very happy that a number of people have banded together across corporate, school and community sectors to be involved. I commend the program. I am very happy with the support it has received so far and look forward to reporting on its progress.

The DEPUTY SPEAKER (Hon. Peter Slipper): In accordance with standing order 193, the time for members' constituency statements has expired.

Same-Sex Relationships

The DEPUTY SPEAKER (Hon. Peter Slipper): Pursuant to the resolution passed on 5 July 2011, as amended, we now move to constituency statements on ways to achieve equal treatment for same-sex couples including marriage.

Mr BANDT (Melbourne) (10:33): Today is a good day for those who believe in love and the power of love to change things for the better. It is almost a year since I successfully moved a motion to ask members to take the temperature of their electorate regarding marriage equality, and since then the push for equal love has really warmed up. As a result it seemed to me that it would make sense to have time set aside to hear from everyone about what their constituents have said in the last few months, and I am glad that the government agreed to make time and we were able to secure space for everyone to express their views and the views of their electorates. I congratulate all the other honourable members who choose to participate in this discussion today, regardless of their position, because it is very important that we continue this debate.

It is a very important day today in the life of this parliament because I believe it represents another very important step along the road to full equality and to finally ending the legal discrimination that faces same-sex-attracted people. I am confident that it will not be long before marriage equality is achieved, because love builds bridges where there are none. Love thaws hearts and warms minds. Love is a powerful force for good and a force for change, and I believe that it is love that has brought us to this place in the debate and it is love that will carry us over the threshold of discrimination and fear to marriage equality. This push for equal love is not just important for those who want to get married. It sends a powerful message to the boy in a country town struggling with his sexuality or the student who wants to take her girlfriend to the high school formal that this country believes their love is equal.

The people of Melbourne support equal love and want marriage equality. Support for marriage equality was a key issue in my successful election campaign for the seat of Melbourne. The Greens were the only party to have marriage equality as part of our election platform and I was the only lower house candidate in the country who was elected on such a platform. During the campaign and subsequently, I have had such strong feedback and almost universal support for the Greens' stance on marriage equality. I have received several
thousand emails on the issue and over nine in 10 have expressed support for marriage equality. In a survey I conducted in my electorate in Melbourne in November last year marriage equality was one of the top priority issues for respondents and, of the 475 people who responded to the survey, only one respondent expressed opposition to equal marriage rights. When out at listening posts in my electorate I have had great public support for our stance.

Melbourne has hosted numerous meetings, rallies and other events, all expressing support for marriage equality. From around the country I have also received many messages of support for the Greens' push for equal love, and a number of opinion polls reflect the fact that the overwhelming majority of Australians support ending discrimination. The universal feeling expressed in these messages is the same: why shouldn't someone marry the person they love? The Prime Minister and the Leader of the Opposition, out of step with public opinion, have said their parties will vote to continue discrimination, but already cracks in the wall of indifference placed around the old parties by their leaders are starting to show, and I want to commend the backbenchers and ministers that have been seeking to expand those cracks and break down that wall of indifference.

It seems to me that if you come from a party that believes in equality, that must be equality for everyone, and if you come from a party that believes in an individual's right to do as they wish with their own life, so long as it does not harm someone else, then that should extend to the most fundamental of rights, the right to be able to marry the person that you love. I believe it is not sustainable for the government or the opposition to hold back the floodgates of public opinion that wants Australia to come into the 21st century. I have great confidence that we will achieve full equality in the life of this parliament and, after all, if it is something that Catholic Spain can do then Australia as a 21st century advanced democracy should be able to do it as well. The Greens have a bill before the parliament ready and waiting to overturn the marriage ban. We are ready to move forward with that bill when it becomes clear that the barriers to love have been removed. This is not going to be the last time that this matter is debated in this House. We will, as I have said, press ahead in the Senate with our proposal to remove marriage inequality once one of the major parties steps into the 21st century and steps into line with mainstream public opinion and we can remove one of the last areas of discrimination in this country. (Time expired)

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (10:38): I am pleased to speak to the resolution put forward by the member for Melbourne that members consult their electorates about the matter of same-sex marriage. It is a very vexed issue for many on the other side of the chamber and I understand the tremendous pressure that has been brought to bear on members of the Labor Party regarding the Marriage Act. Nevertheless, the member for Reid has been on the record as saying he does not believe there is overwhelming public support for same-sex marriage, despite proponents' claims, and I believe he is correct. I also believe Australia has far more pressing issues which warrant the parliament's attention at this time; issues like the cost of living, the burden of new taxes, the management of our immigration and, indeed, the economy.

Nevertheless, last year by way of resolution the member for Melbourne asked every parliamentarian to go back to their electorates and gauge the level of support for same-sex marriage, and I did just that. I have always found my newsletter was a very good way to get
feedback from my constituents, so I placed it in my Christmas newsletter. The results may be disheartening for the member for Melbourne: only 14 people were supportive of same-sex marriage; 595 opposed it. That is roughly two per cent of the respondents in Hinkler being in favour of same-sex marriage. Quite frankly, I was surprised. Even though it is a conservative electorate, I thought the result would have been closer. Along with this I received 232 letters from my constituents in the form of an open letter to the Prime Minister protesting against any move towards same-sex marriage.

Like the vast majority of my constituents, I believe marriage is, and should remain, the union of a man and a woman. It seems there is a great push in some sections of society for change for change's sake, that what was good enough for centuries is no longer good enough today and that a culture's symbols, traditions and ceremonies should make way for the holy grails of political correctness and individual gratification. I read a column by Miranda Devine on Sunday, 14 August, a very interesting piece lamenting the fatherless society which we are creating. There are a couple of sentences that resonated with me very strongly:

Tolerance has gone back to front. Now we have to downplay traditional marriage for fear of causing offence. No-one can be a wife or a husband anymore; everyone is a partner.

From time immemorial—and certainly in the Judeo-Christian tradition of 30 or more centuries—marriage has been the framework from which other aspects of orderly society have been regulated. Inheritance, the transfer of wealth in past times, the alignment of nations and international treaties have all revolved around marriage, but one overriding factor in Western society is that marriage always took place between a man and a woman. It is a framework recognised by society, by law and by the church, which sees it as a sacrament. It is the formal expression of love and commitment between two people in which children are conceived and raised. Back in 2004 when we debated the Marriage Legislation Amendment Bill, I argued that no minority group had the right to attach traditional symbols to their own situation and turn the institution of marriage into something it is not, and I hold that view today.

Do not get me wrong; I am not homophobic and I am certainly against all forms of discrimination. I strongly believe that Australians should be able to live their lives without prejudice, discrimination or bias. I have staunchly defended the rights of same-sex couples—whether they are in a physical relationship or not—to be able to transfer property and enjoy superannuation and insurance rights and the like, but I do not believe that the legal union of a same-sex couple should be classified as marriage, and I do not believe that protecting the traditional status of marriage is somehow discrimination; that is a ridiculous proposition. At a rally in Sydney on the weekend the New South Wales Greens MP, David Shoebridge, said that the push for marriage equality was now a mainstream issue with 'the majority support across Australia'. This is certainly not the case in my electorate of Hinkler and I would suggest not in Queensland as a whole.

Mr HAYES (Fowler) (10:43): For an issue gaining much media attention and public discourse, I welcomed the opportunity to consult with my electorate concerning their insights into, and opinion on, this particular issue. Proponents for the legislation for same-sex marriage argue that it is simply a change of wording in the Marriage Act, citing that it currently discriminates. I fully support the government's reform over the last few years which has seen the removal of all forms of discrimination against same-sex couples. As a result amendments have been made to 85 pieces of Commonwealth legislation, now ensuring that
partners of same-sex relationships are not legally discriminated against. However, changing the Marriage Act in my view violates the sanctity of marriage and allows same-sex marriage to, in fact, redefine the meaning of marriage itself.

Prior to the 2005 by-election, when I was elected, I used to lay down a series of markers for the electorate as to who Chris Hayes was and what he stood for, irrespective of party politics. I felt it was important for the community to be able to gauge who I am as a person. I advised that I did have a union background. I advised also that I ran a small business. I spoke of my then 29-year marriage to Bernadette, about raising a family locally and boasted proud of being a grandfather. Importantly, I also advised the community that I personally hold religious beliefs as I am a practising Catholic, and I shared this information with people so they could sense who Chris Hayes was as a person. Clearly, a person's background has a measure of influence in terms of their views into the future. Having said this, I in no way believe that my personal views on an issue such as same-sex marriage overshadow the views of my constituents. In fact, I strongly believe that I was elected to the parliament to reflect the views and values of the residents of Fowler.

With this in mind I report the results of my consultation with the local community. I liaised with the members of my local electorate directly, both formally and in street meetings. I certainly received extensive correspondence on the matter. I received four petitions and I conducted an online survey. The feedback that I received was overwhelmingly in opposition to same-sex marriage. In the survey that I conducted on my website I invited people who visit the website to answer the question, 'Should the federal government legislate to recognise same-sex marriage?' Of the 395 votes cast, over 90 per cent said no. I received three petitions which contained over 350 signatures and a fourth containing 150 signatures. Furthermore, I have received over 400 personal letters from constituents stating their wish for the preservation of the traditional definition of marriage and have requested I highlight the importance of the stability it provides, not only for children but for society at large.

The overwhelming majority of emails received in support of same-sex marriage, from people involved in the marriage equality campaign, were in fact sent from outside of my electorate. Irrespective of my opinion on this matter, I say that I acted impartially in my liaison with constituents. At one request for a personal meeting I met with Jessica. Jessica is a lesbian who is in a long-term relationship with her partner. Enabled by the fact that she is transsexual, Jessica and her partner are planning to have children in the future. I came away from the meeting thinking that she is a very open and honest young woman, very passionate about her beliefs and certainly genuine in her regard about family. I accept on good faith the reasons why she did not register her relationship: that she believes that a civil union differs greatly from the meaning of marriage. I say that on the basis that I was very impressed with her candour, notwithstanding the fact, as I indicated to her, that I could not personally support her position.

I note that this debate is highly controversial. However, everyone is entitled to their view. Following the expression of my view at the last New South Wales Labor conference I was written up as a vile, right-wing politician. I do not apologise for my beliefs and I certainly will not apologise for the overwhelming view taken by my electorate. I thank the House for the opportunity to participate in this debate and I thank the member for Melbourne for moving his motion and making it possible. (Time expired)
Mr CHRISTENSEN (Dawson) (10:48): For most of us a marriage proposal might be a momentous, exciting event, but you will have to forgive me for not getting too excited about the proposal that I and 148 others received in this place last year. My lack of excitement perhaps stems from the fact that it was an indecent proposal, or at least a pointless proposal. A motion directing members of the House of Representatives to represent the views of their electorate suggests we have been told how to do our job. Did we really need to be asked to canvass our constituents' views on the issue of same-sex marriage? Let us not mistake what is going on here. This is a motion that is one gutless step towards trying to change the law on marriage. It is a motion that says, 'I have not got the guts to put up the same-sex marriage bill because I know it will be defeated right now, so I will just throw the concept out there so you will get used to it.'

When I am talking to people in my electorate of Dawson they have more important concerns than this—concerns about the carbon tax, concerns about the poor state of local roads and the state of the Bruce Highway—and they think the government should have those concerns too. However, I did throw it out there through the media that I was happy to get people's views. We have had GetUp pushing this cause—the Labor-Greens' front GetUp attempting to skew public opinion. Emails generated by GetUp remain few and I was able to personally respond to those emails as they came in. I responded because I wanted to determine if they were actual constituents, because there were no names or addresses to verify if they were. In many cases they admitted they were not from my electorate and in one particularly worrying case the owner of the email address knew nothing about it at all. So, GetUp—this paragon of grassroots social democracy—has been out there trying to subvert the democratic process with fake emails coming in from people who know nothing about what they are supposed to be signing up to. What a disgrace!

With all the verified constituents who commented to me on this issue, tallied up as of 10.20 this morning, 78 were for same-sex marriage in my electorate; 456 were against. That signifies two things to me: one, there is a lack of interest in my electorate on this issue and particularly that people see it as a side issue; and two, from those who do take an interest in this issue, there is strong opposition from the electorate of Dawson. While I have my own view on this matter, the view that I hold here today is shaped by those genuine concerns from people in my electorate. The only time same-sex marriage garners anything in terms of support is when it is dressed up as something that it is not.

When opponents are called homophobic, when they are attacked for discrimination or being a religious nut or a dinosaur, to me it just shows how weak the arguments in favour of same-sex marriage actually are. The issue has been dressed up as discrimination but that is not what it is. It is not about religion, either. It is actually about marriage, and to talk about same-sex marriage—I am sorry, but that is just not what marriage is. Marriage is a legal, exclusive and permanent union of a man and a woman, and that is by its definition. That is what marriage is. That is what marriage is in just about every country in the world and has been before Christianity. That is right: the religious nuts did not invent marriage. They simply recognised, revered, encouraged and supported what has always been the foundation of society.

Marriage is the very foundation of humanity. It is the bond from which families are born, the basic building block of society. To water down the definition of marriage is to weaken the
foundation of our society, and that is what the Greens would have us do. Marriage is between a man and a woman, not between a woman and a woman or a man and a man, or a man and three women for that matter, or a man and a woman and another man. The definition of marriage is the only argument we have against polygamy. If we would open the door to same-sex marriage, no valid argument remains against polygamy or the multiple other type of unions that could be out there because the term 'marriage' becomes meaningless. So, although a majority of members accepted this marriage proposal, I am afraid this is one issue that my electorate of Dawson is very happy to leave at the altar.

Mr WILKIE (Denison) (10:53): I am pleased to ever so briefly summarise the electorate of Denison's views on marriage equality. The motion of this House to gauge the views of the electorate I applauded and went to some trouble to comply with, including advertising in the Mercury newspaper and in my newsletter, as well as by meeting with all constituents interested in discussing the issue. In total, I received over 1,300 emails and letters, mostly from people in the electorate. I have met personally with some 50 constituents and over 350 people packed into the main lecture theatre at the University of Tasmania to attend my public forum on the issue.

The one point both opponents and supporters of same-sex marriage agree on is the enduring value of marriage. Both marriage equality advocate, Rodney Croome, and Presbyterian minister and opponent of same-sex marriage, Campbell Markham, described marriage as a bedrock institution during their contribution to the public forum. However, Mr Markham and many others who share the view that the current definition of marriage as a union between man and woman should be maintained do so based on the belief that marriage is intrinsically linked to bearing and raising children, arguing the bedrock of society is family and the bedrock of family is marriage between a man and a woman.

Many constituents expressed the view that marriage should not be about the emotional or sexual connectedness of adults but ultimately about the needs of children. They pointed to a number of studies to argue that the needs of children are best served if they are brought up by both biological parents. Moreover, there was strong support for the widespread Christian belief that same-sex marriage 'will undermine the very fabric of God-ordained marriage' and ultimately have a very negative influence upon families, children and, therefore, our society as a whole.

Some constituents said homosexuality is unnatural, and therefore same-sex marriage is unnatural. One gentleman quoted the English bishop and philosopher Joseph Butler to make his point, saying, 'Everything is what it is and not another thing.' Occasionally concern was raised at the consequences of loosening the definition of marriage, citing the risk of polygamy, paedophilia and even bestiality. Some constituents voiced concern about the possibility of legal action being taken against churches opting to exclude same-sex marriages, even in the event where safeguards are put in place to prevent such an eventuality. That governments have removed discrimination of same-sex couples in most legislation and that Tasmania, among other jurisdictions, allows same-sex unions, was cited frequently as going far enough.

On the other hand, constituents supportive of same-sex marriage believe that without the right to marry same-sex partners are unable to live as free and equal citizens. They argued
such a denial equates to discrimination and rejection of their most basic human rights. Mr Croome argued:

Denying us the right to marry the person we love sends out the message that our love is not as good and our commitment is not as strong as it is for those couples who can marry. It says we are second-class citizens against whom it is okay to discriminate.

This was illustrated by a mother who expressed disappointment that her heterosexual child was free to marry, while her child who was in a long-term same-sex relationship was not. In many cases, concerns were not with the churches, which are seen as having the right to decide who they marry, but with the inequity in the Marriage Act which is legislative discrimination.

Law expert Dr Olivia Rundle noted that while recent legislative changes in theory allow same-sex couples to access certain legal rights, the ability to enforce these rights remains uncertain. She concluded that marriage remains the only universally recognised relationship that allows couples to formally commit to lifelong unions.

Some constituents were of the view that legalising same-sex marriage would, in fact, strengthen the institution of marriage by reinforcing its value in modern society. Tasmanian Anti-Discrimination Commissioner, Robin Banks, even suggested that by challenging us to rethink traditional gender roles same-sex marriage has the potential to lead to greater equality of the sexes.

While many people in Denison feel strongly about marriage equality, I dare not hazard a guess at the numbers for and against, not least because both camps claim a majority and have polling to prove it. What I do know for sure is that the government needs to find a way to address this matter that will recognise fundamental principles and respect both sides of the debate.

Ms O’DWYER (Higgins) (10:58): Central to this motion today is the idea that members of parliament in this place should consult with their constituents on important issues, including that of same-sex marriage. The member for Melbourne, Adam Bandt, said in his speech in the House:

We want those who are still stuck in the old way of thinking to go out and engage with the people in their electorates to find out where they are now at.

Imagine my surprise when I went to look for Mr Bandt's survey on his website. Nothing. I looked for his community forums. Nothing. Don't get me wrong. There were a lot of 'click here if you agree with me' petitions, but no survey about how you could tell him what is important to you. He has asked members in this place to do what he himself is not prepared to do, and that is to genuinely consult with his electorate about the issues important to them.

When challenged on this issue on JOY 94.9FM, Adam Bandt said, 'We did have a consultation. It was the election.' He said:

I went to the election saying 'I want to make this an issue.' I stood on this as a platform and I expressly said, 'One of the reasons I asked people to vote for me was so it was understood that this was an important issue.'

I could be stating the obvious here, but I thought that everyone in this place was elected on a platform. Tony Abbott, Leader of the Liberal Party, ruled out a carbon tax at the last election. Warren Truss, Leader of the Nationals, also ruled it out. The Prime Minister herself, only six days before the election, said, 'There will be no carbon tax under the government I lead.' The
only person in the House who explicitly ran on a platform of imposing a carbon tax was Adam Bandt. He is one representative in this place amongst 149 others. If you take Mr Bandt's argument to its logical conclusion, that is that he has a mandate to implement his platform, why then does he ignore the mandate provided to all other members of this place on the issue of the carbon tax? Why does he get to pick and choose?

Mr Bandt said in his original speech on this motion that 'recent polling shows the majority of Australians support a move to full equality for marriage'. He reiterated this again today. Greens Senator Sarah Hanson-Young has stated that such surveys are 'proof, or evidence, that the law needs to be changed'. Yet again they do not apply the same test on other issues, including the carbon tax. Both the recent Newspoll and Galaxy polls clearly state that the majority of Australians are against the carbon tax. Yet the Greens refuse to listen. This is hugely hypocritical of them.

As the federal member for Higgins I did not need a motion to tell me how to do my job. Unlike the member for Melbourne, since becoming a member of parliament I have sought the views of my electorate by conducting 10 community forums in different parts of Higgins, by regular listening posts at my 23 train stations, regular mobile office meetings at shopping strips and regular meetings with my constituents and community groups.

I also have a survey on my website and have directly mailed this survey to 17,234 people in my electorate. In my newsletter that is distributed to every household, I have also asked people to fill in my survey online. My survey asks people to let me know about the top four issues that concern them. There are 15 issues listed, including same-sex marriage, but I also give constituents the option to fill in their own issues or to provide more detail. The result of my survey to date is the top four issues that people identify are government waste and mismanagement, investment in mental health care, choice in education, and securing Australia's borders. That is not to say that same-sex marriage is not an important issue to many people in my electorate; it is. For some it is a decisive issue and the one that will determine their vote, but there are also other issues in my electorate of Higgins that are important to the people who live there.

There can be no question that social change is complex. There is a need for those who want to make change to take the community with them. I think it is important for representatives in this place to have time to reflect on social issues. I will always do just that. This reflection is something that should be ongoing, assessed and reassessed.

It is my view that arbitrary deadlines have more to do with political grandstanding than achieving genuine community consensus. In my view the Greens have done more to put back this debate and discussion than to move it forward, to coin a phrase, because they have tried to play politics with it. They have stood on platforms with people who have denigrated those who have a different view as homophobic. While there are some people in the community who are, sadly, homophobic, this is not the majority view. Name-calling will never be a persuasive argument. It will not convince people. It is, ultimately, dishonest. It does not go to the core arguments. And can be used as a tool to silence people.

As I see it, there are two aspects to this debate but only one element that has received the headlines. The first is whether we should recognise a union between two loving adults of the same sex. The second is about children and whether same-sex couples should have the same access as heterosexual couples to IVF and adoption. I know that there are people with
goodwill and deeply held personal views on both sides of this debate. Unlike Adam Bandt, I have met with these people. I do not denigrate them for their view. I have listened. And I have also shared with them my personal view that I do not believe that the churches, mosques or synagogues should be forced to marry anyone that they do not want to. I have shared my view that strong and stable relationships are the building blocks of any society. Like my colleagues in the coalition, I support measures to end discrimination against same-sex couples in Commonwealth legislation. I have shared my view in support of civil unions for same-sex couples. And I have also shared my view that there are legal implications that flow from same-sex marriage. And those legal implications affect children. As a society, something that has serious consequences for children and for family deserves very serious scrutiny. As a result, the threshold for making change to existing laws on this issue is, in my view, high.

It is my view that the people who want change bear the onus and responsibility for making the argument for that change. I have not been convinced by the need for change at this time.

Mr PERRETT (Moreton) (11:03): In speaking to this motion, I say that I received 2,270 survey responses from people who completed my web survey, met me on street stalls, met me in my office or sent me a letter or an email. After removing non-electorate folks, I was down to 1,373 responses. I note that I do not include my constituent Carl Katter, Bob's brother, in my numbers, as he came out, so to speak, in the media last night and I closed my survey yesterday. The breakdown from the survey is as follows: support current definition of marriage, 604 or 44 per cent; do not support current definition, 728 or 53 per cent; and unsure, 41 or three per cent.

Before I detail how I shall interpret my constituents' votes I shall provide a brief history of marriage. The best available evidence has marriage at 4,351 years old, as my advice is actually a year old. Beforehand, families consisted of loosely organised groups with several male leaders, multiple women shared by them and then children. As hunter-gatherers settled down into agrarian civilisations, society needed more stable relationships. From this, there is evidence of marriage ceremonies uniting one woman and one man in Mesopotamia. Marriage was then embraced by Hebrews, Greeks and Romans, although male Hebrews could take several wives and Greek and Roman marriages were not monogamous for men.

In ancient times marriage had very little to do with love or religion. Through marriage a woman became a man's property and was used to produce heirs. If wives failed to produce offspring, their husbands could give them back and marry somebody else. As the Roman Catholic church blossomed in Europe, a priest became necessary for a marriage to be legally recognised.

In 1563, at the Council of Trent, it was written into canon law. This change improved the lot of wives, as their husbands had to respect them more and divorce was forbidden. Romantic love crept in as a reason for marriage only during the Middle Ages. With the surname Perrett, I am proud to say that many scholars believe that it was invented by the French. Love did change marriage and wives no longer existed only to serve men, although in many cultures they were still owned and gave up their name to symbolise this surrendering of identity.

Sources of English law relating to marriage include the common law, ecclesiastical courts and the parliament. In English laws, marriage was a civil contract that required a religious ceremony, so if the elements of the contract were met there was then a union of a man and a
women for life to the exclusion of all others. Obviously certainty about the bloodline of heirs flowed from these civil contracts but love was not a contract requirement.

Statutory marriage laws were not passed in the UK until Lord Hardwicke's Act of 1753. We jump forward 100 years to my home state of Queensland where the Registration of Births, Deaths and Marriages Act was passed in 1855. Like the state of Victoria, in the 1860s most colonial governments were obsessed with controlling who Indigenous Australians married. In Queensland it was to prevent miscegenation by preventing black-white unions. In Western Australia it was to absorb blacks into the white population by preventing black-black marriages.

When women gained the right to vote in Australia in 1901, marriage became a union of two full citizens, and the notion of ownership of women has gradually faded ever since. Since Federation, race has intruded into personal marriage arrangements. For example, during World War II men in our occupation forces in Japan were refused permission to marry the women they loved if they were Japanese because of the White Australia policy.

In 1959, during the Commonwealth parliamentary debate on the first national Marriage Act, the media ran hot with the news that in Darwin the Protector of Aborigines refused Gladys Namagu permission to marry her white fiance, Mick Daly. Under pressure in the House, the Menzies government promised such discrimination would never be written into Australian marriage law. Marriage law remained unchanged until 2004. But it is worth noting that other laws changed around it, such as no-fault divorce by the Whitlam government and the law recognising marital rape. Before this such a charge was inconceivable as the husband owned his wife's sexuality. In 2004 the Marriage Act was changed to refer exclusively to a union between a man and a woman.

Nearly 20 constituents came to see me and assured me that marriage only existed so that people could have procreational sex—that is procreational and not recreational. As a Catholic I am familiar with this framework, although I did marry an Anglican. When I asked these constituents if men and women should be able to marry even if they could not have children, they were untroubled. So when I consider that what the nation states approach to marriage should be, I must reject for logical inconsistency the notion that only people who can naturally have children should be allowed to marry.

I reject out of hand the fecund versus barren test; we are talking about humans, not cattle. I know that faith is illogical. That is why it is called faith, not logic. Thankfully I do not have to explain my faith to the Pope, to Pell, to people like David Marr or to anybody else. It is a private matter between me and my God, so while my faith informs any decisions I might make about marriage, it does not dictate how I decide.

The main reason I believe that I should be guided by my survey results is that a change will cause less harm to young people. Too many constituents told me their children were bullied and belittled because they were same-sex attracted. Some were even driven to suicide. I cannot sit idly by while the nation is complicit in this harm. It is time for this nation to protect committed, monogamous relationships, whatever the gender of the adults who wish to have their relationship recognised by the state. (Extension of time granted) Today is Wednesday. If we change the Marriage Act right now and tomorrow same-sex attracted people were able to get married, how would my world be different on Friday morning? Will I wake up next to my beautiful wife of 16 years and say, 'You look cheaper'? I will not be doing that for a lot of reasons.
It has been put to me that bringing in marriage equality will somehow cheapen my relationship because it is supposed to be only between a man and a woman. I am sorry, but I will not be thinking about same-sex couples, my neighbours or anybody else when I wake up in the arms of the most beautiful woman in the world. I will not be thinking only about my wife. It is time for everybody, every adult in Australia, to be given the same opportunity, to wake up with their own loved one—obviously not with my wife. It is time for everyone in Australia to be given that opportunity.

Mr HAWKE (Mitchell) (11:10): I also rise to speak on the motion of Mr Bandt, the member for Melbourne, in relation to same-sex marriage. I note and I am very grateful that the member for Moreton has committed to bringing up his children as Anglicans and as Parramatta Eels' supporters. It is fantastic to hear. We enjoy a good role of the football field.

This is a very important issue and, unlike some previous speakers, I do not have an intrinsic problem with being asked to consult with my constituency. I think it is a bit of a moot point because that is what we all should be doing in the House of Representatives. This is not the Senate; we do not need to be instructed to talk to real people. We spend our whole lives doing it. Indeed, in my constituency I have the highest rate of couples with dependent children of any electorate in Australia, according to the last census. I have one of the highest rates of mortgages, one of the highest rates of McMansions, the lowest rate of single parents in the country and one of the lowest proportions of renters. It is a very homogenous society. Unsurprisingly, of course, that would lead people to come to me and speak about the value of marriage as being between a man and a woman.

One thing that I did not hear in the member for Moreton's presentation—I am a great studier of history and I think he made some good historical points that there have been inequities and injustices in our past societies—is that there has still not been a good argument put forward about why we need to go down this particular path that is being advanced about redefining or doing something to marriage as an institution itself.

We live in a secular society. I am a strong Christian myself and I have strong views about marriage. But I do believe that in a secular society we have to have legal recognition of unions of all kinds, without fear or favour on religious or other grounds. That would lead us to the conclusion that we have a civil union in Australia today. I have presented that view to the activists that have come to see me in Australia, and I have no problem with civil unions or legal recognition of partnerships between same sexes or otherwise. That would be the next practical, logical step for us to take at this point in society today. However, I think these activists that are seeking to make change today are not looking for that. They are looking to do something to the institution of marriage, an institution which has served us so well historically. Yes, it has been for procreational purposes, historically speaking. Marriage has had an important foundation and value and it is not always that way, but it has a historical societal reference that you cannot remove from it—nor should we seek to remove it. It has a great value going forward to have marriage defined as between one man and one woman. It does not mean we do not recognise other unions. It does not mean that we should not give them the same legal status or rights, but we can preserve that great historical institution that has meant so much to us and will continue to provide so many benefits to our society.
I can tell you that my society functions very well in the electorate of Mitchell. We do have families with kids. It is a great place to live. Crime is low, people work hard, things go well there. I see well-functioning families of all shapes and sizes as the bedrock of this country. It does not necessarily mean there is always a man and a woman. I came from a single-parent household myself. But well-functioning families and family units, we all agree, are things that we should seek to encourage and maintain by government policy. I do not think it would be a step forward for us to redefine the Marriage Act and change what has been a working, functioning and successful institution in our country today. I think it would be a step forward to ensure that discrimination and other forms of not recognising other legitimate unions between people are removed. There is broad support for that out there in the community. There is broad support in my community. Most of the same people who are very strongly in favour of traditional marriage recognise that it is practical, responsible and sensible to move down this path of having legal recognition of same-sex unions. But that does not mean a redefinition of marriage itself or attacking marriage as a concept. I think it does have a great historical and important role in Australia’s future and in nations in the future. I think this is a foolish attempt and that we get a lot of the division and problems that we are seeing in our society today with this attempt to redefine marriage.

I am not sure why that is an objective of the activist movement. We should move towards legal recognition of same-sex relationships in a civil way and treat everybody the same way. People come back with these spurious arguments and say, ‘I do not want to go to my partner and say, ‘I want to civil union you.’” We are not going to rewrite thousands of years of human history or change everything overnight. We are not going to do that. But the next logical step at the point of society we are in today is to move down the path of legal recognition of same-sex relationships and afford them the same rights as any other kind of relationship. That would be a positive step forward. Even if I would not personally seek that, or personally not encourage people to do that, that would be a responsible view from a governmental level for us to proceed with.

**Dr LEIGH** (Fraser) (11:15): In a representative debate democracy parliamentarians have a responsibility to do more than simply reflect opinion polls. If that were our only job, you would replace us with machines that phone polled the electorate and voted accordingly.

Leadership is about careful judgment. But you cannot exercise that judgment without listening. On this issue I have been struck by the willingness of hundreds of Canberrans to share their stories with me by email and in person in my electorate office, community forums and mobile offices, stories told with dignity, grace and humility. Some people who have contacted me oppose changes to the Marriage Act. They argue that marriage has a long history of being only between a man and a woman. They say that marriage should protect the reproductive relationship and as much as possible give children the opportunity to be reared by their biological parents.

Brent and Wendy Budarick came to my Jamison centre mobile office to speak with me and gave me a petition signed by 146 people that opposed same-sex marriage, and I thank them for that. From a similar perspective Gordon of Ngunnawal told me that the family unit ‘is inherently and naturally based on the procreation and raising of children by their natural mother and father’.
But most people who have contacted me would like to see a change to the law on the basis of equality, removal of discrimination, and social justice and acceptance. Cheryl of Downer wrote of her gay daughter who has had a number of friends suicide over a period of two years because of the stigma placed on gay people. She wrote:

I believe that the strength of marriage will not be undermined by the equality of all people in seriously committed relationships to have the right to this recognition and the legal protection it offers. My heart cries for the young people who have been placed in circumstances so severe that the loss of life is the only course of action they can see as a way forward.

Another constituent, who preferred that I not use her name, related how her six-year-old asked, 'Mum, why aren’t you and mummy married?’ She wrote to me:

I want to celebrate the relationship I have with my partner fully in the way heterosexual people can in our country. And my kids should be able to celebrate with us! And it is very sad to have to tell them that the only reason was because our government would not let us despite a lot of people in our country having no issue with it.

Alan Verhagen of Watson has lived with his partner for 15 years and told me of the couples he has watched stick by their same-sex partners for decades. As long as marriage excludes same-sex couples, Alan said:

I feel it devalues those relationships. It sends a message that those relationships are not as real or valid as different-sex relationships. I feel it is time to send a message that same-sex relationships are as real and valid as same-sex relationships.

Dianne and Ian Hinton of Palmerston told me about their son, Ivan. I would like to welcome them to the public galleries today. They wrote to me:

He has found a wonderful man, Christopher. They bought a home in a typical family-oriented suburb, Ainslie, a home that they are renovating within a wonderful community that has not once treated them specially or separately because of their sexual orientation. They are registered foster carers and will make wonderful parents. In 2008, after being together for six years, they were married in Montreal, Canada.

Sandra from Page urged me to amend the Marriage Act so that same-sex couples can marry because, in her words, 'Marriage should be about love and commitment, not exclusion or prejudice.' Sandra wrote that in those countries where same-sex marriages are allowed 'the fears of those who opposed reform have proven unfounded'. As the mother of a gay son it broke her heart to see what she considered 'segregation and discrimination against him'.

Finally, we should not assume that this debate simply pits believers against atheists. Brendon from Page wrote to me after returning from mass on Sunday to say that he would like his friends who are in same-sex relationships to have their relationship recognised as marriage if that is what they choose. A serving army officer who is a practising Catholic wrote to offer similar sentiments, as did Lin Hatfield Dodds, National Director of Uniting Care Australia. I note that there is even a Christians & Equality group.

In closing I would like to thank all of those who have taken the time to share their stories with me and apologise that in five short minutes I can only relate a small portion of the deeply moving stories that have been shared with me. I hope we can continue to deliberate this
important issue with the dignity and respect it deserves. I thank the member for Melbourne for moving this motion.

Mr CHESTER (Gippsland) (11:19): In joining this debate the first point I would like to make is that really, as members of this place, we do not need to be told by the Greens or the member for Melbourne in particular when we should consult with our electorates on issues and what issues we actually need to raise with local people. I think that is something as members of this place we do on an ongoing basis. I personally often distribute surveys in my electorate. I attend many functions. I have street corner meetings, like a lot of other MPs, and am available to people to raise any issues of concern whatsoever. For their own sake to avoid being seen as hypocritical on this issue perhaps the Greens will submit a motion calling on all members to consult their communities on the carbon tax and then provide that feedback to the parliament.

Whilst this motion is not about whether MPs are for or against same-sex marriage, I want to state my position from the outset. I support the recognition of legal rights within same-sex relationships but I do not support changes to the Marriage Act. Although there is no legislation currently before the parliament, if such a bill were presented, I believe that all political parties should grant their members a conscience vote. It would be my intention to vote against such legislation.

Having said that, I hasten to emphasise a few other points. I believe it is also extremely important that we continue to work as a community to eliminate discrimination against people on the basis of their sexuality, just as it is important to eliminate discrimination against other minority groups in our communities. I think it is also critical that we support homosexual people, particularly younger people, as they often grapple with their sexuality in regional areas and are heavily overrepresented in incidences of self-harm, mental health issues and, most tragically, in taking their own lives.

Finally, I would like to make the point that today's debate is not the end of the issue and I do not believe it should be. There are many people in my community who will be bitterly disappointed with the views that I have expressed and there are others who will see this as a cause for celebration.

It is a divisive issue in our community and I believe we need to respect each other's views as we discuss the merits of same-sex marriage and other issues facing homosexual people in our communities. I think it is particularly unhelpful for people on either side of this debate to descend into name-calling and abuse. We need to have a very moderate and a very respectful discussion in our broader community. I believe it should be possible to be opposed to same-sex marriage and not be typecast as being bigoted or homophobic, as some in my community have tried to portray my position. I do reject that assertion and argue that nothing could be further from the truth. I have several gay friends and gay relatives and I respect them as I respect people who support the traditional definition of marriage. Even amongst the gay people that I know there is a divided view on whether same-sex marriage is actually that big an issue for them. If I can recall conversations where we put that forward as an issue of debate amongst ourselves, their feeling was that there are other, far more important, issues facing homosexual couples in the community than this issue of same-sex marriage. But as I said, there are divided opinions in the community.
In terms of undertaking my own consultations in Gippsland, any person who has contacted me and asked for a meeting to discuss this issue has been given that opportunity. I have listened to their concerns and accepted many of the valid points that they have sought to raise with me. I have met with parents and I have met with friends of gay people and listened to their views as well.

I also note the formation of an online forum, a friends' group for supporters of same-sex marriage in Gippsland, which has several hundred followers and has been a constructive debate, I believe, in my community. Like other members, I have received petitions both for and against same-sex marriage. My own recent survey distributed in newspapers throughout the electorate of Gippsland attracted 700 responses.

I will stress at the outset that being a newspaper based survey it should not be construed as some sort of scientific opinion poll, but I did receive strong feedback from the community and 64 per cent of respondents were opposed to same-sex marriage. I do not use that to justify my position in any sense, but merely to indicate as a matter of interest in the electorate of Gippsland that 64 per cent of respondents to a survey preferred to keep the current system in place. That varies very significantly to other opinion pools I have seen in other electorates around Australia.

I stress again that I have also received many emails and petitions on this issue. The majority of people who have contacted me from actually within my electorate have been opposed to same-sex marriage. As I have done so to date, I intend to continue to participate in this public debate because I think it is an important one and I will participate in a very moderate and respectful manner. I am hopeful that the issue will not become unnecessarily divisive in the wider community.

My position on this issue is not meant to be disrespectful to people who hold strong views to the contrary. Having consulted with my community I believe that the majority of Gippslanders support a more traditional view of marriage. I thank the House for the opportunity to provide that feedback.

Mr NEUMANN (Blair) (11:24): Since the last federal election I have conducted 96 mobile offices in my electorate from Springfield in the east up to Moore in the north-west. Since this motion was moved in parliament I have conducted 16 mobile offices where people have raised issues in relation to it. I have had 700 constituency contacts—emails, phone calls, letters, faxes and people coming to see me to discuss this issue.

There are 580 in support of retention of the current definition of marriage between a man and a woman and 115 people supported a change. Overwhelmingly, the majority of people in my electorate support the position that marriage should be between a man and a woman. That is the definition under the Marriage Act. That is the definition that is supported by the Australian Labor Party, and I have been a candidate in three elections as the candidate for Blair on behalf of the Australian Labor Party. I have supported that position at national conferences. I have supported that position in branch meetings and regional meetings in my electorate and beyond. I have always taken that view. That is a personal view that I have accepted from my religious convictions, a personal view that I think accords with the history of human experience. It is a position which is supported by people of many faiths, including the many Australian Christian leaders who have come out today in relation to the issue; 50 Australian national leaders of Australian churches have endorsed a document on the
importance of marriage as a legal institution that promotes and protects the identity of children and interdenominationally recognises their right to know, have access to and be nurtured by both a mother and a father. It is not just people of the Christian faith but people of the Islamic faith and Jewish faith and other religious viewpoints who support this particular position.

I have many friends who are gay and lesbian. I have good mates, like Andrew and Clinton. My sister-in-law Rhonda has been in a relationship with Marion for about 15 years. I get on famously well—in fact, probably better—with Marion than I ever got on with Rhonda's husband previously. I love Marion. I love my sister-in-law Rhonda, and I respect the right of all Australians to be included in Australian life.

I have supported change in the reform of family law and other areas to support the rights of gay people. In fact, I supported that with motions at party units in Queensland and at regional conferences. I am pleased that this government has seen fit to protect individuals through changes in relation to superannuation, taxation, family law and other areas with more than 85 pieces of legislation amended to end discrimination for people in gay and lesbian relationships.

That is the position adopted by this government. It should have been done by the previous government. I do take umbrage at the fact that this motion demands that we, as federal members, are responsible for consulting with our constituents. I do this all the time and you cannot remain in this place unless you do so. I think it is important that we do that. I rejected the idea of an online survey because I feared it would be susceptible to manipulation. I checked every single person who contacted me to make sure they were on the electoral roll, so I am confident that of the 700 people who contacted me every single one of those lives in my electorate.

I think it is crystal clear that the majority of people in my electorate of Blair, which makes up 70 per cent of the population of Ipswich and all the rural area known as the Somerset region, believe that we should include people from gay and lesbian relationships in the fullness of Australian life but that marriage is an institution by definition between a man and a woman and that should be retained because they believe it is a fundamental institution. I do not believe that there is consensus in this country to change the definition of such a fundamental, familial institution as the family unit with a man and a woman being married.

The motion is that what we should do in relation to this issue is listen to our constituents. We do that all the time, and I have in my electorate of Blair.

Mr SIMPKINS (Cowan) (11:29): I also welcome the opportunity to make some comments, although rather briefly, on this motion today. At the last federal election I received just over 50 per cent of the primary vote, which I think is probably the first time that has happened in the electorate of Cowan. So I would like to believe—and certainly from the times I have been out on the streets and in shopping centres and doorknocking—that in most respects I represent the interests of my community very well. Although I am as regular as I can be at the Warwick Church of Christ I do believe that the way I feel about things is pretty much the way most people in Cowan feel about things.

On this occasion I certainly take the opportunity to thank the people of Cowan who have expressed their views to me on the issue of same-sex marriage. Many have done so. I still
have emails coming in to me today on this day set down for this debate. I state that those who have made their views known have done so strongly and utterly supporting the existing definition of marriage. The results have been overwhelming, with 903 supporting the definition of marriage as it is whilst 103 supported a change. Yet, despite the overwhelming result, I do thank those that did make their views known on both sides of the issue. However, it is worth saying that most of those who supported a change in the definition sent form emails which of course then required verification as to whether they were actually local people. Some then, realising what it was about, recanted on their support for same-sex marriage when we questioned where they were and their support for same-sex marriage.

In a lot of respects what was involved was a ticking of a box on a website. But on the other side, when you looked at the emails—and I looked at them as they came in—there was some more personal involvement in the writing of the emails. I think that this is possibly a lesson for those advocates who encourage contact with MPs by ticking boxes on websites that you need to try to engage people so that they can personally express their views rather than just clicking so that it is exactly the same email time after time. Again, for those that on both sides put a passionate and motivated individual effort into their contact with my office, I do appreciate that, because those matters are heartfelt. I certainly put more confidence in those sorts of views than in those who just send a form email.

I have just received a contact from a constituent named Eleanor. She sent an email just as I was waiting for my opportunity to speak. She told me that she had tried on many occasions to send an email and she was using it through a particular website—to which I understood she has added some personal comments—and she was under the impression that the website was under a cyberattack because it was in support of the current definition of marriage. It is unfortunate that people have chosen to take their fight and their beliefs to those sorts of extremes that they tend to try to undermine alternative views. As has been said already in this place, it is always a cheap shot to use name calling to try to denigrate people on the other side to make them feel their personal viewpoint is not legitimate because they might be called homophobic.

As I have said in the past, I personally support the current definition of 'marriage' as being the union of a man and a woman. I believe that the natural family needs to be supported and the definition of 'marriage' as being between a man and a woman does this, and this special position should not be watered down under any circumstances. This is my report from the electorate of Cowan.

Mr SYMON (Deakin) (11:35): As a member of the House of Representatives, I am constantly gauging the views of my electorate on many varied subjects, not just over the short term but over the long term, as I know many of us in here do all the time. Therefore, it is a pleasure to report to the House from the electorate of Deakin on the motion moved by the Greens, the motion that says that this House calls on parliamentarians, consistent with their duties as representatives, to gauge their constituents' views on ways to achieve equal treatment for same-sex couples, including marriage.

I have received hundreds of letters and emails as well as local petitions on the subject, in particular from constituents who have longstanding, if not lifelong, views on the subject of marriage. Indeed, many people who wrote to me confided that they had never contacted a politician from either side in their adult lives. An issue such as a debate about same-sex
marriage causes such people to pick up their pens or hit their keyboards to tell me their views and beliefs.

The statistics in the correspondence did not surprise me, but the volume most certainly did. I received correspondence, met with or received calls from 1,080 people in the electorate of Deakin who have identified themselves as living within the boundaries of the seat and who have been verified on the electoral roll. As usual with any debate these days, I also received a large amount—over 300—anonymous and completely identical emails from multiple and often duplicate email addresses. I also received more than 100 emails and letters from outside the electorate of Deakin and from lobby groups from both points of view.

The terms of this motion called on members to consult with their constituents and it is for this particular reason that I have excluded lobbyists from this report as they are not based within the electorate and will always try to present their collective case in the best possible light. I have also in particular disregarded anonymous and unaddressed chain emails that are clearly the work of various lobbyist groups or their supporters from both sides of the debate.

This motion is about gauging the views of constituents, and in my case the constituents of the electorate that I represent, Deakin. I have tried to provide responses to everyone who has written to me on this issue, but I must admit that I still have a backlog of nearly 200 responses that I have yet to send through, although I have read each and included their views in this report. As the numbers are large, these responses will continue to take many days to complete and send out, but they will be done.

In total to date I have received 65 contacts in support of same-sex marriage. Many of these personally addressed emails went into detail as to why the case for same-sex marriage should be supported, and that number is some 6.02 per cent of the total. On the opposite side of the argument, I have received 1,015 contacts against same-sex marriage, each and every one different in content and with various reasoning and views supporting this position—a percentage of 93.98 per cent. Interestingly, the correspondence received from constituents who do not support same-sex marriage revealed that quite a number support civil relationship recognition.

I would like to note that the federal Labor government’s action to introduce reforms that removed discrimination from 85 Commonwealth laws has certainly addressed some of those views—reforms that were presented to federal parliament in 2009 that removed discrimination and equalised treatment for same-sex couples in areas of taxation, social security, health, aged care, superannuation, immigration, child support and family law. I have lived in the electorate of Deakin under various boundaries for 25 out of the last 26 years and I have lived just outside those boundaries for the rest of my 46 years. I am not surprised in the least by the results of this gauging of community views, as it reflects my experience of dealing with issues in the local community over the previous parliament, the term of the current parliament and my time in that community prior to coming to this place. What I find surprising is that some of those in lobby groups are so keen to launch attacks on me for expressing my own views on the subject after they have requested my personal views on the issue of marriage. I believe that marriage can only be between a man and a woman, and I do not support same-sex marriage. That is entirely consistent with the ALP platform that I was elected upon and I will not be changing my personal beliefs or principles for the sake of others’ differing views or perceived political gain.
I thank everyone in the electorate of Deakin who has contacted me in this matter and look forward to hearing the contributions of others members to this motion. *(Time expired)*

**Mr SCHULTZ** *(Hume)* *(11:40)*: I rise to speak in relation to the responses I have received regarding the altering of the definition of 'marriage' to cover same-sex couples. Regrettably, the request for statements to be made by members of this House in relation to this particular issue are an instructive illustration of how this parliament, under this government, continues to lurch further and further away from taking time to address the concerns affecting the majority of Australians.

I have been receiving calls daily in my electorate and parliamentary offices from constituents concerned about the introduction of a carbon tax and the Gillard Greens government's march backwards towards a controlled economy. They are also concerned about matters closer to home, such as families and seniors in the electorate of Hume who are struggling to keep up with the increase in the cost of living to feed, clothe and keep themselves warm. Rather than the democratically elected government of the day focusing on the issues that affect the majority of Australians, we are here to indulge the fantasies of the inner-city elites. This is not a bill before parliament but a motion instructing members such as me to go out and listen to our constituents on a particular issue. After 23 years in state and federal politics and a stint in local government, I am deeply offended at being told by the recently elected member for Melbourne how to do my job. I am not sure what the Greens member for Melbourne does, but apparently he was not aware that as a member of the House of Representatives our role is to represent, advocate and listen to the concerns of our electorate every single day. It is not beneath me to return the favour. Might I suggest to the new member for Melbourne that he spend less time fantasising about neo-Trotskyist social engineering projects and more time in his electorate amongst his constituents.

As I said back in 2004, when I was part of the initiative by the Howard government to amend the Marriage Act to cement the definition of 'marriage' as being a union between a man and a woman to the exclusion of all others, I will not be intimidated by individuals in this place or by individuals or groups out in the electorate into moving away from the things that I grew up with—the things my father and my mother taught me about honesty, integrity, principles and my Christian beliefs, which I hold very dear.

Despite this motion's appalling inference that we as members need to be instructed to take on board the views of constituents to extend the definition of 'marriage' to cover same-sex relationships I am on this occasion willing to oblige. From the date this motion was passed by the House, in the electorate of Hume I have had 46 verifiable constituents contact me either by phone, letter, petition or email to express their support for the definition of 'marriage' to include same-sex couples. I thank them for taking the time to share their views with me. By contrast, I have had 636 verifiable constituents contacting me, expressing their desire to see the Howard government's definition remain in place, unaltered. I take from these results that the overwhelming majority of people who are concerned with this issue and who have taken the time to contact me are in favour of maintaining the current definition of 'marriage'. Their view is concurrent with my own.

I represent the majority of my constituents knowing and adhering to the reality that marriage is an accepted bond between a man and a woman. Marriage is a bedrock institution worthy of protection under law. There should be no doubt about what the word 'marriage'
means. However, there is a growing evidence to suggest that the commonly accepted definition of the union of a man and a woman to the exclusion of all others is under threat.

Traditional mainstream marriage is an enduring social institution that benefits family members and provides for stability in society. More specifically, it benefits children by ensuring their welfare not only is maximised but is paramount. It is my belief that moving away from the traditional definition of 'marriage' would be to the detriment of our society. Marriage provides stability and a solidly built roof under which children can grow and be nurtured. Quite obviously, we as Australians still hold dear the traditional family values that marriage implies and would like to see those values maintained and protected well into the future.

In conclusion, some homosexual friends of mine for over 30 years agree with my concurrence, and do not agree with what is being proposed by the member for Melbourne.

Ms GRIERSON (Newcastle) (11:44): In late 2010 the House resolved that members should seek the views of constituents on a specific matter—the ways to achieve equal treatment for same-sex couples, including marriage. I was pleased to speak in that original debate, and I welcome this debate. It is good for members to hear the views from all around the country. We have different electorates. I have an inner-city electorate, and I welcome the opportunity to hear other people's viewpoints from the people they represent.

Like the offices of many members, my office has received many passionate representations both in support of and in opposition to same-sex marriage. I believe it is important to acknowledge there are very genuine and often very deeply held views on both sides of this debate. In my own electorate, since November last year, those that have approached my office in favour of same-sex marriage have outnumbered those opposed. In that time, approximately 800 individuals have contacted my office in writing, by phone call, in person or by email to express their support for removing discrimination against same-sex couples in marriage. In the same time, around 470 people have registered their opposition to allowing same-sex marriage. These results, of course, are not scientific, but there is evidence of substantial community support in my electorate for same-sex marriage, and it comes to me as no surprise. Newcastle is a city that has experienced hardship over many decades and it seems to be able to cut life down to the basics. They believe in a fair go. People who are positive and leading good lives are always given respect.

My own support for marriage equality is clear and longstanding. In 2006, I was the first member of parliament to sign the Marriage Equality Charter, which supports the legislation of same-sex marriage, and since that time I have consistently restated my support, both privately in internal ALP debates and publicly on the floor of the parliament. In my first speech on this matter, I made the point that I do so as a heterosexual mother of two heterosexual daughters. I do so because it is a mainstream issue. It is about the dignity of life, the dignity of love and that ongoing quest that mankind has for some partnering, support or a wonderful relationship that many people have the blessing to share.

I do say it is an issue that goes to the core of the human experience—the need to be loved, to love and the need to have a bond for some people formally recognised in a union called marriage. I have also said that as a public representative, as an individual within my family, my community and with all the people I deal with every day, I address people's issues and concerns, not their sexual preferences. We should not discriminate against people.
I also said in my first speech that I was moved by parents who said to me that of their two children, two sons—and I praise Michelle Latze in my electorate, who started the Parents and Friends of Lesbian and Gay Children—the heterosexual one can marry and the other cannot. It is really important to know that for loving parents the gender nature of their children's relationship is secondary. They want them to be happy. They want them to experience the support of a loving relationship.

My support also runs to the core of my beliefs that made me become a member of parliament and a member of the Labor Party, and that simply is that legislated discrimination on the basis of sexual orientation whether in marriage law, superannuation law, social security law or any other law is unconscionable and should be removed. Labor has a very proud and unequalled record of combating discrimination across-the-board in Australian society—the Racial Discrimination Act 1975, the Sex Discrimination Act 1984 and our removal of 85 pieces of discrimination against same-sex couples from Commonwealth laws. I do not think any other political party has done so much, but we all know that this is the big one. This is the one that people pine for and people express concern for.

I am very pleased to share the views of my electorate. I am very pleased to hear their views, to discuss those with them and to then stand up for my judgement and my personal belief. I will continue to stand up and be counted in support of marriage equality for all Australians.

(Time expired)

Mr ROBERT (Fadden) (11:49): Madam Deputy Speaker, I thank you for the opportunity to lend some comment on the debate on the member for Melbourne's motion on seeking feedback from electorates with respect to the concept of same-sex marriage.

In terms of consistency, I am on the public record, indeed from the time of my maiden speech, of supporting the time-honoured institution of marriage between a man and a woman as the basis—the bedrock—of family values on which children are raised and nurtured. I will continue that degree of consistency in supporting the family; indeed, backing that up having had an enormous volume of calls, emails and petitions through to my electorate. As it stands, it is four to one in favour of traditional marriage for a man and a woman. As to the last minute Get Up campaign, a flood of emails that actually had no names and addresses attached to them, making it a little difficult to verify when they said, 'I'm from your electorate', but with a Gmail account, if I were to exclude those it would take those in my electorate in favour of traditional marriage to 16 to one. I intentionally did not want to skew results by going to my own local church, the churches in my electorate or indeed the very large Arundel Mosque in my electorate. If I were to do that, it would rise from 16 to one to over 30 to one.

In terms of reporting back to the parliament what my electorate is saying with respect to marriage, it is overwhelmingly saying that marriage should remain between a male and a female, which coincidentally aligns with the view that I have held all the time in the parliament. I thank you for the opportunity to share the feedback from the hardworking men and women of Fadden on the Gold Coast.

Ms KING (Ballarat—Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing) (11:51): On Thursday, 18 November 2010 the House of Representatives passed a motion that called on all parliamentarians to gauge their constituents' views on ways to achieve equal treatment for same-sex couples, including marriage. Labor supported the motion, but many of us thought it was a somewhat odd
suggestion given that the very job of a local member of parliament is to talk through issues with those who voted for us, weigh the often competing views and advocate for change both within our own party processes and within this parliament. That being said, out of respect for the people who have taken the time to contact me about these issues, I want to share some of the views that have been put to me not just over the past six months but over the course of many years. I also want to put on record the action Labor has already taken in its relatively short time in office to address the inequality directed at same-sex couples across a raft of policy areas.

On the passing of the motion by the House I put up a survey on my website and have had contacts via phone, letter and email as well as petitions. I have also had personal representations from same-sex couples as well as church organisations based in my electorate. It would be fair to say of the 1,800 contacts—and I emphasise that they are contacts; some of them are double, triple and in some instances quadruple contacts from the same person, so the statistical significance of any of those figures would be highly questionable if you were going to analyse them—the views are divided. On the one hand, there are those that deeply believe that the Marriage Act should be changed to reflect the broad diversity of family structures including marriage between same-sex couples. Those of this view believe firmly that the definition of marriage contained in the act discriminates against same-sex couples and is a significant barrier to achieving full equity.

On the other hand, there are those that have a firm conviction that marriage as defined in the Marriage Act can only ever be between a man and a woman and that any change undermines the tradition of marriage and the values that they hold about it. Many of these views, but not all, have come from those who have a religious base. Related to this, some church groups have also raised with me a concern that, should there be any change to the definition of marriage, they could face legal action should they refuse according to their beliefs to marry a same-sex couple.

The views on both sides are passionately and strongly held, and I respect that. I respect that for those with firm religious beliefs the existing definition of marriage is fundamental to those beliefs and they cannot under any circumstances countenance a change. But equally I respect the views of those who firmly believe that just because they are in a same-sex relationship they should not be precluded from having that relationship legally recognised as a marriage under the Marriage Act.

Whilst I have had representations from same-sex couples about this issue, there are two I particularly want to reflect on. The first couple I have known for many years. They have supported me through election campaigns, including attending many fundraisers and even on one case making a frock for me in a campaign. They have been together for many years, raised children together, been through illness together and survived work and family stresses together. They are a couple who, if you ever wanted to point to a loving, successful and deeply supportive relationship, would be it.

The second couple I met more recently and they have been together for some time and were very new, proud parents when they came to see me. Their daughter is now almost three. It was hard as a parent of a child just a little bit older than their daughter not to compare notes on our children's milestones, the constant nagging anxiety you feel about whether you are doing a good job and just how different the world now was and looked with the care of a
small child in our hands. I could not help reflecting on what extraordinarily beautiful parents they were and how lucky their little girl was at having such strong, caring, engaged and loving parents. Both of these couples would like to marry but are precluded from doing so under the law.

The issue of same-sex marriage has been raised at successive national conferences and will be the subject of debate at our upcoming national conference. I have been a delegate at the national conference for the past three ALP conferences. I will not be at the upcoming conference. I am acutely aware of the significant work and efforts of the left of the party and Rainbow Labor in particular to progress this issue through our party processes.

Given the time I will just briefly conclude that the constituency statements here are just that. Despite some of the emails we have been getting over the last couple of days, it is just that: an opportunity to place on record the views of our constituencies. It is not a vote on changes to amend the Marriage Act itself. I want to thank those constituents who have contacted me about this issue. From my own point of view I recognise that there are divided views in the community I represent on the issue. I have tried to outline that I have not as yet formed a view on this issue. I am on the public record as supporting the current definition of marriage, but I have to say that belief has been fundamentally challenged by the representations I have had by same-sex couples. Despite not being a delegate at the national conference, I will watch with great interest the debate. (Time expired)

Mr MORRISON (Cook) (11:57): While I need no reminder from the member for Melbourne about the need to consult my constituents, I am happy to report on what is important to my constituents. I regularly consult them on all issues and prior to the last election I conducted an electorate-wide survey that received more than 2,000 responses. Eighty-four per cent felt the government's border security controls were too soft; 79 per cent were concerned about the level of care available for senior Australians; 63 per cent were concerned about the size of the government's debt; 62 per cent were concerned with traffic and the condition of local roads; 59 per cent were opposed to the government's changes to the private health insurance rebate; only 17 per cent believed there should be a carbon tax to tackle climate change, while 88 per cent believed it would increase electricity prices. The issue before us today did not feature.

Today in my electorate my constituents are concerned about the future of more than 5,500 small businesses who employ between one and 20 people, more than 400 manufacturing businesses and the future of Qantas and Caltex, which each face a difficult future under this government's policies, in particular their carbon tax and increased regulation. My constituents are concerned about the incompetence of this government, their mismanagement of the economy, the rising debt and their addiction to taxes and spending. They are concerned about the bungling of everything they touch, whether it is border protection, pink batts or school halls. They are frustrated that this incompetent government has been placed and kept in power by the Greens in return for pursuing their own agendas.

While the member for Melbourne is out consulting, perhaps he would like to listen to the millions of Australians who are opposed to his carbon tax and his party's alliance with the government or perhaps he thinks, like his leader, they are just whingers or, like the minister for transport, they are of no consequence. It strikes me that the member for Melbourne has some selective hearing.
Since entering the parliament and before I have held a very clear, consistent and public view supporting the current definition of marriage as a voluntary union for life of a man and a woman to the exclusion of all others. I maintain this view and issued a statement to my electorate on 19 November last year to initiate feedback from my constituents. In my statements I have always consistently supported the view that no Australian should have to pay a dollar more in tax or receive a dollar less in benefits or superannuation because of their sexual preference. During the last parliament laws were passed to give effect to this objective with the support of both major parties.

The fundamental reason for my position was well summarised by former Prime Minister John Howard, who stated when legislating the current definition:

Marriage, as we understand it in our society, is about children … I think if the same status is given in our society to gay unions as are given to traditional marriage we will weaken that bedrock institution … For me this is fundamentally about a child's natural right to a mother and a father. I believe that this right should be protected in all Commonwealth laws, especially the Marriage Act. I am extremely disappointed by the decision of the New South Wales parliament to legalise same-sex adoption. However, I do not consider that this error should be compounded by the federal parliament.

Religions and cultures over centuries have held that family is ultimately based on the union of a man and a woman. I do not believe that the tested wisdom of centuries has been overwhelmed by more contemporary arguments. I acknowledge that in today's society too many heterosexual marriages fail. Family breakdown is the primary cause of poverty, disadvantage, mental illness and related conditions in our society today. The biggest victims of marriage failure and family breakdown are children. The social and economic costs of family breakdown are incalculable. This is a genuine national tragedy, not an argument for same-sex marriage. Legal recognition of same-sex unions does not, and should not, require the redefinition of marriage.

Marriage, as I have said, is a union between a man and a woman to the exclusion of all others for life. Legal recognition of a same-sex union should be termed something else. I have no objection to some other form of legal recognition of such relationships in the form of a type of civil union provided such unions do not provide any automatic access to adoption. I appreciate there are many in the community who hold a different view to those I have expressed in this place. Of those who contacted me by mail, petition and email who I was able to identify in my electorate, more than 850 were against changes to the Marriage Act, while over 50 were in favour. I do not seek to represent this as a representative poll—my position will not be determined by such polls—but it would appear that of those who feel strongly about this issue a majority were in favour of retaining the current definition rather than changing it.

As we look at this issue, though, I think we need to be mindful of what the real threats to marriage are in the context of this debate, and I believe that such threats are posed more from within than from without. This debate should remind us that anniversaries in marriage are earned, not arrived at, and we should all work on the sanctity of marriage. (Time expired)

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (12:02): The Australian Labor Party, of which I am a very proud member, has a long and proud tradition of advancing the cause of equality and social justice in our society.
We recognise that all men and women are born equal regardless of their sexuality. In my very first speech in this parliament in 1996 I talked about the need to remove discrimination where it existed, whether it be on the grounds of race, gender, class or sexuality. In my first term in June 1998 I introduced a private member's bill to give same-sex couples equal rights aimed at removing discrimination with regard to superannuation in terms of the parliament. I introduced this same bill a further three times without success. I could not even get it debated on the floor of the House of Representatives. Indeed, when I first raised it in the ALP caucus there was some shifting of people on the seats; people were uncomfortable with even a discussion about the issue of sexuality and discrimination.

The world moves on very quickly, and indeed I am very proud that in our first term of office the Labor government amended some 84 Commonwealth laws to eliminate discrimination against same-sex couples and their children in a range of areas—reforms that meant people were treated equally in line with that great Australian tradition of a fair go for all, reforms that it took a Labor government to deliver. At the last ALP national conference the party platform was changed and further progress made. In addressing the conference I acknowledged that history was moving forward on this issue. I said this to the conference:

I have a view that my relationship, because I happen to be heterosexual, is not undermined by someone else's relationship because it is homosexual.

I remain very much of that view. The Australian Labor Party will be debating the issue of marriage equality at our upcoming national conference later this year. There are widely held views within the Labor Party, as a broad based political party, as there are in society. Each and every person is entitled to their opinion and entitled to have their opinion respected. I have long been an advocate of change, but I have also been an advocate who has stressed the need to bring the community with us. This is about inclusion and the debate must be conducted in an inclusive way, one that respects different opinions that are deeply held. I also want to make it clear that I do not support the state imposing its will on particular religious communities in relation to these issues. I think that particular groups of people, if they have that view, have a right not to have the state impose their views on them.

I certainly did not need a motion from the parliament to discuss these issues. I have been engaged with the community, whether they be people from the gay and lesbian community or people from the heterosexual community, who have views on these issues for a very long time. I did not need the motion; I have been doing this for 15 years across a range of issues and I am very proud of the fact that I think people see me as being open and accessible.

In recent times, of course, the number of people wanting to make representations to me has increased. I have met with people, whether they be advocates of marriage equality or opponents, and I respect their views. I have made my views clear at ALP conferences as is appropriate under our rules and I will continue to do so. People know the position that I will take at the ALP national conference. But I think change is difficult for people, and that has to be respected. As the debate goes on, I look back at same-sex superannuation and say, ‘Who today says that was a bad reform?’ There is now consensus on something that was radical when I introduced that bill in 1998. I think that society is moving forward in terms of giving people equal rights and I look forward to further debate in this parliament. (Time expired)

Mr TURNBULL (Wentworth) (12:07): I conducted an online survey on this question of gay marriage and posed the following questions: whether respondents were in favour of gay
marriage—that is to say, amending the Marriage Act so that a union between two people of the same sex would be termed a marriage—whether they were in favour of such an arrangement being recognised as a civil union but not defined as a ‘marriage’, and of course whether they were opposed to either or both. There were 4,000 responses filed in a little over four weeks and of those 2,333 were in the electoral roll as being Wentworth residents. This was not one of those online surveys that people can just click on. Respondents were asked to provide their name and their address so we could check their residence, and were given the opportunity of making comments. I thank all of my constituents and those from other electorates who responded to the survey, and in particular thank those who provided comments, most of which were extremely thoughtful and considered. We have published on my website a representative sample of those.

Of the respondents from the electorate—and the figures for the overall survey were not materially different—72.7 per cent were in favour of gay marriage, that is, 1,698. There were 16.8 per cent—that is to say, 394 respondents—who were not supportive of gay marriage but favoured civil unions. There were 168, or 7.2 per cent, who were against both gay marriage and civil unions, and then there were 73, or 3.2 per cent, who were against gay marriage but did not express a view on civil unions.

Let me share with you some representative comments. The former Premier Nick Greiner said that he supported gay marriage ‘as it is self-evidently a matter of justice’. He said:

It in no way stops religions or individuals acting in accord with their conscientious views. Also [it is] not a left/right issue. Support for proposal is consistent with conservative support for marriage and for stable long-term relationships as well as individual freedom.

Ashley Thompson wrote that gay couples’ love is of equal value and worth as that between heterosexual couples, and said:

Who are same sex couples? Daughters, sons, cops, doctors, businesspeople, politicians, artists, parents. In short – Us, We, people, humanity. Love is love.

Dr Alex Wodak, the very distinguished physician from St Vincent’s Hospital, said that there were real public health benefits to ensuring same-sex relationships are recognised as marriage. He said:

I have spent the last 30 years in efforts to try and reduce the harms of HIV. We should also do everything we can to help gay couples stay together to protect public health.

There are many other examples of these on my website.

In terms of those who supported civil unions but not gay marriage, they really took almost a semantic view and agreed—as I think, if not all, certainly most members of this parliament would agree—that same-sex couples should have equal rights in terms of fiscal matters and equal rights generally, that there should be no discrimination. They take the view that marriage is, as a matter of definition, a union between a man and a woman, that it is sanctioned by millennia of tradition, that it is of enormous importance to many people on account of that history and their faith, and therefore an equitable balance is to recognise it as a civil union. I guess that is the sort of pragmatic point of view.

Some opponents of gay marriage came from a religious point of view. There were very few that you could describe as homophobic. It boiled down in large measure to this issue of definition. I would simply note that in countries in Europe where recognising what we could
call gay marriage has not been a problem it is because they have had a tradition of
distinguishing between the role of the state in recognising that union and the role of the
church, whereas those functions have in large measure been fused in our tradition. *(Time
expired)*

**The DEPUTY SPEAKER (Ms S Bird):** I encourage members to keep a close eye on the
clock. I am trying to give them the chance to finish their sentences, but please watch the time.

**Ms HALL (Shortland—Government Whip) (12:12):** The issue of same-sex marriage is
important and I have taken the opportunity provided by the motion to actively engage with
my community on it. The views of my community are very important to me. I have an open-
door policy so that people in my electorate can discuss their views with me in any way they
choose. I have run an online survey and publicly encouraged people to communicate with me
on this issue. Like the survey of the member for Wentworth, the survey that I conducted was
not simply a yes-no survey but one that encouraged people to place comments and a variety of
views. People can view that on my website. I had 505 responses to the survey. They came out
very strongly in favour of supporting same sex-marriage. It was 86 per cent to 13 per cent,
and in Shortland electorate that figure came down to 78.4 per cent to 21.6 per cent.

I appreciate that this is only 505 people, but I have engaged with my community in a
number of other ways, and that survey will remain there for people to continue to complete.
Some people as young as 14 years and others over 60 years of age have completed the survey.
The most disheartening thing were a few comments which said that it would not matter what
they said or that their views would not be read. In particular, I would like to quote a 14-year-
old boy who submitted a very well-researched comment:
I'm fourteen. I should be studying. I know this isn't going to be read and this is an absolute waste of my
time, but I'll write it anyway.

I am here to assure you that I take all issues in our community seriously and your views have
been heard, along with everyone else's views. That is what this exercise is about: ensuring
people's views are heard.

I have received hundreds of letters, emails and phone calls from my constituents expressing
their views and I have also used social media outlets such as Facebook and Twitter to further
encourage community conversation on this issue. I have conducted mobile offices, met with
people in their community and had personal meetings with people who made appointments to
come and see me to talk about their views.

A wide range of views have been expressed to me and many issues have been raised, such
as discrimination, equality, human rights, preservation of tradition, the needs of children and
the religious underpinning of marriage. These are some of the comments made by people
supporting same-sex marriage:
The definition in the Marriage Act is discriminatory and needs to be changed to reflect the diversity,
tolerance, understanding and equality that Australia is striving towards in the 21st century.
Restricting the definition of marriage to one man and one woman elevates heterosexual relationships to
a privileged status, thus stigmatising and marginalising gay people.
Marriage is about love, not gender.
The current definition speaks nothing of commitment, love and dedication.
One's marriage does not define another's.
Marriage is whatever society says it is. Our society is ready to widen that definition to include any loving couple.

The definition also includes ‘entered into for life’—obviously we've done away with this bit!

And on the other side:

Homosexuality is a curable disease which must be discontinued.

I am all for same-sex relationships that have all the benefits of a heterosexual marriage, but we can't call it a marriage.

If homosexual marriage becomes accepted in law, what is the next perverted barrier …

Marriage was originally something to celebrate a commitment before God. I feel same-sex unions should have something different to celebrate their commitment.

Surely a marriage is for the purpose of procreation.

Civil same-sex marriage is an issue where people on both sides have very strong views, and I acknowledge that. But I am also aware that there is a silent majority in the electorate whose views are difficult to pinpoint at this particular stage. I will continue to gauge the views of my electorate in the lead-up to the ALP national conference at the end of this year. In participating in any debate on this issue, I will be mindful of the views of people in my electorate. Their voices are important in any discussion about this issue, and all voices should be respected. I will continue to engage, as I have said, so that I fully understand the many viewpoints. I seek leave to table a copy of the survey that I have conducted.

Leave granted.

(Time expired)

Mr FRYDENBERG (Kooyong) (12:18): Last year the House passed a motion calling on parliamentarians to gauge their constituents' views on the issue of marriage equality. I do not believe that such a resolution was necessary. As a parliamentarian, I consult and meet with constituents on a regular basis to discuss a broad range of issues, including same-sex marriage. Since my election last year, I have responded to hundreds of pieces of correspondence and met with many people on the issue of same-sex marriage. As one would expect, I heard a diversity of views.

I am very proud of the fact that the Australian parliament has legislated in recent years to remove areas of discrimination against same-sex couples. Discrimination has no place in our society. Significant changes have been made to our laws regarding financial and work related arrangements, including reform of our superannuation legislation to introduce the concept of interdependency, giving same-sex couples the same rights as heterosexual couples. These changes were the product of bipartisan support and were a significant step forward.

At issue today is whether we should amend the Marriage Act 1961 and its existing definition of marriage as 'the union of a man and a woman to the exclusion of all others, voluntarily entered into for life'. This definition was formalised following a coalition amendment to the act in 2004.

I fully acknowledge that there is a growing list of foreign jurisdictions, including Belgium, South Africa and Canada, where gay marriage has been legalised by the state. I, too, fully acknowledge that within the Australian community and within my own electorate there are many people who passionately support an equivalent change for Australia. Their reasons are varied.
I listened to a lesbian couple from Kew in my electorate whose love for their two children and the family they had created was only matched by their love and respect for one another. I received a letter from a local Anglican minister who implored me to support gay marriage, arguing that the state should not impose on the broader community a strictly Christian definition of what constitutes a marriage.

I was emailed by parents of gay children whose single motivation was to see their child happily marry the one they love. The same could be said for the young man who wrote to me on behalf of his gay brother, or the woman who wrote to me on behalf of her gay sister, for all they wanted was to see their sibling get married.

These were all powerful pleas that had an impact on me. I, too, received many visits and letters from advocates in favour of the status quo. Some constituents quoted holy scripture. Others referred to longstanding traditions and nearly all referred to the sanctity of the family unit comprising a mother, a father and children. These arguments were as honestly and as passionately delivered as the views they sought to counter.

It should come as no surprise that in this place there is a similar dichotomy of views between members on this difficult topic. My view is that marriage is a unique relationship between a man and a woman. It is much more than a simple debate about preferred terminology. Relationships between same-sex couples are equally special but nevertheless, by definition, different. These relationships are to be respected and valued for the love that they bring and the families that they build. However, the term 'marriage' should not apply. Civil unions, however, should be an alternative.

I know many people in our community, particularly those younger than me, will not agree with my view on same-sex marriage. I hope they respect my view as I do theirs.

Ms O'NEILL (Robertson) (12:22): I take this opportunity to also report back to the House on the views of the constituents of the seat of Robertson regarding the issue of marriage and calls for a change to that definition to allow for same-sex marriage.

There are so many issues on which my office received serious and careful representation. The matter for discussion today is one on which I have received a considerable number of emails and letters, telephone calls and conversations. I can assert that, since my election, this is not the issue about which I have received the most emails or letters, but it is very clearly an issue on which there are very different and strongly held views. Where people have contacted me on this matter, I have responded to their correspondence with a letter or email in which I have articulated my personal view, which, for the record, is in line with the Labor Party policy and the position articulated by the Prime Minister—that is, that marriage is, as it is defined in Australian law, a union between a man and a woman. With no disrespect to those who hold a differing view either in this place or in the broader community, it is the view that I retain here today.

In my electorate, I received 560 communications on this matter from identifiable constituents. Seventy per cent were for retaining the current definition. I want to acknowledge the 30 per cent who hold a different view and took the opportunity to participate in this debate and to communicate with me.

I spoke on this matter at the recent New South Wales state Labor conference. Part of my speech that day was reported in the Sydney Morning Herald. I received hundreds of emails
and letters from right across Australia. They commented particularly on one part of my speech that was reported, because I believe it expresses one of the real challenges to all participants in this debate. I said then and I say again that it is too often the case in this debate about same-sex marriage that all people who oppose it are maligned as homophobic, intolerant, bigoted, brainwashed by religious indoctrination or intellectually inferior to those who support it. This is not the case.

I want to put on the record that such a view is of itself intolerant and other-phobic. It does not advance anyone's interest to silence the voice of others. I also want to put on the record how proud I am of the federal party for undertaking, following the election victory in 2007, a substantive program of change that saw more than 80 pieces of legislation amended to give LGTBI Australians the same practical rights as other Australians before the law.

With that as my position, what are the reasons for opposing what I call gay marriage and others here call marriage equality? I will attempt to get a couple of them on the record.

Firstly, regardless of culture, time or place, the organic nature of the family unit that is the natural consequence of the union of a man and a woman is the key social unit on which a stable society is built. Marriage is almost universally viewed as a legal and social event that is life-generating and understood to be, much more often than not, linked to children. This is a commonly held position in the broad community. It is the position expressed by our Prime Minister and the position held by many people of faith. Many, but not all Catholic people—like me—Islamic people, Jewish people, secular humanists and Indigenous families think of marriage in this way. We prize it. We understand it very certainly as a union between a man and a woman. There is no intention, in holding that view, to slight the view of others. But the depth of belief in the notion of marriage as a union between a man and a woman is not a matter that can be overturned by legislation. No matter how this matter advances or falls, legislation will not change what 70 per cent of the people in Robertson who have contacted me on this bill actually believe.

I want to read into the record the correspondence received from the Organisation of Rabbis of Australasia, who oppose any legislation to legitimise same-sex marriage. They say:

This is not intended to show any discrimination against the gay community, but simply to uphold the sanctity and purpose of marriage, which is the union of a man and a woman in not only expressing their love for one another, but in also bringing future generations into this world.

Ms Gabrielle Tesoriero from my electorate wrote me a single sentence which summed up the views of so many:

It's important that the definition of marriage remains the union of a man and a woman.

This brings me to my final point. The claim that is made here today that the community is already in support of a change to gay marriages is overstated and that community opposition to such a change—as it is in my seat—is understated. As a teacher for many years, I supported all kinds of families. I always knew that was my responsibility as a human being, let alone as a teacher. Yet I hold for myself, and for 70 per cent of the people in Robertson, the right to hold firmly to the view that marriage is that union between a man and a woman. (Time expired)
Mr CROOK (O'Connor) (12:27): As the member for O'Connor, it is my primary responsibility to represent the views of my constituents in parliament on all issues. Over the past several months I have invited feedback from the electorate regarding their views on same-sex marriage. I regularly send a newsletter to my constituents containing information on a variety of issues taking place both in Canberra and through the electorate.

In my newsletter, I requested that constituents contact my office and share their views with me on same-sex marriage. I also advertised this issue in a number of newspapers throughout the electorate. I note, after listening to many of the speeches this morning, that the results that I received were indicative of those in many electorates across Australia. I received 612 responses on this issue, and I thank those people who felt compelled to respond. To break the figures down, I received 373 letters, 138 emails and 12 phone calls, a total of 523 responses, from the constituents of O'Connor highlighting that they do not support same-sex marriage. I received 71 letters, 13 emails and five phone calls, a total of 89 responses, from constituents who support same-sex marriage.

An overwhelming majority of responses felt that marriage is a permanent union between a man and a woman. I would like to acknowledge that the feedback I received by no means represents all constituents of my electorate. That said, I do believe that the comments and feedback I have received broadly reflect the attitude of the electorate towards same-sex marriage. I hope that this position can be understood as being without any disrespect to same-sex relationships. I believe our society needs to continue to have a civilised discussion around this issue. It is vitally important that our society works to remove discrimination against sexual preference.

Many speeches that we heard earlier today reflect that members of parliament right across Australia welcome this discussion, regardless of their political preference. My position is not meant to be disrespectful to those who support same-sex marriage, and I respect the loving relationships that they may share with one another. I believe the electorate of O'Connor is supportive of removing discrimination against sexual preference, while still maintaining the sanctity of marriage as a permanent union between a man and a woman.

Mr OAKESHOTT (Lyne) (12:30): I certainly welcome the motion that was put before the House previously and, as part of an ongoing reflection of consultation with community, this is another opportunity to do that. From my perspective on the topic of same-sex marriage, there are times to lead and times to follow the community. Picking when and why is very much the challenge for all of us in a representative democracy in our Westminster parliamentary system. At all times, right or wrong, a member of parliament should make their own best judgments. On an issue like pricing carbon through an emissions trading scheme, I have chosen to lead community with the national interest in mind. On the issue of same-sex marriage, I am choosing to follow community, again as a matter of judgment and again with the national interest in mind.

Ordinarily I believe in the classical and conservative exposition of representative democracy, that we are elected to exercise our judgment as a vote on the basis of fact and reason tested in debate. We are dealing with customs and traditions in this case that have been built in Australia over a long period of time under the rule of law.

This conversation certainly tests the moral code of not just 150 MPs but of all Australians. After consulting widely and listening closely I still have not heard a satisfactory consensus.
about what the state's role itself in marriage actually is, nor what it should be. I note, for example, that there are even incursions from traditionally right-wing, conservative proponents such as Tim Wilson from the IPA identifying jurisdictions like France where the state's only involvement is to maintain a register of accredited marriage agencies and it is then up to each religious or cultural institution to determine their level of comfort with the definition of marriage, essentially, and somewhat controversially, removing the statute law of the Marriage Act and relying on a long history of common law interpretation of our norms, traditions and cultures.

The fact is in our jurisdiction and in my electorate as well there is a deep cultural conviction that the state's definition of marriage does matter. Yet at the same time we seem somewhat universally comfortable allowing this same state to interpret that definition broadly for the purposes of administration and interpretation of modern society. As an example I quote from a bill before the House right now—the Fairer Private Health Insurance Incentives Bill—which states:

'Marriage' includes people who live together in a relationship as a couple on a genuinely domestic basis even where they are not legally married.

That is somewhat of an oxymoronic definition.

Marriage is interpreted widely in common law and defined broadly by many statutes and, as far as I can find, narrowly defined in only one statute, that being the Marriage Act. This reflects a process of law reform over decades, based on a growing public rejection of discrimination in age, gender, race and sexuality. Successive parliaments have removed the substantive legal discriminations against de facto couples, whether heterosexual or homosexual.

In 2008, laws on defence, migration, taxation, superannuation, social security and workplace relations all changed to accommodate this principle. Legally sanctioned same-sex marriage is seen by many as simply the last extension of this principle, but for others that I also listen closely to, it is where they draw the line. They see same-sex marriage as an offence to our language and history and an affront to Australian custom, laws and traditions. Despite the reality of same-sex couples legally adopting and having children, some see same-sex marriage as offending nature because children cannot yet be conceived without the biology of both genders.

Unfortunately, even in this place there have been disgraceful attacks and distortions in this debate. I refer to an event in the Great Hall of Parliament House on 16 August which saw a personal attack on one of our colleagues, a member of parliament's individual and private circumstances. More disappointing in my view was that other members of parliament present chose to bear witness to that attack on a fellow member without objection or without clarifying that the issues that were the basis of the attack had nothing to do with or without changes to the Marriage Act. Alongside this, in my view at that same event there were irrelevant, misleading and emotive fears presented as if they were plausible that marriage may become the province of paedophiles or close relatives of the same sex. This is nonsense that diminishes this important debate.

In my community it is roughly a split on the ground. It is anecdotal; about two out of five are strongly opposed, about two are indifferent and about one is strongly in favour. For the
proponents I will continue to listen closely, but there is plenty of work on the ground still to do. (Time expired)

Mr BILLSON (Dunkley) (12:35): I spoke when the original motion was brought forward by my colleague the member for Melbourne and put forward some thoughts which I must say were catalytic in receiving many other thoughts in response to my contribution. It is quite clear to me that there is a strongly held, but very divergent, set of views about this topic in the community that I represent, and might I say all sides of the argument have been quite vigorous in advocating their position.

I said at that time and I still hold the view that it is entirely appropriate and reasonable for same-sex couples to declare their commitment and devotion to each other in a public ceremony before friends and family in a way that is recognised by the broader community and the state. I hold that view. I advocated that the parliament turn its mind to civil union legislation to achieve that outcome that would capture the durability, the very particular commitment to each other, the public celebration and declaration and the formal recognition of the relationship. Many people thought my speech was measured. A number thought it was far short of what they were looking for and yet others were saying it was the start of a slippery slope. There were even more strongly and stridently held views that I cannot fathom or factor into a reasonable way forward that would have the broad community support that I think people would be looking for.

What I have learnt is that there is no straightforward answer here. What I have learnt is that the definition of a relationship as a marriage matters profoundly to many people. It is an ambition that is profoundly significant to same-sex couples seeking to have that term used to characterise their relationship. For those that are in what is more traditionally recognised as a marriage, and what the statutes of Australia capture as a marriage, they are profoundly committed to that being the appropriate description of their relationship, so clearly the term matters. The concept of marriage matters greatly and the power of that word matters a great deal to many people.

What is clear to me, though, is forcing a group that have long held the view that that characterises their relationship to expand the kinds of relationships to also be captured by that term is no way of taking people with you. To say that in the spirit of tolerance we should reject the strongly held views of one group about their passion and their sense of connection with the term 'marriage' and they should suck up the fact that others would like to use that term and they should just come to terms with it is not my idea of tolerance. That is a ‘it will be this way or no way approach’ and I can understand why people would be aggrieved by that. Where that takes me is back to where I started. For those that have entered into a marriage, and the statutes of Australia characterise that, there is a significant proportion of the community that I represent that would like their relationship to continue to be characterised that way and the nature of the relationship which that term conveys to the broader public they connect with, they have a very strong sense of association with and they do not like to see that changed.

For those in same-sex relationships wanting a formal public recognition of the durability, the deep personal commitment to each other, we need to find a better vehicle for that, but I do not believe expanding the term 'marriage' to incorporate those relationships will take the community with everybody.
It was put to me that no-one in a moment of great romance and hope for the future walks up to someone and says, 'Hey would you be in a civil union with me?" I accept the fact that there is no music in the term 'civil union'. I accept the fact that there is no queuing of music and of hopes and ambitions in the future when people talk about a civil union. I think we can find a better characterisation. I would like to see the parliament turn its mind to something along the lines of a committed life partnership that shows the durability, passion and nature of the relationship, that it is about the existence and their being and that it is a partnership that lasts into the future. We need take all views with us as best we can into the future. (Time expired)

Mr MURPHY (Reid) (12:40): In addition to my report to the House on this matter last Thursday, I now further report on the feedback from my constituents and I thank them for so doing. I have received messages of support for my stand on this issue from a wide cross-section of the community, including the religious, non-religious, heterosexuals and homosexuals, the left and the right, men and women. Equally, I have received messages of opposition from others in the same categories. Importantly, the feedback extended well beyond the churches, coming also from the business community, ethnic associations, sporting groups, clubs and so on.

There is no unanimous view in any of these groups of people, even in the gay community, as I have discovered. A number of gay people who contacted me said they opposed all marriage, whether heterosexual or homosexual. Within my electorate, most of my feedback supported the retention of the current definition of marriage. Importantly, most of the feedback supporting same-sex marriage came from outside the electorate.

I have been personally targeted by a campaign that has wrongly assumed that I would simply change my mind under pressure. Some of the emails and letters have been abusive and downright intolerant. One would expect that people asking for, and needing, community tolerance would exercise more tolerance themselves. They assume, wrongly, that anyone holding a position against redefining marriage to include same-sex couples is automatically a bigot. I am not a bigot.

In terms of the member for Melbourne's motion, I also report that despite this campaign against me most of my electorate does not see marriage for same-sex couples as a matter of equality, discrimination or human rights. All of my electorate agree that all individuals are equal. Most of my electorate does not accept that all relationships are equal. My support for same-sex civil unions has also drawn some criticism from sections of the Right in this debate, although they have acknowledged and appreciated my defence of the institution of marriage. I remind members that in 2009 I, too, supported and voted for 85 amendments to Commonwealth laws to remove discrimination against same-sex couples in areas such as taxation, social security, aged care, superannuation, immigration and family law.

My meetings with lesbian couples and single male homosexuals in my office have often started with a little tension, but have always ended cordially with mutual respect, even when we agreed to differ. For example, here is a response from one of my constituents who is gay:

Mr Murphy, I thank you for taking time to meet me Friday last so to discuss the upcoming vote on gay marriage. I entered the meeting with a view that had been formed by reports from press and advocacy groups on the matter. I wanted to hear your views, in person, as I believe disagreements
should be met face-to-face and not by means third hand, especially when such matters under discussion are close to one's heart.

Your support in the house for readjustment of federal laws aligning same-sex couples to different sex couples in terms of superannuation and laws is much appreciated. Your stance on rights of an individual to be homosexual when challenged by members of your electorate looking for your support on attitudes with an antigay agenda illustrates that you are an MP that holds dear the rights of a human to be different and are willing to be counted when it comes to defending such rights.

The opinion you have encountered within your electorate in regard to same-sex marriage is understandable, although not welcome by myself, but your attitude in backing civil unions and recognising the same from those joined similarly overseas is very welcome and very much appreciated by me. I realise that we do not live in an ideal world and it is unlikely that the rights of a minority will be wholly recognised as a democracy. However, as you are a product of the democratic process, your efforts on homosexual rights are very much appreciated and I look forward to you carrying on the traditions of Labor representation for the foreseeable future. (Time expired)

Mr ANDREWS (Menzies) (12:45): This motion is being debated because a weak Labor government is once again dancing to the tune of the Greens. Faced with a deep division on their own side, the Labor Party negotiated a compromised motion to request members to go off and consult with their electorates about the issue. I wish to make just three comments about the motion. First, this motion is presumptuous. Members of parliament on all sides consult their constituents on all manner of issues on a regular basis. They do it in a variety of ways and if they did not then they would not be elected in the first place and they would not be re-elected.

The purpose of the motion is really different. It is to provide a voice to the Greens and their left-wing supporters to promote their cause and, like clockwork, the left-wing lobby group GetUp emails its supporters with draft petitions to MPs. In the absence of the GetUp campaign very few people in my electorate had urged me to support changing the long-held definition of marriage, despite regular surveys of my constituents. The number increased after the campaign, but it is still small compared to the many people who responded by writing and emailing their support for the traditional definition. If letters, emails and petitions from my constituents are any indication, the overwhelming majority support the longstanding definition of marriage.

While all Australians are encouraged to express their views, the reality is that there is no widespread agitation in the Australian community for changing the definition of marriage, and if, to the extent I have been able to follow this debate today, I think it is reflected in the debate in this place.

Moreover, the GetUp petition is open to manipulation. A person can enter any name, any email address and postcode, real or fictitious, and an email is generated to a member of parliament. When I responded to the anonymous GetUp generated emails asking the correspondents to indicate their address so that I could check that they were, indeed, constituents of my electorate, just a handful responded, yet the member for Melbourne would have us make laws on this basis. This brings me to my central objection to this process. This parliament is a deliberative assembly, not a congress of delegates. In the famous words of Edmund Burke to the electors of Bristol:
It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have great weight with him, their opinion high respect, their business unremitted attention. He then set out what I believe to be the duty of a member of parliament:

Your representative owes you not his industry only but his judgment, and he betrays instead of serving you if he sacrifices it to your opinion.

As Burke said:

Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain as an agent and advocate against other agents and advocates, but parliament is a deliberative assembly of one nation with one interest that the whole, where not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed...

he said to the electors at Bristol:

... but when you have chosen him ...

and we would add these days, 'her':

... he is not member of Bristol, he is a member of parliament.

The idea that whatever group can send the most emails to MPs should be the determining issue when making national decisions is misplaced. Equally, the idea that a poll should determine our decisions is inadequate. The member for Melbourne tells us that we should listen to polls. If it is proper that polls should determine our position then I would expect him to vote against the carbon tax, as polls indicate a majority of Australians are opposed to it.

I expect that the member for Banks' motion on the notice paper on the death penalty, if it comes to a vote, the member for Melbourne will vote against it, as polls repeatedly indicate, over many years, support for the death penalty in this country. If, as I suspect, he votes for the carbon tax and against the death penalty, his argument about polls is exposed for what it is, nothing more than a self-serving argument for his cause.

We do not need to be instructed by the member for Melbourne to consult our constituents. I have been doing so for 20 years and I will continue to do so. When the leader of the Greens, Senator Brown, condemns people who come to this place to voice their concerns as whingers, it exposes the hypocrisy of this motion. It seems that the Greens only want to hear the opinions of those who share their views. It is another instance, regrettably, of their totalitarian impulse.

Mr COULTON (Parkes—The Nationals Chief Whip) (12:50): I have been watching this debate throughout the day. It has been quite instructive and I am somewhat relieved as to the way it has gone. I, too, have issue with the sanctimonious nature of this motion moved by the member for Melbourne which conveys the idea that democracy is as simple as clicking a mouse rather than engagement. I have met with many people in my electorate on this issue and I have not refused anyone access to me.

I say at the outset that I believe marriage is between a man and a woman. At this point in time that is clearly the majority view of Australian society. As time travels on that may change, but at this particular time that is the position. What I have been concerned about during this debate are some of the more right-wing aspects of society and some of the comments that are being made about gay people, which I find regrettable. I have met with
quite a few gay couples in my electorate and, while I appreciate their circumstances and fully support civil equality in matters of law, I cannot support their position for same-sex marriages at this time. I am regretful that I cannot help all my people or agree with all of my people all the time, but at this stage I am not in support of same-sex marriage.

Before this motion was moved by the member for Melbourne I was getting no correspondence or email traffic on this matter. Clearly, the overwhelming vibe coming out of my electorate is that the Australian parliament should be concentrating on matters that are far more relevant to the people of my electorate. They are concerned about issues regarding the cost of living, obviously the upcoming carbon tax, education, roads, health and all those other things. They believe that the reason they sent me to Canberra was to represent them on things that are of the utmost importance to them. They resent having the Australian parliament hijacked by one member. We must not forget that there are 150 members sitting in the House of Representatives. I find it deeply confronting that one member, one 150th of the representation of this place, seems to generate the publicity and promote the agenda. I have spoken about this before. I have spoken about the fact that the member for Melbourne and the Greens urban elite are quite happy for people to go snow-skiing and build chalets in the mountains but are opposed to cattle grazing. While they are happy to have exclusive restaurants, they are opposed to people who raise cattle.

In conclusion, I will restate that I do believe that marriage is between a man and a woman. I do respect the gay couples and the gay people in my electorate and acknowledge that they have a different view. But at this stage I stand by what I have said.

Mr FLETCHER (Bradfield) (12:55): I am very pleased to have the opportunity to speak here in the Parliament of Australia about the consultation that I have been able to conduct in my own electorate of Bradfield regarding the question of marriage for same-sex couples and whether that ought to be permitted under Australian law. I might add that I certainly did not require a motion from the Greens to encourage me to consult with my electorate. Like every conscientious parliamentarian, I consult with my electorate regularly on a very wide range of issues and I am blessed with constituents who are articulate, engaged, interested and are always eager to consult with me. I absolutely welcome that.

One might wonder why the Greens chose to bring this issue forward. Obviously, one possibility is that they have a genuine desire to review the current legal position on its merits. Another possibility is that their overriding interest is to wedge the Labor Party by exposing tensions between the inner-city Left and the traditional working-class base and the right wing of the Australian Labor Party which has tended to represent them.

All that being said, I have certainly carried out significant consultation on this issue along, of course, with the many other issues which have been on the public policy agenda over recent months. I have met with a number of constituents on this question. I do note that almost all of those who have made the effort to make an appointment to come in to see me in my electorate office to speak to me about this issue have expressed the strong view that the current legal definition of marriage should be maintained.

I have received a substantial number of petitions from local church congregations in support of maintaining the current legal definition of marriage such as: the Parish of Corpus Christi, St Ives, with about 110 names on it; St John's Anglican Church, Asquith, with about 20 names; and Ku-Ring-Gai Chase Catholic Parish with about 250 names. I have also
received a substantial number of letters and emails on the topic. My staff and I assess those as reflecting significant bodies of opinion from both those who are in favour of maintaining the current legal definition of marriage and those who wish to see it changed, but with the supporters of the status quo a little more strongly represented.

I do want to take this opportunity to thank all of my constituents who have made the effort to contact me to put their views on this very important issue. I have been struck by the sincerity and depth of feeling of those who have engaged with me on this issue regardless of which perspective they take. I think that perhaps may be because marriage and partnership are such critically important aspects of life and of personal identity.

The consultation I have conducted on this issue has fortified me in my views on a number of aspects of this issue. I am very pleased that in recent years Australia's laws have been changed to remove discrimination against homosexuals and same-sex couples. These include changes to laws in the areas of superannuation, taxation, social security, aged care and immigration.

The Howard government reformed the law in several areas in this respect and it was the Howard government that began the process that led to the 2008 legislation of the Rudd government that substantively removed discrimination for same-sex couples. These were all appropriate and necessary reforms. They have taken Australia in a very positive direction and, thankfully, a very long way away from the time when homosexual acts were criminalised.

However, the institution of marriage has a cultural and religious significance developed over many centuries. Traditionally, the institution is based on the union of a man and a woman to the exclusion of all others voluntarily entered into for life. That is the definition set out in our law and it continues to be my view that this definition should remain.

This in no way seeks to diminish the committed and loving relationships, both heterosexual and same-sex, that exist outside of the institution of marriage. In reaching this view I have very much benefited from the perspectives of the people of the electorate of Bradfield, particularly of those who were sufficiently engaged by this issue to reach out to make contact with me on it. While this consultation does not constitute a statistically valid survey it has given me a useful qualitative sense as to the balance of opinion in Bradfield.

In my view, the Howard government accurately reflected the preponderance of community opinion in inserting into the Marriage Act the current definition of marriage and my consultation leads me to the view that this definition continues to reflect the preponderance of community opinion in Bradfield.

The DEPUTY SPEAKER (Mrs D’Ath): Order! In accordance with standing order 193 the time for constituency statements has concluded.

Proceedings suspended from 13:00 to 16:00

STATEMENTS BY MEMBERS

Vietnam Veterans Day

Mr Griffin (Bruce) (16:00): Two days ago, before this debate was interrupted, I was going through a range of matters relating to Australia's involvement in the Vietnam War. I talked about a number of individuals who have crossed my path who can be very proud not
only of their contribution at the time but also of their contribution since in honouring the
memory of, and supporting, those they fought alongside so many years ago. I mentioned
before that it was not just the Army; it was also the Navy and the Air Force. When you talk
about the Army, you have to mention the Australian Army Training Team Vietnam, the
AATTV, our first troops on the ground in 1962 and there for over 10 years. They fought with
distinction with troops from South Vietnam throughout the conflict. A number of their
members received gallantry honours, most deserved. We cannot talk about the Vietnam War
without talking about conscription. Not only did many conscripts serve with distinction; it
was a very divisive issue back here. We must not forget the fact that Australian women were
also present as nurses in the Army, RAAF and SÀTO. They performed with distinction
supporting our troops.

We cannot talk about Vietnam Veterans Day without referring Long Tan. And we should
not forget the many other engagements: Coral/Balmoral, Binh Ba, Operation Bribie,
Operation Coburg and the many patrols conducted by others who served with distinction as
part of our ground forces. We also have to remember HMAS Sydney—the Vung Tau Ferry—and
the excellent work done by the Navy in supporting our troops. Many ships served on the
gun line. I particularly mention HMAS Hobart, a guided missile destroyer which was
tragically hit by three missiles from a US Air Force Phantom. Two RAN sailors lost their
lives and seven were wounded on that occasion. The Air Force also made a significant
contribution, whether through forward air controllers or those who operated caribous,
helicopters, Canberra bombers and a handful of Phantom fighter jets, and, in one of the last
acts of the war in 1975, the Hercules aircraft helped ferry people away at the time of the fall
of Saigon.

They should all be very proud of the courage, dedication and the professionalism of those
involved. They did their duty at a time when their duty was sometimes very unfairly
questioned back here. I take this opportunity to apologise for what happened at the time and
in the time since. As a nation, we have grown since that time and we have learnt from it. I am
very pleased that we have not had to face that sort of situation over issues we may sometimes
disagree about with respect to our involvement in wars since. We unanimously, and in a
united fashion, honour the commitment, courage and sacrifice of our troops and the work that
they do.

I will finish with two points which are very relevant and are something to be remembered
with respect to our contribution. The first is the Children of Vietnam Veterans Health Study.
The former minister played a significant role in kicking that study off in his time as minister,
and the study is ongoing. It is a very ambitious study looking at the long-term impacts and
effects on the families, particularly the children of those who served in Vietnam. The study
has results coming through now and will continue to have over the years ahead. To all those
who worked hard to get it going, I salute you. It is an important and difficult exercise but
something needed to better understand how to properly deal with the long-term impacts of
war not only on the individuals who fought but also on the families who suffered with them.
The final thing I will put in as a plug, and that is for the Vietnam Veterans Museum down at
Phillip Island in my home state and the former minister's home state of Victoria. I would urge
anyone who is travelling down that way to get along and have a look at that museum. It is a
fantastic developing work in progress that shows so much of what took place during that war,
and it gives an opportunity for Australians of other generations to better understand what occurred at that tumultuous time in our history. Lest we forget.

Mr BILLSON (Dunkley) (16:05): I join with other colleagues in paying tribute to our Vietnam veterans and the broader Vietnam veterans community, and to thank all those involved in making Vietnam Veterans day on 18 August the ongoing and unbridled success that it is in bringing the Vietnam veterans community together for a day of commemoration, reflection and camaraderie.

I should declare a pecuniary interest as a former veterans' affairs minister and patron of the Vietnam Veterans Association—Frankston District. It has always been an honour and a privilege to be associated with our Vietnam veterans' community.

It was often said that people knew there was something strange about my judgment when I actually sought the position of veterans' affairs minister under Howard government. Some have suggested that the veterans' affairs minister's role is a bit of a career cul-de-sac. It is a very challenging role when the broader nation has such understandable and well-deserved affection for our veterans' community, and the veterans' community are not terribly shy in advocating for their interests. If you are caught between that strong public sentiment to do all that one should do as a grateful nation for those who have served for our country and a very vigorous advocacy movement in the veterans community, you know you are in for some interesting times. But they were very worthwhile times.

To Ray Weston, the president of the Vietnam Veterans Association—Frankston District, to Frank Matons and all the team down at the Southern Peninsula—(Quorum formed) I was just paying tribute to Vietnam veterans' organisations in the Dunkley and Mornington Peninsula area. I particularly want to mention Cheryl Myers, the secretary of the Frankston RSL, who works very closely with the Vietnam veterans' organisations and who always is a key part of a very successful occasion at the Frankston cenotaph, notwithstanding our concern about broken fingernails when she approaches me.

The occasion of Vietnam Veterans Day is a very important one. Some 60,000 Australians, including ground troops, Air Force and Navy personnel served in Vietnam for over a decade from 1962. As my colleague and successor as veterans' affairs minister, the member for Bruce, pointed out many others were involved in that exercise of supporting our national involvement in Vietnam: the SEATO nurses, the courageous media personnel, the Qantas crews and many other civilians involved and associated with that effort.

The loss of life was very substantial: 521 Australians paid that ultimate price. We today continue our work in supporting those who returned with injuries, with wounds and with scars from their experience. Many helped secure that region and to shape its trajectory in a positive way but have carried deep personal scars as a result of that service. I also want to pay maximum respect to the partners of our Vietnam veterans. They have endured much over the years and are incredibly important as a cohesive influence in the Vietnam veterans' community. I support all that they do and the love and care that they provide to the veterans.

There was a point about this year's Vietnam veterans' commemoration which was particularly significant for those of us involved in ensuring that there has been appropriate recognition afforded to the Long Tan veterans for their remarkable deeds so many years ago. The Vietnam veterans' community itself chose Long Tan Day as its commemorative day and

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that shows you the strength of feeling and respect that Vietnam veterans have for their colleagues who served at Long Tan. But there was a long unresolved issue that was very much to the fore in my time as minister.

Some years earlier my friend and colleague Mal Brough had guided through the Howard government an overdue recognition of having medallic recognition upgraded. It was belated but his recognition that decisions to downgrade recommendations in Canberra were in contradiction to what was recommended in theatre was a courageous thing to do and that happened at the time that we were involved with Vietnam. Those on the ground, the command structure and hierarchy in Vietnam, had the best feel for what acts of gallantry were being undertaken by our personnel and for recommending appropriate recognition. At that time though those recommendations landed in Australia and people a long way away from the frontline in a number of cases decided that those well-grounded, well-informed recommendations should not be implemented and downgraded some of those medallic recognition recommendations from the field.

Thankfully that wrong was righted and Mal Brough was crucial to that making the simple point that for whatever reason—and often it was concepts of quotas and the like—if people had earned the recognition and that was a grounded and informed recommendation from the field it was a bit tough to have people a long way from the battlefront override those recommendations without the benefit of the context and the command structure on the ground. I am pleased that Mal dealt with that.

That only partly resolved some of the issues. It left open the question of recognition for the extraordinary gallantry at the Battle of Long Tan. It was an issue quite close to me. Dave Sabben is a friend of mine, he was a platoon commander in the battle. He is recognised within his peer group for his remarkable gallantry but, in the informal structure of medallic recognition, he and a number of others that were involved in the battle were not given, in my view, appropriate recognition for the gallantry and the remarkable deeds that they displayed on that historic day. Just what to do about it was a question that landed in my lap as minister.

It is very hard to revisit recommendations for the recognition of gallantry when all the core material that may have been available at the time is no longer available. What, let's say, a force of nature in the shape of Harry Smith was able to do was to make sure as a commander of the battalion in that contact that he persisted. He knew what he had recommended. He knew what he saw and he understood the context vividly because he was there. His recommendations had not survived the in country hierarchy and therefore had not been implemented in the way that he had hoped. This differed somewhat from the category that Mal Brough dealt with because the recommendations in country were clear and where they were changed back here in Canberra was also clear but all the core material was available to action. The difference in the case of Long Tan was that Harry's recommendations were not supported by his command structure in country which meant that a lot of that input, a lot of that source documentation, had disappeared. It did not move any further and it was substituted with other recommendations from the command structure in country. That meant that the base material on which to revisit that subject was not readily available. That in large part accounted for why over many decades revisiting that wrong was not undertaken by successive governments.

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I and many others felt that a wrong had occurred. The question was: what to do about it? It was a decision of the Howard government in my time as minister to create the panel of three generals who would objectively look at all of the available information and arrive at a conclusion about whether Harry Smith’s recommendations needed to be revived and whether we could bring together adequate material to make that a sound and justified action and then evaluate that material.

I am pleased that for this Vietnam Veterans Day those wrongs of years ago were put right. Harry Smith, a remarkable soldier, an extraordinary man and someone I greatly admire, was in receipt of what he had earned so many years ago during the Battle of Long Tan. Harry was awarded the second highest medal available under our current structure to recognise his extraordinary gallantry—the Star of Gallantry. Harry Smith was then the commander of D Company 6RAR. He earned that. I am pleased that this Vietnam Veterans Day he was in possession of that.

The platoon commanders at the time, Dave Sabben and Geoff Kendall, had also been offered a medal of gallantry, which was equivalent to the Military Cross that Harry had recommended at the time under the imperial system. Those two remarkable soldiers were also in possession of the award and medallion recognising their extraordinary gallantry and courage. They earned that. I was pleased that work that was kicked off in my time as minister saw that wrong being righted.

I know in the eyes of Harry there is still work to be done. I have never met a man so single-minded in his approach to these issues. At the time of the battle he held no higher obligation than to look after the men he commanded. He still feels that passion today. There is more that needs to be done in his eyes. There are some discussions still going on with the overriding concern of how we can fairly and equitably deal with these wrongs so many years after the event. I talk particularly around some anomalies concerning Roberts and Sharp. But that was a good outcome for this Vietnam Veterans Day.

I would briefly like to touch on another area. When the war started I was not alive, I had not been born yet, but I did grow up with a lot of people whose dads had fought and I feel a very deep affection for our Vietnam veterans. I hope we have learnt a lesson. When I was minister I apologised to the veteran community for the way they were treated on their return. I hope our country and our citizens never again take out their disagreement with the government of the day in terms of the nature and the timing of a deployment on those who did all that their country asked of them. If people have a truck or an argument with the nature of a military involvement, they should take it up with people in this place; they should not take it up with the people in uniform. When they come back we should be proud and give them as much recognition and support as we can because they did all that their country asked of them. My simple belief is that the country should do all that it can to support them as a result of that service. That was something we sought to address. I hope we as a nation and a parliament continue to address those issues.

For me that has played out in some interesting ways. For the six Australian soldiers we did not bring home, I could not look their families in the eye and say that we had done all we could to find them. I pay respect to some incredible people at Operation Aussies Home, including Jim Burke. I do not know whether you have met Jim. Some think I am his love
child. I can put on the record that that is not the case. He is far more gruff than I would ever be. He is a remarkable former soldier and he is still soldiering for those he served with.

Jim was instrumental in making sure that the Commonwealth and the defence forces, the Army and the Air Force, got off their backsides and did what they needed to do to find the remains of the Australian MIAs. I was incredibly honoured and blown away to be there on that tarmac to receive the remains, to fly there with family members and to return home and see those service personnel under my watch brought home and laid to rest. We needed to do more to find those brave Australians and I am pleased that the nation got around to doing what it should have done a long time earlier.

My colleague the member for Bruce mentioned the work we had instigated on the Children of Vietnam Veterans Health Study. This is another area where we need to remain vigilant. There is quite a body of evidence that service impacts on the next generation of a soldier's family, and we do not understand enough about that but we need to. That is why having that study commenced on my watch was again something I thought extraordinarily worthwhile. We should continue with that work and encourage families to participate because we can and need to keep learning.

The other area was in the Vietnam Veterans Counselling Service, which we reshaped as the Veterans and Veterans Families Counselling Services, again for that simple fact that serving the nation as the nation asks can have an enormous impact not only on the service personnel but on their families. In imagining some of the scenes that our serving personnel see, in realising that in places in the Middle East there can be a car swerving towards you and you have to decide if it is a threat to your people or just a bloody awful driver, in realising that you can then be called forward to help with a humanitarian response such as in an area that I was associated with after the tsunami—being involved in the clean-up of the hospital up in Bandah Aceh and recovering the remains of infants in hospital wards—you see that this stuff messes with your head. We need to realise that, just as our hardware needs through-life support so it can continue to perform at an optimum level, our people need that as well. Just as important as preparing people for deployment is bringing them back into a civilian world where they can go from being a combatant to being someone's Casanova all over again. This is a difficult transition and we need to keep working in that space.

My last comment is to the government around changes that are happening. I hope the savings that have been talked about with best funding do not undermine the veterans community's capacity to support themselves. I fear that it will. Our system revolves around volunteer support for service personnel bringing forward the injury, the impairment or the harm and the hurt of their military service where that has detracted from their quality of life and their capacity to earn, and appropriately recognising that and compensating for it. We make sure that ex-service organisations are the allies of veterans and serving personnel as they go through that process. If we undermine the capacity of the veterans community to support claimants for compensation and benefits to obtain all that they are deserving of and require then we weaken the foundation of the support system that is there to support serving and ex-service personnel.

I say that in the particular context of Vietnam veterans, many of whom are now approaching retirement age and many of whom have carried emotional scars and impairments from their service but have soldiered on. They have soldiered on in their careers and through
that have continued to earn a livelihood and supported their families. But as they near the end of their working lives they may in fact put their hands up for support that is justified as a result of the impact of their service. If a veteran retires prematurely, perhaps because of an injury or an impairment, that has a profound impact on their eligibility for TPI and other benefits. Why? It is because those benefits are available where the capacity to work is impeded solely as a consequence of the impairment or the injury that relates to their service. If there is a sense that there are other factors at play, such as retirement, redundancy or some change in their life trajectory, that can undermine their capacity to access the benefits to which they are entitled. Right now is a critical time for the Vietnam veterans community because they are in that retirement age. I would hate to think that the trimming of the support in the BEST program would undermine people's capacity to access that help.

Finally, I want to put in a plug for a book I launched when I was a minister, *Vietnam: Our War—Our Peace*. So often Vietnam veterans share with me what a defining part of their life journey and their character their service is and was. But they also want to make sure that people realise that Vietnam veterans are doing remarkable things in our community, in our economy and in our nation day in, day out. This book captures a little bit about their service but it also captures a story about what Vietnam veterans have achieved for our nation as they continue to serve. They continue to serve not only their peer group but also the broader Australian interest. So I say to our Vietnam veterans: thank you most sincerely for your service. We are a grateful nation that made some mistakes that we are seeking to fix, and those remedies might not always be what they might hope to be, but we have to persevere in that effort. Also, thank you for what you have done as citizens of Australia not only in the broader community but in the veterans space, teaching so many of us about what we need to do to support the serving community that we ask so much of—how to keep them healthy, how to keep them happy and how to make sure the quality of their life is positive and the opportunities in the future are still there. We have learned that from our Vietnam veterans. So they are still serving and they have my utmost respect.

**Mr CLARE** (Blaxland—Minister for Defence Materiel) (16:26): Last Thursday, 18 August, was Vietnam Veterans Remembrance Day; 18 August is also the anniversary of the Battle of Long Tan. In that battle members of the 6th Battalion, Royal Australian Regiment engaged a much larger Vietcong force. One hundred and eight soldiers from Delta Company fought a Vietcong force of more than 2,000 in driving rain near the village of Long Tan in South Vietnam. Supported by Australian, New Zealand and American artillery, as well as Royal Australian Air Force Iroquois helicopters, they withstood the Vietcong attack and through their actions established Australian dominance in the area, which was never again seriously challenged. In the battle 18 Australian soldiers lost their lives and 24 were wounded. As other members have noted here, Long Tan has long held a special place in Australia's military history. The memorial cross at Long Tan hidden amongst the rubber trees where the battle was fought is visited by many Australians each year. Last week Delta Company 6RAR was awarded a Unit Citation For Gallantry for their actions at Long Tan—something long overdue. A Unit Citation For Gallantry recognises the collective extraordinary gallantry in military operations—gallantry that was recognised by our ally the United States in 1968 when the unit received a Presidential Unit Citation for extraordinary heroism from President Lyndon Johnson. The text of that citation reads, inter alia:
While searching for Viet Cong in a rubber plantation northeast of Ba Ria, Phuoc Tuy Province, Republic of Vietnam, D Company met and immediately engaged in heavy contact. As the battle developed, it became apparent that the men of D Company were facing a numerically superior force. The platoons of D Company were surrounded and attacked on all sides by an estimated reinforced enemy battalion using automatic weapons, small arms and mortars. Fighting courageously against a well armed and determined foe, the men on D Company maintained their formations in a common perimeter defence and inflicted heavy casualties on the Viet Cong.

The enemy maintained a continuous, intense volume of fire and attacked repeatedly from all directions. Each successive assault was repulsed by the courageous Australians. Heavy rainfall and low ceiling prevented any friendly close air support during the battle. After three hours of savage attacks, having failed to penetrate the Australian lines, the enemy withdrew from the battlefield carrying many dead and wounded, and leaving 245 Viet Cong dead forward of the defence positions of D Company.

The conspicuous courage, intrepidity and indomitable courage of D Company were to the highest tradition of military valour and reflect great credit upon D Company and the Australian Army.

That is part of the citation from President Johnson dated 28 May 1968.

The anniversary of the Battle of Long Tan has also become the day on which we remember all Australians who served in Vietnam. We remember the nine infantry battalions of the Royal Australian Regiment who saw service in Vietnam and the seven who carried out two operational tours. One of those men was my grandfather Jack Clare, who fought in the Second World War and did two tours of duty in Vietnam.

At times like this it is also important to remember the role played by the RAAF, which provided a squadron of Iroquois helicopters, a squadron of Canberra bombers and a squadron of Caribou transport aircraft. It is also important to remember the role played by the Royal Australian Navy, which provided gunfire support to American forces and a clearance diving team for port security and mine clearance, as well as transporting our troops to and from Vietnam. We also remember the Australian military nurses who served in operating theatres and hospitals across Vietnam. We remember the sacrifice of the 521 Australians who lost their lives in Vietnam and the more than 3,000 who were injured in service to our nation.

More than 17,000 national serviceman served in Vietnam, and 212 of those lost their lives there. Of the 60,000 Australians who served in Vietnam, approximately 47,000 are still alive today. It is our Vietnam veterans who run many of our ex-service organisations and play a very important role in kindling the Anzac spirit.

It is also important in motions like this that we remember the bravery of those whom we fought alongside, the soldiers of the South Vietnamese Army, many of whom had to flee their own country when Saigon fell and many of whom live in my electorate today.

We are all indebted to those who serve our country and it is appropriate that this House pause to recognise and remember the sacrifices of those who served so bravely in Vietnam and ensure that the courage they displayed and the sacrifices they made, like all who have fought in our name, are never forgotten.

Mr ALEXANDER (Bennelong) (16:32): Last week on 18 August our nation commemorated the 45th anniversary of the Battle of Long Tan. This battle proved so symbolic of Australia's service in the Vietnam War that we now use this date to commemorate Vietnam Veterans Day. For anyone of my vintage, we will never forget the nightly pictures zoomed into our living rooms of the horrors faced in Vietnam. The stories of
the courage of 108 soldiers from D Company of the 6th RAR, fighting in a rubber plantation
at Long Tan against a Vietcong force of up to 2,500 strong, have been recounted many times
today in this place and over recent years. Despite being outnumbered by nearly 10 to one, the
Australian soldiers stood their ground in atrocious monsoonal weather, without any radio
support, for hours on end and halted the progression of the dogged North Vietnamese force
towards a position of great strategic strength.

The record shows that 18 Australians were killed on that day and another 24 wounded.
After the battle, more than 245 enemy combatants were found dead on the battlefield. It is
with great pride that we retell the stories of our national heroes. It is also with great shame
that we accept the fact that, in the 15 years immediately following the Vietnam War, there
was no recognition for these diggers and their heroic acts in the face of fire—the equal of
their forefathers in the two world wars.

This lack of acknowledgment and appreciation for such incredible human sacrifice is not
limited to this battle or just to this war. We in this place cannot change history but we can
make sure that we learn from it to ensure that it does not repeat. Last week in this place I
spoke on a condolence motion for our nation's greatest war heroine, Nancy Wake. I referred
to the travesty that our nation refused to formally honour this World War II legend as,
technically, she fought against the Nazis under the banner of our allies rather than in an
Australian uniform. The fact is that the post-war governments of France, Great Britain and the
United States all separately gave Nancy Wake high military honours, yet it took until John
Howard in 2004 for Australia to bestow an award upon Nancy. It was not lost on many who
defend our nation.

Last month, I spoke in this place in support of my first private member's motion to
recognise this year's centenary of the Royal Australian Navy. I highlighted that none of
Australia's 97 Victoria Cross recipients served in the Royal Australian Navy, despite
incredible stories of heroism and self-sacrifice that have been recounted about many of our
sailors over the past 100 years. In a speech last week, the shadow minister for veterans' affairs
described the 15-year gap between the actions by those at Long Tan and our formal
recognition of their bravery as a dark stain on our nation's history. Such stains do not erase
easily.

As a group, the efforts of the men of D company 6RAR were finally honoured last week
when they received our nation's military's highest honour, the Unit Citation for Gallantry. In
the provision of this recognition, I echo the shadow minister's sentiments that, as a nation, we
should not limit our thoughts and our appreciation just to those who carried a gun. For every
life lost there will invariably be a parent, a sibling, a partner and, tragically, sometimes a child
who will mourn this loss and carry a scar as indelible as the national stain I spoke of.

To those lost in the rubber plantation on that fateful day 45 years ago and to those who
came back, irrevocably changed from the experience, to everyone else who has served, to the
tens of thousands who have served more recently in Samoa, in Timor, and now in
Afghanistan, and to the families, friends and local communities all impacted by the tragic loss
of our finest in their prime, this Vietnam Veterans Day and all veterans days are our nation's
way of saying thank you and we will never forget.

Ms HALL (Shortland—Government Whip) (16:37): I rise to speak on this very important
motion and to acknowledge the contribution that our service personnel made in Vietnam. The
Vietnam War was a war like no other war. In practically every other war and every major conflict where Australians fought, our service personnel had the support of this nation. The Vietnam War took place during my teenage and early adult years and it involved a number of young men I was associated with. I know it had an enormous impact on them and has had a subsequent impact on their lives. Those young service personnel who served in Vietnam did so based on a decision of their government. Unfortunately, when public opinion in this country changed and the war was no longer supported, those young service personnel felt the brunt of that lack of public support.

I have a very strong Vietnam veterans community within the Shortland electorate. I like to sit down and talk to the guys and to their wives and partners about what it meant to them and how it impacted on their lives. The partners of Vietnam vets is a very strong organisation. It started in the Shortland electorate. Those wonderful women have provided enormous support to their husbands and partners over a very long period of time. I think the type of support that they have needed to provide has to a large extent been determined by what happened during that period of time.

It was the longest major conflict that Australia has been involved in. It covered the span of years from 1962 to 1972. The start of it is just a very vague memory to me. The concluding stages of it are very vivid to me. Sixty thousand personnel were involved in the conflict. Every one of our service bodies were involved: the Army, the Navy and the RAAF. All of those had casualties and all of those had soldiers, sailors and airmen injured. The highest casualties were within the Army and then the Air Force; the Navy also lost eight personnel. There were 521 lives lost all up. The actual casualties are greater than those who died in the conflict. Those people who were involved in that war have had to come to terms with a very different type of war that was fought in Vietnam, the reaction to that war at home and then the reaction that they had when they came back and tried to resume their lives in Australia.

It is important to note that there were a number of national servicemen involved in the Vietnam conflict and in my area a number of them were involved in Vietnam. They have told me about what it was like and how it impacted on their lives.

I have attended two Vietnam veteran services following Vietnam Veterans Day on Thursday, 18 August. One was before and that was at Doyalson RSL, where they celebrated victory in the Pacific and Vietnam Veterans Day; it is a tradition within that RSL sub-branch, a very strong sub-branch. The guest speaker there really portrayed what it was like to be involved in that conflict and how it affected him and his fellow Air Force buddies. He also managed to bring out very clearly the camaraderie that existed between all those who were involved. That camaraderie has extended beyond the battle and has in some cases been the very thing that has helped those Vietnam vets to survive their involvement in that conflict. Those Australians who served in Vietnam showed courage and they made enormous sacrifices; so did their families. Some of those people are still making enormous sacrifices each and every day and are coming to terms with what that war meant to them.

I suppose the message for all of us in this House is: you can disagree with a war, you can feel that it is not a place that Australian troops should be, you can feel that maybe we would be better if we were not involved there, but each and every person of this parliament needs to stand up and support our service men and women when they are fighting for our country. Australia's history has been intertwined with the conflicts we have been involved in. It has
been very formative on our nation. We need to learn from what happened in Vietnam. We need to support our Vietnam veterans. I commend the Prime Minister's motion to the House.

Mr CRAIG KELLY (Hughes) (16:45): Last Sunday I had the honour of being invited by the Sydney chapter of the Vietnam Veterans Motorcycle Club to join their march through Menai to commemorate the Battle of Long Tan. At the service following the march, there was hardly a dry eye in the house as Macca spoke about the Battle of Long Tan and told the story of how, on 18 August 1966, the North Vietnamese were poised to deliver our most crushing military defeat of the war, where more than 2,500 Vietnamese troops had just 108 Australians and New Zealanders, most of them rural conscripts, pinned down in a rubber plantation that offered almost no natural protection. The odds of annihilation were overwhelming. But, instead, the Battle of Long Tan became one of Australia's most extraordinary military victories.

Macca then read out a passage written by Private Jim Richmond, who was injured at the start of the Battle of Long Tan, which I think is worth repeating here today:

I rolled over on my side hoping that the mud would dry out the wound and help to stop the bleeding. The artillery was still coming in and it was dark by now and I knew I'd get no help till morning at least. I kept hoping that the artillery wouldn't get me. I was worried about my mother, and I kept thinking if I died she would be up shit creek, so I prayed a lot and made a lot of promises, but I'm afraid I never really kept any of them after I got back home. It was the longest night I've ever known. The artillery was still coming in and I can remember thinking, 'This one's going over, and this one's falling short, and this one's for you Jim.' … The other thing that was really worrying me was the thirst. I drank all my water and during the night I got painfully thirsty and reckoned if I could survive the Viet Cong troops and the artillery I'd probably finish up dying of thirst. I just lay there helpless and praying and trying to stay awake and wishing to hell it would get light soon.

Macca also read out a passage written by Private Terry Burstall, a survivor of Long Tan, who wrote of the aftermath of the battle:

We recovered the bodies of our friends who had been laughing living beings the day before. Nothing takes the supposed glory out of war more quickly than the sight of dead mutilated friends. Unfortunately it brings about a hardening of feeling toward your enemy that pushes normal human feelings of compassion to the back of the mind. It brings conflict down to a very personal level and gives you the licence to remain aloof from the suffering of others as long as your own little band is protected.

………

I personally do not care how many troops we faced at Long Tan or whether the body count is accurate or not. Jingoism is the last thing we need. I do not care who claims victory. The only fact I care about is that a lot of good men from both sides died that day and I will be forever saddened by that.

In the Battle of Long Tan we lost 18 young Australians. The eldest was just 22; the youngest only 19. Eleven of the 18 who were killed were national servicemen. Looking through their list of civilian jobs, of those who gave their lives at Long Tan, they included: a butcher, a farmhand, a storeman, an apprentice electrician, a student, a clerk, a labourer, a postman. This was a group typical of any group of 19- to 21-year-olds you would find in any town or suburb throughout Australia. Yet this group was called on to make the ultimate sacrifice. Those 18 who were killed at Long Tan were part of the 500 Australian lives that we lost in Vietnam.

It is to our nation's eternal shame that we did not give those who fought in Vietnam the due recognition that they deserved when they returned home. This left a large number of veterans
deeply traumatised and adrift from the society that they returned to. But with the hindsight of time it is now evident that those who served in Vietnam did in fact achieve many of the long-term strategic objectives that our nation set out to accomplish in Vietnam. Firstly, and it must never be forgotten, when Australia first became involved in Vietnam the world was in the midst of the Cold War. The ideological confrontation between communism and those that believed in democracy and free enterprise was at its height. Eastern Europe was one great concentration camp. The communists had taken control of the world's most populous nation—China. Soviet imperialism was on the march in Asia, Africa, South America and Western Europe. The Soviet Union had the intent of dominating the world by using subversion or military power to convert countries to communism. The Warsaw Pact forces had invaded Czechoslovakia. The domino theory was real.

These were dark days for the very future of freedom and democracy. In the 10 years of Australia's involvement in the Vietnam War, when we fought alongside our American allies, this became a holding action for freedom and democracy. During these 10 years we halted the communist advance and this period allowed the Western democracies and other ASEAN nations to grow strong enough to outlast the enemy. It was during this period that history proved for all time that the entrepreneurial efficiencies that are generated by a free market combined with equality of opportunity and protected by strong anti-trust laws would deliver greater wealth and greater prosperity than the communist-socialist ideology of a nation's economy being controlled by giant industrial concerns and centralised planning. It was during the 10 years of Australia's involvement in Vietnam that countries that followed communist ideology of a centrally controlled economy run by a few elites saw their economies stagnate while in contrast during the same period those countries that followed the principles of democracy, freedom and equality of opportunity saw their economies grow and prosper.

It was also during this 10-year period that the contrast between the standard of living between West Germany and East Germany and North and South Korea became undeniable. So there was a domino effect, but not the one that we rightly worried about in the early 1960s. The domino effect that occurred after the Vietnam War was when countries saw how their neighbours that had rejected communist and socialist ideologies and instead followed the principles of free and open markets prospered and grew strong—and those countries followed. Today communist and socialist economic ideology has been rejected throughout South-East Asia and also the rest of the world, and we see the Vietnamese economy prospering from free-market incentives through the encouragement of private businesses and foreign investment, which has lifted millions of Vietnamese out of poverty. For that we have our troops' service in Vietnam to thank. Their 10-year holding action, a period history will record as being truly the critical decade in the fight against communism, was a period that enabled the Western democracies and other ASEAN nations to grow strong and their economies to flourish and for democracy and freedom to win out. For that we have our Vietnam veterans to thank.

The second outstanding achievement for which our Vietnam vets can proudly take credit for has been the consolidation of our relationship with the USA. During the many trips that I have had the privilege of making to America, many Americans will often comment to me how they will never forget how Australia stood by America during the time of Vietnam. The special friendship that we enjoy with the USA underwrites our national security. It provides
immeasurable economic and strategic benefits. For this we have the service and the sacrifice of our Vietnam vets to thank.

We also have our Vietnam vets to thank for standing up for their mates when the government let them down. After they returned from Vietnam many veterans experienced a degree of bitterness from their peers who did not share their experiences during the war. So it has been no surprise that the many Vietnam vets that were shunned by society upon their return in turn shunned society and turned inward to the only people who they could trust and rely upon—their brothers in arms, other Vietnam veterans. It was their mateship forged during the unique nature of military service, where they developed an absolute trust in one another at all times and a strong sense of doing the right thing by one's platoon, ship or aircraft crew that enabled Vietnam vets to be there to take care of their mates when the government failed them. So, to the members of the Sydney chapter of the Vietnam Veterans Motorcycle Club, I say: I am proud that you have elected to be based at Menai, in the electorate that I represent. And to all Vietnam vets, to Spike, and the Sydney chapter of the Vietnam Veterans Motorcycle Club, on behalf of my generation, that enjoys the benefits of your service and your sacrifice, I simply say: thank you, on a job well done. And to my constituents: if you see a member of the Vietnam Veterans Motorcycle Club wearing their club colours with the distinctive black leather jacket with the skull and slouch hat, go up to them and simply say thank you—say, 'Thank you from the bottom of our hearts for your service, your sacrifice and your great achievements in helping win the Cold War and making the world a better place for future generations.'

The DEPUTY SPEAKER: Thank you for your contribution.

Ms BRODTMANN (Canberra) (16:55): It is a great honour to rise today to echo the words of the Prime Minister in honouring those men and women who served their country in the Vietnam War. I was very sad that I was not able to join the Governor-General, Prime Minister and Leader of the Opposition at last week's commemoration due to my commitments in the chamber. I would very much have liked to be there to pay my respects to the dedication and sacrifice of those Australians who count themselves among Australian's Vietnam vets, my father-in-law included.

I would like to take this opportunity to acknowledge the great work that has been done in the Canberra community by the local RSLs, particularly the RSL in Tuggeranong, Woden Valley RSL and also the Hellenic RSL. I recently addressed the Woden Valley RSL at a special lunch seminar. It was a great honour and I really enjoyed that occasion. So they do great work around the community in supporting the vets from all wars by helping them through difficult times and just keeping them active in the community. They have also been a great help to my father-in-law since my mother-in-law died last year, dropping in to see how he is going and just making sure he is faring well and keeping his spirits up. So I would really like to take the opportunity to thank them very much for their work in the community.

The 18th of August is the day chosen as the date to recognise Vietnam vets because it is the day of the Battle of Long Tan. That battle has come to symbolise Australia's involvement in the Vietnam War in much the same way as the Kokoda Trail symbolises World War II. The story of Long Tan is a compelling one. It is a story that tells of how a handful of men from D Company, 6 Royal Australian Regiment, cut off from support, faced down an opposing force many times larger—perhaps even of regimental strength. They did so in monsoon rain, with

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withering machine-gun fire and wave after wave of enemy troops. They showed immense courage. It was an impressive feat. I am also impressed by the stories of the helicopter pilots who, on hearing that D Company was running low on ammunition, risked heavy fire to drop boxes of it and blankets for the wounded. I would like to recognise the courage of the relief force from 2 and 3 Troop of the first APC squadron who would not stop at anything, including heavy machine-gun and anti-tank fire to reach their mates and also the members of the 1st Field Regiment, Royal Australian Artillery, 161st Battery, Royal New Zealand Artillery and the US 2nd Battalion, 35th Artillery Regiment who provided excellent artillery fire to protect their mates. I understand that A Battery fired a shell every 15 seconds. They did so through the entire engagement, despite exhaustion, because they knew their mates needed help. But with the determination for which Australian soldiers are well renowned and with good training and tactics, they managed to take the day. Eighteen men did not return to base that day, and another 24 were wounded.

Over 500 Australians were killed in the Vietnam War and many, many more were wounded. But they were not just wounded by enemy fire. Many carried the emotional and mental scars that would not heal. It is a sad fact that we have not always recognised the sacrifice of those Australians who served in Vietnam and that their deeds were not given appropriate recognition. All too often individual stories of gallantry and heroism of Vietnam vets are forgotten because of the deep divisions in this country, and indeed the Western world, about the legitimacy of the conflict and Australia's involvement in it. Here it is about not just vets but the families of the vets, and I talk here as the wife of an Army brat. My father-in-law did two tours of Vietnam, leaving behind a family of five children, all under the age of 10, at Woodside Barracks in South Australia. This was the time of the antiwar moratoriums and protests, and my husband, his brothers and sisters and the other Defence kids were vilified at school, as were their mothers whenever they went out to the local shops. There was such antiwar sentiment that even the families copped it, which is really tragic. It seems grossly unfair, given that Mary and the other women were bringing up their families on their own while their husbands were at war.

I take this opportunity, too, to acknowledge the work of the families, mainly women, who are left behind when their loved ones are deployed to war. Yesterday I attended the launch of the Defence Community Organisation initiative FamilySMART with Minister Snowdon. It is a series of programs designed to help partners of ADF members identify strategies and support that will help build their resilience through the life cycle of military careers and beyond. As you know, Madam Deputy Speaker, the women and men who are left behind with little children do it tough. I was talking to the wife of someone who has just come back from Afghanistan and she told me that, though it was difficult when her husband was away because of worrying about him and wondering whether he would be okay, the wives, husbands and children who are left behind get into a bit of a rhythm. She said it was actually the predeployment that was the most stressful period. There was a lot of tension and anxiety about him actually going, and that was the most difficult time for her. I found that most interesting.

It is so important that organisations like the Defence Community Organisation and Defence Families Australia are there to help those who are behind as well as the troops who come back. They provide a fantastic support network of friendship, assistance and community,
because quite often these families are isolated in barracks that are away from capital cities. I applaud the FamilySMART initiative and the work of the Defence Community Organisation and Defence Families Australia.

Going back to Long Tan Day, I know that feelings at the time of the Vietnam War were exceptionally strong, but now we must put aside our opinions on the virtues or otherwise of the Vietnam War to honour those Australians who did serve the nation overseas, regardless of how we feel about the validity of their mission. They were not responsible for the decision to go; they were just the ones tasked with carrying it out. They did so with honour and courage and they risked much. I add my voice to those honouring their service today. Lest we forget.

Mr SIMPKINS (Cowan) (17:03): Vietnam Veterans Day is commemorated on the anniversary of the Battle of Long Tan, it being arguably our finest moment in the Vietnam War. It was on that day, 18 August 1966, that D Company and supporting troops took on a vastly superior enemy force in the Long Tan rubber plantation. In that desperate fight, against such terrible odds, victory was achieved. I pay tribute to the courage and bravery of the members of D Company and those who shared the fight with them that night.

Some people in this country talk of the Vietnam War as a defeat. It is not correct to say that we were defeated. When the last of our troops left Vietnam in 1973, the war had not been lost. Our soldiers had not been defeated and we and our allies had not been driven into the sea. At the start of 1973 the Paris Peace Accords had resulted in a cessation of the fighting, so when we left Vietnam the north had been stopped. Our soldiers had fought with distinction and overall success in Vietnam from the days of the Australian Army Training Team Vietnam, 'the Team', all the way through the war until the withdrawal. Thousands of our soldiers have the right to be proud of their achievements but, as we know, they were treated terribly upon their return. That constituted what I think we all acknowledge is a national disgrace. Although subsequent events have at least partially redressed that terrible wrong, the pain is something that will always live with our veterans. It is most definitely the case that when you look back upon the Vietnam War and compare it to the Korean War or even the Second World War there is a big difference between a war where you could walk out of the jungle one day and be back on the streets of Sydney the next day, and a war where you could be on a boat for one or two months coming back from Europe and have the time to wind down and hang out with your mates under less arduous circumstances. So when you see those sorts of comparisons it makes the treatment of our Vietnam veterans at the time even worse because they were repatriated back to Australia and almost thrown directly out on the streets into circumstances of great adversity. People did not have a great regard for them at all and that was, as I said, a national disgrace.

Australia was not the only country, particularly in the late 1960s and early 1970s, where there was a lot of opposition to the war. It seems that many civilians took on the side of the North Vietnamese communist government; that was the case in the United States as well. Big protest marches took the simplistic line of how evil we were in prosecuting the war and how our opponents were, in some ways, the epitome of goodness. I think the only real comparison that can be drawn between the Vietnam War and the current war in Afghanistan is the way left-wing opponents of the war always see those who we are fighting as legitimate freedom fighters or some other romanticised view of such people.
The first point that is always overlooked is that our involvement has never been about colonialism or permanent occupation. With Vietnam, it was not like the French in Indochina or the Dutch in Indonesia; instead, it is about being in these places—Vietnam or Afghanistan—to achieve stability. The other major point that is always overlooked by the political opponents of these sorts of wars is that our enemies in these wars do not represent what the local people want. The people of the south of Vietnam wanted their democracy to succeed; they did not want a communist government. It is the same in Afghanistan: they do not want the Taliban and their allies from other Arab Islamic countries to control their country; they want control of their own destinies. That is the mission that we continue to support.

In returning to the issue of Vietnam, I still consider it a great tragedy that we and the United States did not remain in Vietnam to ensure the communists complied with their obligations under the Paris Peace Accords. The people of South Vietnam wanted a democratic future—that has not been a reality. When Saigon fell to the communists on 30 April 1975 the communists were not pleasant or nice people. They treated their opponents brutally. An example is that, despite their wounds or injuries, the soldiers of the South Vietnamese army who were in hospitals were thrown out of those hospitals and told to go back to their families. They still suffer to this day with the disabilities and injuries they were suffering from when they had to leave the hospitals. I also pay tribute to the Vietnamese veterans of the Vietnam War who now live in Cowan in Western Australia and elsewhere around this country because they still undertake significant fundraising for their comrades who still survive in Vietnam. They raise money and send those funds back to Vietnam to alleviate the suffering of those treated so inhumanely by the communists.

On around 30 April each year I attend the Black April commemoration service in Kings Park in Perth with the veterans and the leaders of the Vietnamese community. On those days we remember the high hopes that were held for democracy in Vietnam and how very distant the reality has become. We remember the examples of the brutality and the inhumanity with which the communists treated their adversaries. We talk of how the hardworking people of Vietnam, the families and friends of Vietnamese Australians, continue to be held back by the communist government of the Socialist Republic of Vietnam. It is a government that serves itself and its elites before it serves its people.

It is in that context and in the light of the history of the Vietnam War that I pay tribute to our soldiers, our airmen and our sailors who served in the Vietnam War. Theirs was a noble cause, a cause where the weak needed to be defended and they were defended while we were participating in that war. We should be proud of the achievements of our troops in the Vietnam War. They fought with great honour and great distinction. They achieved their tasks. They protected South Vietnam and the people of South Vietnam. They fought to defend a democratic dream, and that was the right thing to do. The Vietnam War had been halted by a ceasefire on 27 January 1973, four days after President Nixon had declared that peace with honour had been achieved. The reality was that treachery and betrayal would follow in 1975, and it was only then that defeat came and not at all during the Australian involvement. So once again I pay tribute to every Australian serviceman and servicewoman who served our country, our national interests and the great cause of democracy in the Vietnam War. As I
said, theirs was an honourable effort; theirs was a distinguished effort. We should always remember and do whatever we can to look after them in the future.

**Mr GEORGANAS** (Hindmarsh) (17:10): I too rise in acknowledgement of Vietnam Veterans Day and in thanks on behalf of a grateful nation to all who partook of the conflict in the Vietnam War. 18 August is a day on which the Battle of Long Tan has long been remembered and is now the day on which we remember and pay tribute to the sacrifices of all Australians who participated in the Vietnam War. This conflict may have been the first modern war where the community back home saw the horrors of war on their television sets. This horror was felt by everyone—not only the public through the many protests and the things that we saw here back home but, more realistically, by the veterans themselves who witnessed the horrors firsthand and who were actually there. The veterans have always suffered throughout their lives as a result of their service in times of war. The lack of adequate support on their return to their homeland increased the suffering tremendously, and we have all heard and seen stories of Vietnam vets and heard about the non-existent services when they first returned and the horrendous things that they went through, even on their return here to their homeland.

This year it was a great honour for me on Anzac Day, when I was actually in Vietnam and I attended the wreath-laying ceremony at Long Tan this Anzac Day, in the year of the 45th anniversary of the battle. It was attended by government officials, by the Ambassador to Vietnam and by the consul-general in the area, and we were joined by many Australian veterans who paid their respects at this place and at the time to the service of members of the Australian Defence Force throughout that conflict and to the recognition of the suffering that has continued since. It was a very eerie feeling turning up at dawn that morning in this rubber plantation. The current rubber trees that are there would all have been new growth from when the battle took place. As I said, it was very eerie to think that these young kids, really—19 or 20—were in this forest of rubber trees and then were pounced on by the enemy. But they did us proud. We heard stories that morning from many veterans who were there recounting what took place in that horrible, horrible battlefield. They did us proud and we are here to acknowledge their heroic efforts. It will be one of the battles that will go down in history as one that was so significant to Australia. As I said, it was a really eerie feeling being there at dawn watching the sun come up and conducting the ceremony for Anzac Day. I thought: imagine how those young lads felt being in that rubber plantation and being fired upon as they were on patrol.

I would also like to take this opportunity to give thanks to all those who aid and assist veterans through their civilian lives here in the Australian community. All of us have RSLs within our electorates and have connections to those RSLs. As I go round my electorate and visit the numerous RSLs, such as the Henley and Grange RSL, the Plympton Glenelg RSL and the Hilton RSL, I see first-hand the services they offer to a lot of the Vietnam vets. A lot of those RSLs today are run by Vietnam veterans; the presidents, the secretaries and the welfare officers are all Vietnam vets. Local RSLs play a wonderful role in the lives of those veterans and the Vietnam veterans in particular.

I would also like to give a special mention to the Vietnam Veterans Association in South Australia, who deserve special recognition. The amount of voluntary work that they do in South Australia, giving 24/7 service by phone or in person, is truly remarkable. It is
absolutely tremendous assistance in the alleviation of the ongoing suffering that many of our veterans still endure today. Nobody knows the thoughts and feelings of a veteran better than another veteran, and the fact that there are veterans out there who are willing and able to serve their fellow veterans in itself deserves recognition, thanks and support from all of us. A group of members of the South Australian branch of the Vietnam Veterans Association go back regularly to Vietnam, where there is a particular orphanage, the Baria orphanage in South Vietnam, that they sponsor and support. You can see a lot of this sort of good work going on today in Vietnam, as many Vietnam vets go back to visit the places where they were and want to contribute something to those communities. This year, I was with some of them, and they were welcomed with open arms by the local community.

I would like to conclude simply by conveying my deep and profound respect to all Vietnam veterans—those who lost their lives and those who had their lives irrevocably changed by their service to this nation. Lest we forget.

Mr COULTON (Parkes—The Nationals Chief Whip) (17:16): I too feel very privileged to speak in this chamber about Vietnam Veterans Day. Originally, 18 August was a day that commemorated the Battle of Long Tan, which was in 1966, but it has now been adopted by all veterans. I wish to make a short contribution to these statements to acknowledge the Vietnam veterans in the electorate of Parkes and recognise the significance of the Battle of Long Tan. Some years ago, I read an account of the Battle of Long Tan in book form and I was very moved by the contribution that those few soldiers made, and the level of courage and resourcefulness that they showed in such overwhelming circumstances.

I would also like to acknowledge the atmosphere in the Australian community to which the Vietnam vets returned. I was a teenager at the time—I missed out on being in the ballot by a few years—but I was aware that they were treated differently and thought of differently by the wider public. I remember seeing on television some of the marches and some of the animosity towards the Vietnam vets. On one of the darkest days in Australia's history, Vietnam vets were flown into Mascot airport in the middle of the night, under cover. So I would like to mention today the hardships that they have faced and the fact that many of the Vietnam vets that I know personally have been profoundly affected. Some of the vets have managed to lead very resourceful lives but many have been affected by late-onset traumatic stress and have battled mental illness in their fifties and sixties.

I would also like to acknowledge, following on from the member for Hindmarsh's comments, the great role that the vets are doing now in looking after the veteran community. As the World War II and Korean War veterans are getting on in years, the returned services community in my electorate is run by Vietnam veterans. Apart from running the club, the vets do great work looking after war widows and looking out for each other, so I wanted to recognise the role that they play. Today I would also like to make special mention of the Dubbo Vietnam Veterans Association, of which I am the patron. It is one of the positions that I am most proud of. I hold it in such high regard that those members have asked me to be their patron. I hope that I can do justice to the great honour they have given me. In conclusion, I would like to acknowledge all Vietnam veterans around Australia on Vietnam Veterans Day, but particularly the veterans in the seat of Parkes.

Mr HUSIC (Chifley—Government Whip) (17:20): I would like to associate myself with the comments made last week by the Prime Minister on Vietnam Veterans Day. Although we
were all here on that day, I did take the opportunity last Friday back in the electorate to
commemorate this important day by hosting an afternoon tea and recognising the service of
three veterans. It was a privilege to present these ex-servicemen with Saluting Their Service
certificates, the first I have had the pleasure to present. In their own way, these men made a
significant contribution to Australia's wartime efforts—two in Vietnam and the other in Japan.
I would like to recognise in this place the service of Michael Anthony Gillett of Rooty Hill for
his service in the Vietnam War; Roy Tootell of Blacktown for his service in the British
Commonwealth Occupation Force in Japan, and Allen Peter Williams of Hebersham for his
service in the Vietnam War. Michael Gillett served with the 7th Battalion, Royal Australian
Regiment in Vietnam. Roy Tootell served in the British Commonwealth Occupation Force
workshop in Kure, Japan and told some really great stories about his time there in 1946 and
walking through Tokyo at that time. Allen Williams served seven months as an infantry
rifleman before serving with Army aviation for the next year and a half in Vietnam, and again
he recounted some of the things that he had to do—in particular marking targets and having to
be placed in a position of great risk evading fire to do the work that he had to do and did so
proudly. All three men were delighted to receive their certificates, but so too were their
families—and in particular Jenny, who is Roy Tootell's daughter—who came with them for
their presentation.

It is well documented that veterans of the Vietnam War suffered terribly after their return to
Australia, particularly from the lack of recognition and appreciation by the broader
community, divided as it was at that time in the political debate surrounding that conflict.
There were also people in the community at that time who had lost interest and confidence in
the war. But those people who had served had done so responding to a call by their nation and
should never have been placed in the position that they were on their return as a result of their
services and their respecting that call. Veterans themselves suffered innumerable health
complaints such as post-traumatic stress disorder and the effects of the chemicals they used in
jungle warfare. More than in any war before, Vietnam veterans suffered lasting psychological
damage as a result of what they saw in battle and what they were required to do. The war
itself was one of the longest major conflicts in which Australians had been involved, lasting
10 years from 1962 to 1972 and involving some 60,000 personnel. A limited initial
commitment of just 30 military advisers grew to include a battalion in 1965 and finally in
1966 a task force. Each of the three services was involved, with the dominant role being
played by the Army.

Vietnam Veterans Day, originally a day to commemorate the Battle of Long Tan in 1966,
has now been adopted by all veterans. Last Saturday I had the pleasure of attending the Long
Tan memorial dinner at Rooty Hill RSL, a dinner hosted by the Rooty Hill naval subsection
of the Naval Association of Australia. The subsection themselves were celebrating their 35th
birthday on the night and had Commodore Bruce Kafer, Commandant of the Australian
Defence Force Academy, there to cut their birthday cake. For me one of the highlights of the
dinner was an address given by Mr Vin Cosgrove from the St Mary's Vietnam Veterans
Outpost where he recounted key events in the Battle of Long Tan. He certainly captured
everyone's attention through the events that he recounted on the night, and it was an important
part of the evening to recognise what had gone on and the odds that were faced by our
servicemen in that particular battle as part of the broader conflict. It was Australia's most
significant contact with the Viet Cong in the 10 years of the conflict itself. In May and June
1966 soldiers of the 6th Battalion Royal Australian Regiment, or 6RAR as they are known, arrived in South Vietnam. By August 1966 the Australian task force base at Nui Dat was only three months old. Concerned at the establishment of such a strong presence in their midst, the Viet Cong determined to inflict an early defeat on the Australians. In the days before the battle itself radio signals indicated the presence of a strong Viet Cong force within five kilometres of the base, but patrols found nothing. On the night of 16-17 August Nui Dat came under fire from mortars and rifles. While the Australians believed an assault would follow, none came.

Patrols continued the following day, 18 August, and Delta Company 6RAR left the base at 11.15 that morning bound for Long Tan rubber plantation. They entered the plantation at 3.15 that afternoon and less than an hour later the Viet Cong attacked in force, putting the Australians under mortar, machine-gun and small-arms fire. Only the quick response of a New Zealand artillery battery to desperate calls for support saved Delta Company from annihilation. Captured documents and information from prisoners suggested that Delta force had faced some 2,500 Viet Cong. On returning to the plantation the following day, the Australians counted 245 enemy dead with evidence that others had already been removed from the battlefield. Eighteen Australians unfortunately lost their lives in that battle and 24 were wounded. All but one of the dead were from Delta Company.

It is understandable, given the toll our soldiers paid in the Vietnam War, that so many were left alienated by their treatment after returning home. The war itself was an important theatre of war for Australia strategically and politically and deserves to be recognised as such. I hope that students in Australian schools are being taught about the war, in particular this battle, the Battle of Long Tan. It is an important part of our history. I am grateful to hear of Vin Cosgrove's account. Finally, I would like to thank Mr Peter Hamrol, President of the Rooty Hill Sub Section of the Naval Association, for their invitation to attend the dinner and I congratulate them on their 35th birthday. I indicate my personal thanks, a debt of gratitude and the gratitude that many feel for the services that have been carried out by these people who operated under extreme circumstances.

Mr Ewen Jones (Herbert) (17:27): It was only a short time ago that I was walked from a morning tea down to the parade ground to farewell 2RAR as 800 men and women were in the process of being deployed to Afghanistan. I was walked down and back by the same warrant officer. On the way back we talked. He was near retirement. I asked, 'Did you serve in Vietnam?' He said, 'Well, as a matter of fact I did. I was very young then.' I said, 'Did you get a send-off like this?' He said, 'We got nothing, mate. We got nothing on the way out and we got nothing on the way back.' What a great change we have seen and it is for the people who served in Vietnam that we see this change. The people who served in Vietnam and went through what they had to go through in this most unpopular war have seen the way Australians have changed and now re-embrace the members of the Australian Defence Force.

Townsville is very lucky to be Australia's garrison city. We are very proud of that. But it has not always been the case. Up until the Somalia conflict in 1990 it was them and us. There were whole suburbs of people segregated. You would not go anywhere near the AJs. You fought with them in the pubs; you fought with them on the streets. When they came back from Somalia it was the Townsville Bulletin that started calling them 'our boys'. From there, the city and the ADF have made a concerted two-way effort to change the relationship between the
men and women of the ADF and the city. I want to say how proud I am to be associated with the men and women of the 3rd Brigade of the 5th Aviation Regiment at the RAAF base and the Navy contingent in Townsville. We are truly lucky to have them in our city. We are very proud of them. They live amongst us; they go to our schools.

Everyone has focused on Vietnam, today being the anniversary of the Battle of Long Tan. We should never shy away from that being a truly remarkable achievement. Whether it be the big battles of Long Tan, Coral-Balmoral or Binh Ba, we should not take away from the skirmishes that went on all over the place and it should not just be about the people who were there in conflict. I have a good friend who was a captain in the Army at that time—he is now a retired brigadier—who called artillery onto his own position to defeat the enemy. That was a very brave thing to do. I have mates who had to sleep next to artillery for the first three nights they were there. They did not sleep at all but now they can sleep through anything. If you can sleep through an artillery barrage going on outside your tent you can sleep anywhere. I have friends who came back from Vietnam as shattered men. I have friends who served in the jungle and friends who drove armoured personnel carriers. I am part of that lucky generation from the end of the baby boomers to the beginning of the generation Xers who has not had to serve in a war. We missed conscription. It was terrible to watch people being conscripted, with some trying to get out of it, along with the rage in the streets that went with it.

To everyone who had anything to do with it, including the people who continue to have something to do with it, such as the Vietnam Veterans’ Counselling Service, the Department of Veterans’ Affairs, the Department of Defence and the wider community, I say: let us make sure that we recognise our Vietnam veterans. They are now becoming almost the elder statesmen of Anzac Day. Let us turn Anzac Day into a celebration of what these men and women did for their country. A lot of them did it without volunteering.

I cannot let this opportunity go without referring to the people who lost a brother, a son, a husband or a father. There are lots of people floating around who have had people killed in that conflict and they will always carry those scars with them. No-one wants to go to war, but soldiers train for it. They train hard. You should go to the 3rd Brigade and watch those guys from 1RAR and 2RAR and the rest of the guys go through their exercises. It becomes muscle memory. They are battle-ready. They are ready to go and they want to go.

I also must use this opportunity to reinforce the fact that these people went to Vietnam and we had a government that changed the way that their pensions were indexed. We have an opportunity to right a terrible wrong for Vietnam veterans, and for other people who have served at least 20 years in the Defence Force, by correctly indexing the Defence Force Retirement and Death Benefit scheme. It has broad based approval from both sides of the House; we just cannot get it across the line. Let us not lose this opportunity to right this terrible wrong.

Mr McCormack (Riverina) (17:32): Vietnam Veterans Day, commemorated in Australia on 18 August each year, remembers those Australians and New Zealanders who served during the Vietnam War and also commemorates the Battle of Long Tan. It gives us an opportunity to stand as one and remember those who did not come home. One of the most well-known Australian engagements in the Vietnam War was the Battle of Long Tan from 17 August to 20 August 1966. The battle saw the action of 108 Anzacs against a Viet Cong force
of many thousands. The battle was one of the heaviest conflicts of the Vietnam War as well as one of the few battles in the recorded history of the world to be won against such overwhelming odds.

The Vietnam War was the longest war Australia has ever been involved in. Australian involvement in the Vietnam War was marked by controversy, significant levels of public opposition to conscription and a concern about casualties. For this reason the Vietnam War was sadly a taboo subject for many years. Our men and women risked their lives for their country only to be shunned when they returned home. It took many years for these soldiers to gain the recognition they deserved. Now, 45 years since the Battle of Long Tan, we know these men and women can hold their heads high, as they should be able to, and be shown the respect they rightly earned.

On Thursday and on the weekend, ex-service men and women from around the country conducted ceremonies to mark the anniversary of the famous Battle of Long Tan. The biggest ceremony in my electorate was held in Wagga Wagga, the home of the soldier. In the Vietnam War 139 servicemen and women who listed their city of birth as Wagga Wagga fought in Vietnam. In Griffith, the other city in my electorate, 103 people who had listed their place of birth as Griffith went to Vietnam. All up, about 250 men and women from Wagga Wagga saw active service in Vietnam. With two major military facilities in the locality at the time, Kapooka Army Base and the RAAF Base Forest Hill, it was predictable that a majority of these people would be enlisted service personnel from other localities who had been posted to either Kapooka or the Royal Australian Air Force training base at Forest Hill. However, some 70 service men and women were locals and they are commemorated in the city’s Victory Memorial Gardens.

Various organisations for Vietnam veterans have been established in the Riverina. The Vietnam Veterans Association of Australia is the main voice for veterans. Its mission is simply summarised in its motto: 'Honour the dead and fight like hell for the living'. Australia’s service personnel, past and present, have given so much to their nation, and they deserve to live out their lives in the knowledge that they have financial security.

Australians are rightly very proud of our past and present service men and women. We recognise the dangers they have faced and continue to face, and we admire their professionalism, skill and capability. Let us continue to show them the respect they rightly deserve and, after they have given so much, not take away from them by way of financial security. Thousands of men and women have been lost in conflict. In the Vietnam War, 60,000 Australians served our country. Five hundred and twenty-one died and more than 3,000 were wounded in that war.

I will finish with the words of Lieutenant Colonel Harry Smith MC Rtd, who now lives in Hervey Bay, Queensland, which is in the electorate of Hinkler. Earlier, the member for Hinkler spoke very eloquently on this motion about Harry Smith's involvement, dedication and bravery and how members of his company had not been properly recognised. Whilst I am not an advocate for retrospective awards, I feel as though the member for Hinkler's words should be heeded by the authorities. I will finish with the words of Harry Smith, who said:

I am very proud to have commanded Delta Company, 6RAR who gave their all on that fateful day, above and beyond what would have been expected of them. That is why my company, which bore the brunt of the battle and lost 17 killed and 21 wounded, was awarded the US Presidential Unit Citation,
and was offered the South Vietnamese Cross of Gallantry Unit Citation. I am also proud and thankful to those who supported us—all the artillery, the RAAF, the USAF, the APCs, our A Company and the B Company platoon, and others.

Although nowhere near the same scale, Long Tan will be remembered alongside Kapyong, Tobruk, and Gallipoli. I am saddened by the loss of life, and the tragic loss to all the loved ones, on both sides. Like the errors of Gallipoli, a proper assessment of intelligence reports would have averted my company being sent out to face a VC regiment. But we saved the Task Force Base from what would have been a disastrous attack by the 5,000-strong VC 5th Division, and their influence in the province was reduced thereafter. That is why Long Tan has become so significant and is feted as the icon of the war for all Vietnam veterans to commemorate those lost or maimed between 1962 and 1972.

Mr ROBERT (Fadden) (17:38): There are a few days in the national conscience when we stop to remember and reflect on battles and wars fought and won. We remember the soldiers, sailors and air men and women who served. We think of Anzac Day on 25 April, and we think of Remembrance Day. I personally reflect on Kapyong Day, 24 April. In the Korean War, the 3rd Battalion of the Royal Australian Regiment stayed the Chinese offensive at Kapyong. Of course, 18 August marks a special day, Vietnam Veterans Day. This is a special day in our national conscience when we stop and remember Vietnam—the longest war Australia has been engaged in. This war began on 31 July 1962, when Colonel Ted Serong alighted from a civilian airliner onto the tarmac at Tan Son Nhut Airport, Saigon. Three days later his unit arrived. This was a small group of 29 officers, warrant officers and engineers—mostly infantry and some elements of engineering and signals. They were specifically chosen for their tasks. More than half had served in Malaya and had been trained in the art of counterguerrilla warfare. Indeed, the early days of the war saw the arrival of the Australian Army Training Team Vietnam, which included my old school sergeant, Warrant Officer Class 2 Jim Geedrick. He had fought in World War II, in the Malayan emergency, in the confrontation in Vietnam and then with my old unit, the 3rd Battalion, in Korea. Vietnam would end on 8 December 1972, and the Australian Army training team in Vietnam received orders to return to Australia 10 days later, thus completing the commitment to Vietnam.

Fifty-nine thousand Australians served in Vietnam. It turned out to be a very costly war. 2,122,244 is the official number for those killed during the war. Over 3.65 million were wounded. There were 58,169 Americans killed and 11,465 of them were teenagers. There were 304,000 wounded. More than 74,000 French had been killed before the first Americans arrived in 1956. Australia lost 511 of its finest, and seven civilians were killed. Six more were missing in action, their bodies have now all been recovered. I give credit to the Labor government for ensuring that was finalised and occurred. There were 2,069 wounded.

The average age of the combat soldier from Australia in Vietnam was 20 years old. The average Australian combat soldier saw 314 days of combat in a period of one year. That is a long time with a weapon in your hand. By comparison, the average Second World War soldier in the Pacific was 26 years old and saw, whilst it varied, about 40 days of combat in a period of a number of years. There were 444,000 North Vietnamese, over 220,000 South Vietnamese military personnel and over half a million civilians killed. 2,590,000 Americans, and over 59,000 Australians served in Vietnam and 6,700,000 tonnes of bombs were dropped compared with 2,700,000 tonnes dropped on Germany during the Second World War. Vietnam truly was a destructive period of combat.
It has left its mark on our nation. I think it is seared into the souls of Australians that war indeed is hell. There will come a time when we will beat our weapons into ploughshares, and that time will be welcomed. But that time is not now. An effective diplomatic policy must be backed up by an effective force of arms. The nation must retain an effective deterrent in the form of combat of arms. We all pray that the articles of war are not used, that the machines of war are not rolled out, and that the men and women who fight those combat operations are not used. But alas, we find ourselves in this debate in the middle of combat operations in Afghanistan. But this year, this year we stopped, paused, reflected and remembered. We considered the Australian Vietnam veteran community, as together we marked the 45th anniversary of the Battle of Long Tan and of course the awarding by her Excellency the Governor General of the citation for those who served with D Company.

All Australians owe a great deal to the men and women who fought in Vietnam, as we do for all those who fought for freedom. Freedom is not free, someone pays the price. The price of eternal vigilance, of course, is what we pay for peace. We owe a great deal to those who fought in Vietnam, and to their families who stayed behind and have borne some of the pain, the sorrow, the joys, the happiness, the tears from those who have returned from their service. As we mark this 45th anniversary of the Battle of Long Tan, it is appropriate to make special mention of the 108 men of D Company 6RAR who fought off as many as 2,500 determined Vietcong soldiers in the rubber plantations of Long Tan and Phuoc Tuy Province of South Vietnam, on 18 August 1966.

Eighteen Australians lost their lives in that battle and a further 24 were wounded. More than 245 enemies were killed in action, their bodies found on the battleground when fighting ceased. Hundreds and hundreds of more blood trails indicated the damage that Australia's combat fighters from D Company 6RAR had inflicted. It is fitting that the efforts of the men of D Company, 6th Battalion, Royal Australian Regiment, will be honoured and have been honoured when they received Australia's military's highest honour, the unit citation for gallantry from the Governor General.

This award, many years later I acknowledge, is an important recognition of the decisive efforts of that battle. Never underestimate the horror of combat operations at the best of times, let alone in the teeming rain in a rubber plantation, when you are outnumbered 20 to one. You are vastly outnumbered with monsoonal rains driving mercilessly across you as you move forward, radio communications almost non-existent, to fend off a combatant that is determined and aggressive. I think this country has dealt with the shame of those 15 years post Vietnam when there was no recognition of their service. It is a stain on our nation's history. I believe the nation has dealt with it; I believe the nation has addressed it. I think the nation has resolved in its conscience that never again do we bear upon those men and women who have fought in our name, in our uniform with our flag emblazoned across their shoulders, and not recognise their service and their sacrifice.

I pay tribute here this evening to the families of the Vietnam veterans: you have endured so much; you have shouldered a burden many of us can never understand. Thank you for caring for those men and women who returned, in many cases broken and questioning why the nation had not embraced them as its sons and daughters. We will not forget the service and sacrifice of our Vietnam veterans, nor of their families. We resolve once again as a parliament of people representative of our nation that the sacrifice of any Australian who serves in any
theatre of combat, sent by its democratically elected government, will be recognised, remembered and embraced. We have learnt the lessons of our past.

We acknowledge today the bravery and the Anzac spirit which prevailed and which continues to prevail, even under the sometimes difficult circumstances of those who come back wounded and those who have been killed in action. Their bravery and the spirit in which they fought is forever forged in our memories. We have come a long way since 1972, when it all ended. I was two years old then. We have had several welcome home parades. We have unveiled and rededicated, quite rightly, a magnificent Vietnam veterans memorial in Canberra. We have issued the Australian Service Medal. We have seen the RSL and other organisations become safe havens for many Vietnam veterans who took on the office-bearer roles when our World War II diggers passed the mantle.

Australians are incredibly proud of you veterans. It is great pleasure to recognise you for the incredible service you have rendered. That is the great joy of Vietnam Veterans Day on 18 August: it gives us all as a nation an opportunity to honour the service and sacrifice you have made. I remember a tombstone in Gallipoli of a very young soldier who gave his life on the first day there, on 25 April, 1915. It said simply, 'When you return, tell them of us and say: for your tomorrow we gave our today.' The same can be said for those who served in Vietnam: many gave their tomorrow for our today. We will not forget that freedom is not free. We will remember them.

Mrs PRENTICE (Ryan) (17:47): I am pleased that the government has called for speakers to commemorate Vietnam Veterans Day. In particular, I want to speak about the 45th anniversary of the Battle of Long Tan. I was honoured to speak on the adjournment last Thursday, 18 August, on this very topic. I am speaking again today as I feel very strongly that our service men and women should receive the recognition that they deserve, as occurred last Thursday at the Gallipoli Barracks at Enoggera, in my electorate of Ryan. I was disappointed to miss that significant event due to the House sitting. The ceremony involved the presentation of the prestigious unit of citation for gallantry for members of Delta Company, a subunit of 6RAR, as well as a medal of gallantry for retired Lieutenant David Sabben. I would also like to take this opportunity to acknowledge the unit's commanding officer, Lieutenant Colonel Harry Smith, whose tireless efforts have finally seen this belated recognition achieved.

The date of 18 August is a very special day for our nation, Vietnam Veterans Day, and commemorates the Battle of Long Tan. Regardless of whether you supported the Vietnam War, or whether you support or object to war at all, our veterans deserve recognition for the sacrifices they have made, particularly when that sacrifice was made through national service. At the time, the Vietnam War was the longest war in which Australia had been involved. As we all know, it was also one of the most controversial. It was the first war broadcast live on television, witnessed from the comfort of our homes. It was a tragic time, a confusing time, with public opposition to conscription and to the war itself often overshadowing what members of our Defence Force went through. I commend the men and women who ensured that the Vietnam veterans were finally acknowledged as they should be with a welcome home parade in 1987 and the adoption of the anniversary of the Battle of Long Tan as Vietnam Veterans Day. Vietnam Veterans Day is commemorated on 18 August each year, the
anniversary of the Battle of Long Tan. This year this day was particularly important as it marked the 45th anniversary of the battle.

There is no doubt that these servicemen deserve recognition for their gallantry. On 18 August 1966, 108 Anzacs unknowingly found themselves pitted against a main force of North Vietnamese army troops as well as Vietcong estimated to be between 1,800 to 2,500 in number. The battle is one of the best known and heaviest conflicts of the war and one of very few battles in recorded history to be won against such odds. We lost 18 Australians in the Battle of Long Tan, with 24 wounded. The opposition losses are unknown but 245 bodies were left on the battlefield.

The conditions were terrifying. Servicemen recalling the battle tell stories of chest-height mist, torrential rain and shots that came out of nowhere. Six men were lost immediately upon first contact, and back-up companies were delayed for over an hour. The low forest meant that there was little air support, although 9 Squadron, standing by their mates in true Anzac fashion, flew their helicopters over the battlefield, well outside operational restrictions at the time. Despite this conditions, our troops kept a numerically superior force at bay, showing unquestionable bravery under circumstances most of us cannot fathom.

I am proud that the men of Delta Company were recognised last week. It is unacceptable that many of the men who were on the ground at Long Tan putting their lives on the line in terrifying conditions had their gallantry awards downgraded. I commend former Prime Minister John Howard for being the first Australian Prime Minister to visit Long Tan and acknowledge the poor treatment Vietnam veterans had received. Thankfully, in 2006, we as a nation went some way to acknowledging our Vietnam veterans, with many of the awards that had originally been downgraded then being upgraded to properly reflect what these brave men deserved. Last week the final piece of the Battle for Long Tan was put in place at the ceremony at Gallipoli Barracks in Enoggera.

I feel privileged to have the opportunity to publicly commend our service men and women, past and present, from the Boer War to those serving around the world today. I hope our defence forces never again face a conflict like the Battle of Long Tan. But if they do, their gallantry, their sacrifice and their trauma must be recognised.

Mrs MARKUS (Macquarie) (17:53): I rise today to commemorate particularly Vietnam Veterans Day but also to honour those men and women who have served through our history and continue to serve as I speak here in the chamber. The 18th of August is a significant day on the Australian calendar. It is the opportunity for all Australians to remember those who served during the Vietnam conflict and to acknowledge the price paid not just by them and their mates but also by their families. In total, approximately 60,000 Australians served in the Vietnam War between July 1962 and June 1973, and 521 Australians were killed in action and over 3,000 were wounded. Like all men and women who have paid the ultimate sacrifice in the fight for freedom, we honour their lives and acknowledge the deep loss of those who loved them.

The Australian commitment consisted predominantly of Army personnel; however, a significant number of Air Force and Navy personnel as well as some civilians served during this period. Australia's involvement began with the Australian Army Training Team arriving in South Vietnam in July 1962. This consisted of 30 military advisers who were known as 'the Team'. The Royal Australian Air Force also sent a flight of Caribou transports to the port of

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Vung Tau in 1964. At the beginning of 1965 it became evident that South Vietnam could not keep at bay the Vietcong and their North Vietnamese comrades for more than a few months. This led to a major escalation by the US military, who requested that Australia and other nations join the effort. The Australian government dispatched the 1st Battalion Royal Australian Regiment in June 1965 to serve alongside the US 173rd Airborne Brigade in Bien Hoa province.

There were many significant battles with Australians involved. Australia's heaviest actions of the war occurred in August 1966 in what would later become known as the Battle of Long Tan. This year, as has already been mentioned, we mark the 45th anniversary of the battle. The battle involved a company of the 6th Battalion, Royal Australian Regiment, 6RAR, and took place in a rubber plantation near Long Tan. The 108 soldiers of D Company held off an enemy force estimated to be over 2,000 for four hours in the middle of a tropical downpour. They were greatly assisted by a timely ammunition resupply by RAAF helicopters, close fire support from Australian artillery and the arrival of reinforcements in APCs as night fell. The armoured vehicles had been delayed, having had to 'swim' across a flooded creek and fight through groups of enemy along the way. When the Vietcong withdrew at nightfall they left behind 245 dead but carried away many more casualties. Seventeen Australians were killed in action and 25 were wounded, with one losing his battle for life several days later.

The 18th of August has become the day that veterans from the Battle of Long Tan observe a day of commemoration. This day has, since the 1980s, come to be recognised also as Vietnam Veterans Day. It is a day when everyday Australians acknowledge all who served in that conflict and their families.

Macquarie is home to two Royal Australian Air Force bases, Glenbrook and Richmond, and has a very strong ex-service community. I was privileged to attend the Vietnam Veterans and Associated Forces Memorial Day activities which were held in Springwood on 14 August. I acknowledge and congratulate all those who organised the day. An event like that takes many months—in fact, probably from one year to the next—to organise. It is attended not just by residents of the Blue Mountains but by many ex-service organisations, members of the ex-service community and current serving personnel from across our region. It was particularly heartening to see the people from different generations—young children from local schools and many from volunteer organisations—who came to acknowledge the service of our men and women. We also had present with us on that day the Governor of New South Wales, Marie Bashir, who is indeed well loved by those in the service and ex-service communities and in the seat of Macquarie.

Another group I particularly acknowledge is the Children and Grandchildren of Vietnam Veterans Network. I was honoured to be invited to the inaugural conference of the network during my time as shadow minister for veterans' affairs. The network is committed to supporting generations of not only families of Vietnam veterans but all military families by understanding and providing meaning through their shared experiences of living with parents affected by their time in the Vietnam conflict. Families are often forgotten. They indeed pay a price as well. The Vietnam Veterans' Family Study, due to be completed in 2012, hopefully will provide insights and solutions for how we assist those impacted by military service.

There are many vibrant service and ex-service organisations in Macquarie—the RSL, Legacy, the Vietnam Veterans Association and the War Widows Guild, to name a few.
acknowledge their daily and weekly service to both current and ex-service personnel and their ongoing practical support for all our veterans and their families. I would like for a moment to focus on the BEST program, the Building Excellence in Support and Training program, which offers grants to ex-service organisations, pensioners, welfare practitioners and advocates who provide advice and assistance to the veteran and defence communities. This has been an invaluable program. In my time as shadow minister I was honoured to be able to fight on behalf of veterans to ensure that the amount of funding for this program increased year by year. It is very disappointing that the 2011-12 budget has significantly reduced the amount of BEST program grants. The 2010-11 financial year saw around $6.7 million in payments. However, the Labor government has slashed this valued service significantly with less than $3.7 million available in the current budget. This will severely impact the capacity of ex-service organisations to respond to the needs of the community.

Sadly, it is through not only the reduced funding of the BEST program that this Labor government is letting our veterans down. The voting down of the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010 by Labor clearly demonstrated where their priorities lie. It is a shameful betrayal of the men and women who serve and have served our nation in the Australian Defence Force. The decision by Labor to vote this down means that many in the veteran community will see their superannuation continue to lose purchasing power. This is at a time when further increases in the cost of living are impacting their quality of life. The coalition has been very clear on this issue; we believe that military service is unique in its nature and Australian service personnel both past and present, after giving so much for their nation, deserve to live out their lives with the knowledge that they have financial security. Labor made a commitment at the 2007 election to fix military superannuation. We are familiar with these false promises. Unlike Labor, the coalition has consulted widely and has listened carefully to the views put forward by veterans, the ex-service people, ex-service organisations and current ADF personnel. It is time that this Labor government did the same thing. I urge the Prime Minister to offer veterans the support they need and deserve by restoring adequate BEST funding and by supporting a reconsideration of the defence force retirement and death benefits bill. This would be a very practical way that the government could acknowledge that we remember and acknowledge the service of all our veterans.

Mr HARTSUKEYKER (Cowper) (18:03): I am grateful for the opportunity to recognise the 45th anniversary of the Battle of Long Tan and to note the contribution of Australian troops in the Vietnam War. It is a testament to the sacrifice and courage of Australian troops down through the years that we are here today representing our constituents in a democratically elected parliament. Outside the parliament this week we witnessed peaceful demonstrations against the government, and inside the parliament we have argued our different points of view using debate, not weapons. Australia is one of the world's oldest democracies and we must thank our veterans for their contribution to protecting our way of life.

Australia's involvement in the Vietnam War was the longest duration of any war in Australia's history. The Australian soldiers arrived in 1962 and the final Australian soldiers left in June 1973. Almost 60,000 Australians served in Vietnam and, sadly, 521 men died and 3,000 were wounded during that conflict. Australian soldiers in Vietnam reinforced the Anzac tradition of courage, mateship and bravery, and there is no finer example of that Anzac spirit.
than the men of D Company 6RAR in the Battle of Long Tan. I will not repeat the details of the battle, as I am sure it has been adequately chronicled here by previous speakers. However, I must pay tribute to the courage of D Company, who faced overwhelming odds and held their ground for three hours under withering fire; 17 men of D Company died on that day and more were wounded. Of course these were not the only casualties suffered in the Vietnam War. Long Tan was the first costly battle for Australians in that conflict. It is remarkable and a tribute to the skill, determination and bravery of those troops that despite being outnumbered some 15 to one, they held out and we can count Long Tan as a victory. I am pleased that the men of 6RAR have finally been recognised as a unit for their extraordinary bravery on 18 August 1966. This unit citation has been a long time coming, but it is fitting for the men of D Company to be honoured in this way. Long Tan was not the only battle in which Australians fought and the men of D Company were not the only casualties but 18 August has become the day on which we acknowledge the service of all our Vietnam veterans.

I wish to commend my ex-services community for their tireless efforts to ensure that the courage and sacrifice of our service men and women are always remembered. It is through their efforts that we see so many people, most of whom have not experienced the horror of war, attending commemorations around this country not only on Anzac Day but on a host of other days that are significant on the military calendar. I particularly note the various RSL sub-branches and associations in my electorate that ensure their fallen mates will not be forgotten. Unfortunately, I was unable to attend memorial services in Coffs Harbour, Nambucca Heads and Woolgoolga this year due the parliamentary sitting schedule. However, I want to place on record my thanks to the many veterans in the Cowper electorate who served our country so valiantly in Vietnam. As we reflect on the Battle of Long Tan, we must never forget the sacrifices made on that day and work towards a future where such sacrifices will not be required again.

Mrs ANDREWS (McPherson) (18:06): I rise to speak in recognition of our Vietnam veterans and the contributions that returned service men and women have made to our community, and to specifically speak about Vietnam Veterans Day, which is celebrated on 18 August each year and commemorates the Battle of Long Tan and the Australians who served in the Vietnam War. The 45th Vietnam Veterans Day was recently honoured at the Kirra Sports Club within my electorate of McPherson. More than 200 Vietnam veterans from across the Gold Coast attended the service to mark the anniversary of the Battle of Long Tan.

McPherson does have a very large veteran community and the Vietnam veterans certainly form a significant proportion of that community. Our Vietnam veterans should never have had to wait 15 years after the end of the war to get the recognition they deserve. This has been a huge disappointment for the veteran community as a whole. The sacrifices that these men and women made for our community should have never been forgotten.

The Battle of Long Tan was one of the most incredible and bold encounters by Australian troops. During the attack, 108 diggers and six Royal Australian Regiment members successfully held off 2½ thousand Vietcong in a rubber plantation in South Vietnam. Eighteen Australians were killed in this battle and 24 were wounded. Once the fighting had ceased, more than 245 bodies from the enemy were found on the battle ground. I am deeply sorry for the families of the 18 men who did not return after the Battle of Long Tan. These men should never be forgotten and Australia should continue to pay its respects to the fallen.

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McPherson does have a very large veteran community and the Vietnam veterans certainly form a significant proportion of that community. Our Vietnam veterans should never have had to wait 15 years after the end of the war to get the recognition they deserve. This has been a huge disappointment for the veteran community as a whole. The sacrifices that these men and women made for our community should have never been forgotten.

The Battle of Long Tan was one of the most incredible and bold encounters by Australian troops. During the attack, 108 diggers and six Royal Australian Regiment members successfully held off 2½ thousand Vietcong in a rubber plantation in South Vietnam. Eighteen Australians were killed in this battle and 24 were wounded. Once the fighting had ceased, more than 245 bodies from the enemy were found on the battle ground. I am deeply sorry for the families of the 18 men who did not return after the Battle of Long Tan. These men should never be forgotten and Australia should continue to pay its respects to the fallen.
Two of my uncles were part of the Vietnam War story. One uncle served as a cook with the RAAF. I recall him telling me of his arrival by helicopter in Vietnam and being shot at as they were coming in to land. As a cook, I know that he would have got to know many of the men and women who served in Vietnam, some of whom were wounded and some who never came home. My other uncle was caught up in the national service birthday ballot. Under the national service scheme operating at the time, 20-year-old men were required to register for national service. As there were more eligible men than required, the men were subject to a ballot. If their birth date was drawn out then it was possible that they would be required to serve two years continuous service in the regular Army following by three years part-time service in the Army Reserve. I remember my mother being so concerned that her younger brother might be sent to active service in Vietnam, and whilst that did not happen to him, the memory of my mother's tears remain with me today. I can understand the concerns of the families of our service men and women as they wave farewell to their loved ones, never quite knowing if they will return. As I have mentioned many times before in this place, I have the privilege of representing an electorate with a large veteran community on the southern Gold Coast. It is not only the returned servicemen that deserve recognition; I would also like to extend my gratitude for the support given to these veterans by their mothers, fathers, sisters, brothers, partners and children when these veterans returned home.

I would also like to mention that these veterans also believed that one of the greatest achievements to come from the Vietnam War was returning home to raise their families. After all that they endured during the battles in Vietnam, these men and women continued to push past many mental and physical barriers to live positive lives with their loved ones. This in itself is a great achievement and one which the veteran community to this day are most proud of.

I urge all members of the community to share the story of the Battle of Long Tan so that the great sacrifices and achievements of these men and women will continue to be remembered in the generations to come. Lest we forget.

**Mr SLIPPER** (Fisher—Deputy Speaker) (18:09): Last week on 18 August marked the 45th anniversary of the Battle of Long Tan in 1966 during the Vietnam War. This battle is iconic in Australian military history in that it demonstrated the heart and skill of Australian soldiers who did not give up, who stood determined against an opponent that was 20 times larger in number and much better equipped, and who was able to record an inspirational victory in shocking conditions. Sadly, as has been recounted by others, it was with the loss of 18 heroic lives, with 24 wounded.

It is a battle that is often referred to to showcase the skills of Australian soldiers, but it should also be an inspiration to anyone who faces a difficult task against seemingly impossible odds. The anniversary of the Battle of Long Tan on 18 August has become the day that Australians pause to remember the Vietnam War and all its battles and all who served, and the 528 Australians killed during the conflict. The Battle of Long Tan has become entrenched in the Australian psyche as a touchstone for inspiration, motivation and determination. If there was anyone who had a right to fail it was these soldiers, but they did not give up and as a result they were able to record an amazing victory, one that we commemorate and discuss today 45 years later here in the Australian parliament and many thousands of miles removed from that horrible battlefield.
The figures for this battle are outstanding: 108 Australians fought against an estimated 2,500 Vietcong soldiers in a rubber plantation in a driving monsoonal downpour and without radio communications. But through their resilience and courage the soldiers of D Company 6RAR were able to record victory. More than 245 enemy soldiers were killed in the conflict.

I do pay tribute today to not just the soldiers who fought in Vietnam but soldiers who fought in all spheres of conflict during our nation's existence. They have risked everything and in some cases lost all to make sure that, as Australians, we are able to enjoy the freedom, stability and way of life that we have as a nation, which indeed makes us truly the envy of people throughout the world.

On the Sunshine Coast, including in my electorate of Fisher, we have a great number of veterans from various conflicts, including Vietnam. I pay tribute to them all for their efforts in what is the most challenging of vocations, the defence of our country for their families, their relatives, friends and neighbours—and also the defence and protection of complete strangers—in the theatre of war.

Before I conclude I just want to say how pleased I am that collectively as a nation we have moved on in the treatment of our war veterans. I think that it is appalling that people who opposed the Vietnam War found it necessary to take out that opposition on people who in some cases were conscripted and who were sent abroad to serve their nation and to serve the policy of the government of the day. Happily, we have moved on. No-one in our Australian community has sought to ill-treat, or mistreat or blame those brave soldiers who served in Iraq—and that was a war that some segments of the Australian community did not support. Those men and women fought in Iraq for the policy of the government of the day. Collectively as a nation we can take great pride in the fact that we have moved on. We have to recognise that people in our military do whatever the government of the day tells them to do. If there is a deployment to a certain country, whether or not individuals might support that deployment or support the objects of that deployment, as loyal military personnel they go and carry out their duty. I think that it was appalling that Vietnam veterans were treated with contempt—in some cases even spat on—by people who took out their opposition to the war on these veterans who had served the country.

As I said, that is now not the case and I think that, collectively as Australians, whatever our view is on any sphere of conflict, we have now come to a national community consensus that anyone who serves in our military is worthy of respect and that anyone who carries out his or her duty is worthy of admiration. So many of these people have risked everything and lost all. I am very happy to support the motion now before the House but I just wanted to emphasise how pleased I am and how proud I am that collectively we have moved on to a situation where now we respect everyone who has served our nation with great distinction.

Mr BRUCE SCOTT (Maranoa—Second Deputy Speaker) (18:16): I rise today to support the motion moved by the Prime Minister to commemorate Vietnam Veterans Day and the 45th anniversary of the Battle of Long Tan. Whilst it is the anniversary of the Battle of Long Tan, 18 August is also the day when Vietnam veterans gather with their friends and family, with great support from around the nation, to remember their service and the sacrifices of so many of their mates in the Vietnam War. I had 5½ years as the Minister for Veterans' Affairs and it was a great privilege to serve in that portfolio. I also got to know so well, from a
generation similar to mine, those who had served in Vietnam—many of them of course having been conscripts.

Australia's military involvement in the Vietnam War was the longest in duration of any war in Australia's history. From the time of the arrival in Vietnam of the first members of the Australian Army Training Team Vietnam in 1962, almost 60,000 Australians, including ground troops and Air Force and Navy personnel, served in Vietnam. Sadly, 521 died as a result of the war and over 3,000 were wounded. Many of those 3,000 had to carry those wounds and injuries for the rest of their life.

On 18 August 1966, 108 men of D Company, 6RAR, fought off as many as 2,500 Viet Cong soldiers at a rubber plantation in Long Tan in Phuoc Tuy Province of South Vietnam. Vastly outnumbered, the Australians endured driving monsoonal rains, which decimated radio communications, to fend off an enemy more than 10 times the size of the Australian company. Tragically, 18 Australians were killed in action in the battle and 24 were wounded. More than 245 of the enemy were found dead on the battleground when fighting ceased.

In 1996, I had the privilege of leading the first official pilgrimage of Vietnam veterans back to Vietnam, marking the 30th anniversary of the Battle of Long Tan. There were many veterans who found it difficult to travel as part of an official delegation, but who, on the way home were able to tell me that each day of the pilgrimage had been another day of healing. To return to the battlefield for so many of them, to return to parts of Vietnam which harboured so many terrible memories—memories which had troubled many of them since the war—was part of a healing process. They crossed a bridge which many of them had felt might never be crossed. I was privileged to lead them back to Vietnam.

Only 10 days ago I was in Brisbane, at the Brisbane Exhibition strangely enough, and a lady came up to me and said, 'You are Bruce Scott, aren't you?' and I said, 'Yes.' She said: 'I am the wife of so-and-so'—I will not mention his name—'who was representing the Navy in the group you took back to commemorate the Battle of Long Tan, the 30th anniversary official pilgrimage. It has made a great deal of difference to our relationship.' To get, 15 years later, that mention from the wife of a veteran is a measure, from my point of view, of how those pilgrimages are so valuable in helping veterans to heal and so valuable for us as a nation in acknowledging the great sacrifices that were made not only in the Vietnam War but in other theatres of war.

I want to acknowledge the families of all our veterans—the wives, the girlfriends, the sisters, the brothers, the mothers, the fathers—who took care of our veterans when so many other Australians turned their backs on them. As a nation we must always err on the side of generosity when it comes to our military. After all, they serve as a result of a resolution of the parliament. They serve with the support of the parliament. They serve and do as the government asks of them. It is up to us as members on both sides of the parliament to make sure we always err on the side of generosity when it comes to compensation and looking after those who serve and, sadly, those who are left behind. I will never stop fighting to make sure that we as a nation, whenever money is available, extend entitlements to all those who have served, to their families and to those who have been left behind.

I know time is short, but in conclusion I want to say that in the year 2015 we will be celebrating—although I would like to call it commemorating—in many ways 100 years since we landed at Gallipoli, when our nation, a nation of less than five million people, lost its
innocence. In the year 2015, 100 years on, we must look across all wars and conflicts that Australia has been involved in, not just at Gallipoli. I know a former CDF is going to chair a committee. He will bring great knowledge to that committee and he will do an excellent job of leadership. But it is important that we look not just at Gallipoli in that year. It is important to look at Vietnam and our involvement in the Second World War, the Korean War, the Malayan Emergency, the Indonesian Confrontation, East Timor, Afghanistan, Iraq—the list goes on. And of course so many of our peacekeeping forces have been in theatres that so often do not have a profile—for example, the Sinai and the Sudan. We must make sure that across the board, wherever our Australian men and women in the Australian Defence Force serve as a result of a resolution of the parliament at the wish of the government, we commemorate and remember all of those who have served throughout more than 100 years of service to our nation.

Dr STONE (Murray) (18:22): I join others in supporting this motion. As a patron of the Goulburn Valley Vietnam Veterans Association and also as the proud mother of an Australian Army officer, I can say that I have some sense of what it must have been like for the mothers, the wives and the sisters of the Vietnam veterans as they returned from that service some 40 or 45 years ago and were treated with such dishonour and disrespect by the Australian public. I can understand the scars that are still felt by my Vietnam veterans. Even though long ago our Vietnam veterans had their special recognitions and their welcomes back to the country, literally decades after they should have taken place, I can still understand their grief and their deep sense of hurt as a consequence of the way we treated them.

I have to say that a lot of it was the fault of the media of the day. The Vietnam War was the first to be telecast almost every evening into the lounge rooms of ordinary Australian families. I do not think the media took the responsibility that technology gave them seriously or undertook their responsibilities properly. They were driven by the American media behaviour and, with very poor understanding of what was really involved, the edited highlights were often the worst possible way to demonstrate to the Australian people just what efforts were being made—the humanitarian efforts in particular—and how our Australian servicemen and servicewomen not only were following in the footsteps of the glorious Anzacs of the First World War, the Second World War, the Malayan emergency and all of the other conflicts we have been involved with but were in fact building on the reputation of the courageous and honourable behaviour and performance of Australian servicemen and servicewomen. Today, in particular, we recall the Battle of Long Tan. It was August 1966. A company of the 6RAR was engaged in one of Australia's heaviest actions of the war in a rubber plantation near Long Tan. On the nights of 16 and 17 August 1966—almost exactly 45 years ago—mortar and rifle fire was directed at 1 ATF base from the east. A Company of 6RAR was required to search for the firing positions to the north-east of the base and B Company 6RAR was dispatched to search the area to the east towards Nui Dat 2. On 18 August, A company returned to the base and D Company 6RAR relieved the B Company. After an exchange of information and a lot of intelligence, obviously, they followed up a possible enemy trail into the Long Tan rubber plantation. The 108 soldiers of D Company then held off an enemy force estimated at over 2,000 for four hours in the middle of a tropical downpour. An extraordinary thing. The survival of the company and their victory can be attributed to the extraordinary courage and discipline of its members and to the decisive command at each level as well as the devastating effects of the artillery that came in to support them—and this was in very close proximity to...
each of their positions. Then there was the helpful location of the final company position on a shallow reverse slope that provided some protection from the direct fire. There was also a timely and heroic helicopter ammunition resupply and finally the disruption of enemy plans for further attacks on D Company by the movement, combat action and arrival of the APC-mounted relief force. A number of Australian components were involved in the Long Tan battle, without for a minute taking away from D Company, who were central to the victory in which they were outnumbered.

When the Vietcong withdrew that night, they left behind 245 dead but carried away many more casualties—we will never know how many. Seventeen Australians were killed and 25 wounded, and one of our serving men died of wounds several days later. Many of our service personnel went into Vietnam with jungle warfare experience they had learned from our glorious Anzacs, who fought off the Japanese invasion in PNG during the Second World War. Australians understood the perils of jungle warfare but never before had there been such use of explosive devices and civilian populations—the Vietcong were able to literally disappear into the jungle and come back and fight another day. Australian soldiers, sailors and airmen involved in the whole of the Vietnam conflict were magnificent.

It is ironic that the Australian RSL did not always welcome the Vietnam veterans when they returned to Australia. That is another shameful chapter of the RSL's history. But today, especially in my electorate of Murray, the RSLs are led by Vietnam veterans, who are taking over from the now very elderly Second World War veterans and Korean War veterans. The Second World War men are typically in their mid- to late-80s, but it is the Vietnam War veterans who stand up proudly now and honour all of the previous service men and women in Australia's war histories, and put aside their own insults and grief as a result of what they experienced when they returned. I have a great deal of respect for the way they do that.

The veterans had to wait 40 years to be officially and publicly acknowledged for their extraordinary efforts. They were, after all, trying to stop the advance of communism at a time when communism was a great threat to the globe. Today, we laugh a bit about the reds under the bed notion, but in the 1960s and 1970s this was a very real threat to those countries in the immediate path of communist intentions but also ultimately to Australia. Prime Minister Menzies, the Prime Minister of the day, knowing that Army Reserve numbers were low, introduced national conscription, which of course had been first introduced for the Korean War episodes of 1951. National service, or the Nashos, became part of the mixed understanding and public concern at the time and we had people hiding from the draft or burning their draft cards and talking about harassment and non-democratic processes. I can very well remember my fiance at the time, the night that his marble went into the barrel. It was based on your birth date. His marble did not come out of the barrel and so he was not conscripted, but if he had been I am sure he would have honourably served, like his son has and is now, having served in Iraq and East Timor. That period of national service also tended to be forgotten for a very long time and I want to commend our coalition government under John Howard who minted the first medal to recognise national service in Australia. I still give out those medals to national servicemen who have never before been officially understood and recognised, even when their service was in the 1950s for several months. The point is that they were prepared to serve anywhere that their country asked them to, under any conditions. These national servicemen should never be forgotten. Some, of course, lost their lives in the...
Vietnam conflict. They fought beside the regular Army, Navy and Air Force to the very best of their ability.

I want to commend the Vietnam veterans, particularly those who were involved in the Battle of Long Tan, but also to reinforce that we are living in different times. I am sure this is a bipartisan thing, that all parties and Independents in this House and in the Senate regret the behaviours of the public of Australia back in the seventies and eighties, until the nineties when we fully understood where we had been very wrong. I want to particularly commend the Vietnam veterans in my electorate who now are shouldering the responsibility of looking after the welfare of one another. They are very concerned that this government has cut back on the funding for welfare support services for the volunteers who have trained to do that counselling. That is a serious problem because most of my Vietnam veterans do not have the spare cash to pay for the transport, the fuel and the time that they spend trying to support one another and to advocate for their fellow Vietnam veterans when they often need to. So I do ask this government to rethink their slashing of the funding for the counselling services, particularly for the Vietnam veterans.

I also want to commend my own special groups that I have called boards of trustees—I have one for each shire in my electorate—and what they do. They are clusters of Vietnam and Second World War veterans and community people who go around to all of the tiny towns or places where my towns have disappeared and they look at the cenotaphs, the honour boards, the old tree avenues of honour and they consider the condition of all of those memorials. Where they are destroyed or degraded or just simply weathered away, those boards of trustees and I come back together and say: 'Where do we apply for funding? How do we cut the grass, trim the trees, replant the trees, put back the fences, and rescue the honour boards?' Indeed, we have rescued some from tips. 'How do we make sure that not one name of a serving man and woman, from the Boer War through, is ever forgotten?' I have to say that one of the things we have been doing very actively is adding the names of Vietnam veterans to those honour boards and rolls and cenotaphs which typically were not added in the seventies and eighties. Now they are there, and I am proud that they are.

This is an important motion. I support it as the local patron. I also say that we abhor war in any guise, but Australians have always fought above their weight in helping to defend our own country and support the freedom of others who have not the power or the means to defend themselves. Long may that always be so.

Ms O'DWYER (Higgins) (18:33): Before I make my contribution in this place on this motion on Vietnam Veterans Day, I would like to associate myself with the remarks of my colleague Sharman Stone. She very fittingly, very eloquently, made a very moving contribution to this motion and I would really like to commend her for that contribution. I think it is fitting that Vietnam remembrance day is the day on which Australian soldiers fought the Battle of Long Tan. This battle is synonymous with the Anzac spirit of endurance, mateship, perseverance through adversity, valour and enterprise; the spirit that was born on the international stage during World War One at Gallipoli and one whose thread can be traced through all of the wars and campaigns that Australia has fought. In this motion we honour those that have sacrificed their lives for us during the Vietnam War and we commemorate in particular the 45th anniversary of the Battle of Long Tan. Our commitment in Vietnam started in July 1962 with the arrival of the Australian Army Training Team Vietnam in South
Vietnam. It was a campaign of just under 11 years. It is a matter of great national shame that the 60,000 Australians who served our country in Vietnam, in the Army, Air Force and Navy, did not receive the thanks of a grateful nation for that service on their return. The 3,000 men who came back wounded, both physically and mentally, were not given the care and consideration that was their due. Instead, their nation abandoned them in their time of need and left it to their families to fight for them and care for them. The 521 families whose loved ones made the ultimate sacrifice had to deal with both the grief of losing their loved one and public opinion that at the time did not value the enormity of their sacrifice. As my colleague Sharman Stone mentioned before, this disrespect of our serving Australian military, the ingratitude for that service, will be a stain on our history. It is quite wrong that we would confuse the policy of a government with the people who serve in our military. As I said, it is a great source of national shame. It is fitting that, though all too late, these brave soldiers have joined their brothers in the pantheon of Australian heroes to whom we will be forever grateful.

Australians are famous for their resilience and resourcefulness in battle. This was tested on 18 August 1966 during the Battle of Long Tan. D Company 6RAR, which consisted of 105 Australians and three New Zealanders, was sent to resist the Vietcong forces, numbering up to 2,500 troops, that had earlier attacked the Australian operations base in Nui Dat, Phuoc Tuy province. Eighteen Australian lives were lost; 21 Australians were wounded. By contrast, 265 Vietcong were killed. The efforts of D Company 6RAR were honoured last Thursday when they received the Australian military's highest honour, the Unit Citation for Gallantry, in recognition of their efforts in battle.

There were other significant battles. One of the worst days for Australian forces during the Vietnam War was the afternoon of 17 February 1967, during Operation Bribie. There were also the protracted, 25-day battles of Coral and Balmoral in May and June of 1968, which involved Australian, New Zealand and United States forces. These battles, and so many more, form the enduring history of Australia's distinguished military service overseas. We thank those who served us in Vietnam. We thank their families as well for the sacrifice and service they have provided to our country.

In conclusion, I place on record the thanks we also extend to current soldiers and their families for the service that they give us today. I record particular thanks to those 3,280 Australian Defence Force personnel who are on active service in Afghanistan, East Timor, Egypt, Iraq, the Middle East, Solomon Islands and Sudan. For those who served us and those who continue to serve us: we will never forget.

STATEMENTS ON INDULGENCE

ABC Helicopter Crash

Mr BUCHHOLZ (Wright) (18:38): Paul Lockyer, just 11 days before the horrific crash, visited the township of Grantham, where he was doing a follow-up story. Eleven days beforehand was the last interview that I did with him and I feel sure, though I would need to check the records, that that was the last interview Paul did—the follow-up story on the Grantham disaster. In the short amount of time that I had to know the man, I could tell he was a kind bloke. He showed empathy and compassion, not only with the Grantham incident but also by being the first person on the ground when the floods hit. With his surname being
Lockyer, he boasted jovially that he belonged to that valley and that he owned it. He had an ability to make people feel comfortable around him. As a new member I can only suggest that, in the presence of journalists, one is always on edge and cautious about what one says, however Lockie had an ability to make you feel at home and comfortable.

Lockie was born on a farm near Corrigin, about 300 kilometres away from Perth. His award-winning career spanned more than 40 years. Lockie had done everything from working in foreign affairs and as a political correspondent to covering the Sydney Olympics. He first joined the ABC Perth office on a four-year cadetship in 1969 and he quickly rose up the chain, moving to Sydney and then to Canberra in 1976. Three years later, Lockie was made ABC's South-East Asia correspondent. He was one of the first to uncover the full extent of the Khmer Rouge atrocities in Cambodia. After a stint in Washington Lockie returned to Australia to join the Nine Network in 1988. He reported on droughts in eastern Australia in 1994 and A Current Affair was given credit for the inspiring Farmhand Appeal. He returned to the ABC for a decade where his coverage of the Sydney Olympics earned him a Logie award for the most outstanding TV news reporter. In 2005 Lockie was the presenter for the ABC news in Western Australia.

Recently in this House a member made a fitting comment about another journalist who had passed away. He said:

I have been in this place for almost 21½ years and in that time I have interacted with many journalists, past and present. I can honestly say that you could number on my left hand the number of journalists that I would be prepared to speak about in a condolence motion. Rob Chalmers is one of them. I found him to be a good person. I found him to be a decent person. I found him to be a very ethical person. And I liked him.

They were the words of Daryl Melham, the member for Banks. Well, I liked Paul Lockyer and my condolences go to his family. I did not know the other gentlemen, pilot Gary Ticehurst and cameraman John Bean, and my sympathy and condolences go to their families and to the loved ones they leave behind. Having lost a father earlier in the year, I know losing a loved one is a tough gig. To the workforce they have left behind in the ABC family, my thoughts go to them and I know they will find strength and comfort in each other's company. Again, my condolences go to those loved ones that Lockie left behind.

Ms BRODTMANN (Canberra) (18:43): Last Thursday night, my husband Chris and I were sitting at home when he got a phone call at about 10.30 from the executive producer of 7.30. It was to advise him of the sad loss of three of the ABC's most dedicated, professional and longest serving servants of the news. It is a significant loss for the ABC. I have witnessed much over the last week, and I will outline some of that tonight. I cannot believe how these three men touched nearly everyone in the ABC—if not everyone in the ABC—and made a very lasting impression on them which was all decent and good. These were three very good and decent men and it is a great loss, not just to the ABC but to journalism and Australia.

The deaths of journalist Paul Lockyer, cameraman John Bean and pilot Gary Ticehurst has hit the ABC and its staff very hard. The managing director of the ABC, Mark Scott, referred to 'a team of three of our finest. It's going to one of our saddest days ever.' Tributes for these three veterans of the news have come thick and fast.

Journalist Paul Lockyer had a career in journalism spanning four decades. As a result of the depth and breadth of that career at the local, national and international level he touched nearly
everyone—if not everyone—at the ABC. He served in a variety of roles and in many locations around the world. In the footage that we have seen in the last few days you see him in all sorts of exotic and less exotic locations.

Paul has often been described as a journo's journo. His peers looked up to him, he was admired and he was respected. Well-known names of ABC news have also heaped praise on the professionalism of Paul. I was interested to read the tribute by Kerry O'Brien, who declared that he so admired Paul that he wanted to be him. He said:

I remember Paul in the early 80s in Bangkok and I remember thinking, 'Gee, I would like to be like to be like him' …

I am sure there are lots of ABC reporters who have thought and felt the same.

ABC news director Kate Torney said:

Paul Lockyer was a journalist's journalist. He had done it all—war correspondent, Olympics, floods—and he never burnt a source.

I think Paul will be remembered for his recent reporting of the tragic floods in Queensland, where he not only reported on the hard facts of the developing tragedy, particularly at Grantham, but also managed to capture the real human tragedy of that disaster.

One of the lasting impressions I will have is of the series Paul did on Lake Eyre which were majestic—that is the only word you can use to describe them. They were just extraordinary tributes to our beautiful country and our beautiful landscape from someone who was so in love with it and had such an attachment to it. Obviously the cameraman and the pilot had that great love too. It is just obvious from those beautiful works of art that they produced. In Paul's reporting you also get a great sense of the people behind the story. That is no small skill, and it will be significantly missed.

Paul is survived by his wife, Maria, and their two sons. I understand his memorial service is at Riverview this Friday. There are going to be a lot of tears shed that day too. The who's who of the ABC and of journalism will all be there, and I do not think there is going to be a dry eye in the place. I imagine it will be oozing out at the edges with the numbers of people who want to turn up for the event. I understand he is a Riverview boy, so there will be old boys there as well. It is going to be, I hope, a celebration of his life and a tribute to him, but it is also going to be a very sad day.

While Paul may have been the face of the story, we should not forget the incredible work of those men and women behind the camera. John Bean was every bit to cameraman what Paul Lockyer was to journalism. John had an incredible eye for photography and could capture in pictures what many journalists could not capture in words. As Mark Scott said, he was a cameraman that the reporters always clamoured to work with, a beautiful craftsman. You can see that with those fantastic works from Lake Eyre. He was wonderful behind the lens. In the tribute show that was on last Friday night on 7.30., Leigh Sales was saying that John—'Beanie' I think they called him or 'Beano'; I cannot recall his nickname—was always the man that journalists really wanted to work with, and you can see why.

John also served in many places around the country and around the world. He brought his great talent to a variety of sources. My heart goes out to his wife, Pip, and his family and friends. From all accounts, they had a very close relationship. Someone said it was not the model marriage but one of those marriages where there was absolute respect and warmth and
genuine love and depth. I understand Pip is doing it very hard. My husband Chris's producer at 7.30, Michelle Ainsworth, and her husband, Ben, were very, very close to John; he was actually the best man at their wedding and Ben's best mate. So they are doing it really tough at the moment. They flew up to join Pip on the weekend to basically console her and support her during this incredibly difficult time. Speaking to Michelle on the weekend was pretty tough going; she was absolutely devastated.

Chris and I have been through this before in terms of having a dear friend killed—not in a helicopter accident but in a plane accident. My dear friend Liz O'Neill was killed in the Garuda flight when it ran off the runway in 2007. The irony of it was that just this weekend her husband, Wayne, and our goddaughter, Lucinda, were staying with us for the weekend, so all this was playing out while Wayne was there, and I was thinking, 'Gosh, I wonder what's going through his mind—whether it's bringing back all that drama and those horrible days when we first found out and we were waiting to find out about the body and waiting for the identification of the body.' It is pretty rugged. Chris and I at that stage, as soon as we found out that Liz had died in the flight, flew up to Jakarta to be with Wayne. So hearing what Michelle was doing with Ben for Pip Courtney was very reminiscent of those days. So it is tough, and my heart really goes out to Pip, Michelle and Ben at the moment. I think it also takes me back to that flight and the fact that there were journalists who died on that flight in the line of duty as well. Morgan Mellish from the Australian Financial Review died, and Cynthia Banham, whom many of you know from the SMH, was badly injured. Cynthia is a constituent of mine; actually, she lives just down the road from us. She has just moved into a beautiful new house there with her husband, Michael Harvey, who is also a journalist. It makes you reflect not just on the journalists who die in the line of duty but also on the public servants like my dear friend Liz and also Allison Sudrajat, the councillor for AusAID at the Jakarta embassy, and the AFP agents Brice Steele and Mark Scott. So what has been happening in the last few days has brought all that back to us, and I really felt for Wayne at that time. Also, I am sure that Cynthia would have been reliving some of what she went through as well.

Gary Ticehurst was a helicopter pilot who had clocked up more than 16,000 flight hours in his four decades of work as a pilot. He was a former serviceman and then moved into work with the ABC. Like Paul and John, he will be remembered for his strong commitment and his dedication to his career both as a pilot and as a newsman. In fact, journalist Tim Palmer, who is part of that ABC family and was in Jakarta when everything happened with Liz, Cynthia and Morgan, remarked:

Wherever we landed, Gary would always be "in" with the police or mates with the firefighters … or just charm one of the locals until he found out what was happening, one-upping the reporter as often as possible—

which I am sure would have generated great joy for him, because it is always good to one-up a journalist. I know, because I am married to one. So he sounds like quite a character. He was more than just a newsmen; he also had a strong and committed heart. This is perhaps best remembered for his efforts during the 1998 Sydney to Hobart race, where he set aside his news role and participated in the search and rescue operation for those stricken boats—another tragedy. Gary will be sorely missed by his wife, Therese.
In closing, I think that what has really struck me about the last week is that there is a great feeling amongst the people of Canberra about this loss, but it is the ABC family that has really suffered a significant blow from this. I know that some people may think it was indulgent of the ABC to do the tributes, but obviously these men had such a significant effect on other people. They were so well loved by other people that those people almost do not care that it is construed as indulgent, because they really want to pay their respects and honour these wonderful individuals. I know that Ross Solly, the local ABC 666 presenter, did a tribute to him on Friday. He was at pains to say, 'I am sorry if this is indulgent but I really do want to pay tribute to these wonderful men.' So I do hope there are no repercussions for the ABC and that people do not write and complain about the fact that it is indulgent. As you know, 7.30 did a special on them and there have been lots and lots of reports. I noticed Barrie Cassidy also paid tribute to him on Insiders on the weekend. I understand that Barry and Heather Hewitt were very, very close to Paul and the rest of the crew. It really has reverberated throughout the ABC. It is a loss for all of the ABC and they are really feeling it. There has been this sort of pall over everyone over the last week—speaking to Chris and speaking to other friends in the ABC, it has deeply, deeply cut into their hearts. It is a significant tragedy.

To lose any one of these men would have been a very, very deep blow for the ABC, but to lose all three is a grief that is really unimaginable. My condolences and those of the people of Canberra, because we are great ABC fans, go out to their families and their friends and to their family at the ABC.

Mr WYATT (Hasluck) (18:56): I want to say thank you to the member for Canberra for sharing those insights from a personal perspective with us. I offer my condolences on behalf of the electorate of Hasluck to the families of the three ABC staff killed in a helicopter crash last week, 150 kilometres north-west of Marree in the Lake Eyre region. I watched that 7.30 report the member for Canberra referred to and what I got a really good sense of was the individualism of the three—the spirit and the essence of who they were and their work. You looked through the eyes of the cameraman at the scene he was shooting and what you saw was an incredible encapsulation of the absolute richness and beauty of the Australian landscape. I suppose in one sense the three epitomise what the ABC has always strived to do, and that is to provide within Australia innovative and comprehensive broadcasting services of a high standard. You do not achieve that unless you have quality staff—like these three were—to broadcast programs that contribute to a sense of a national identity and inform and entertain and reflect the cultural diversity of Australia community. I see that regularly through ABC programs.

The stories of Paul Lockyer, who came from my hometown of Corrigin, really went to the heart of a community or the heart of a group of people and reflected their feelings and the way in which they saw the world from their patch within Australia. The combination of the three was an incredible combination. They were, if I can use this term, like 'Three Amigos' because they were very rarely apart when they were working together and because of the interpersonal relationship that seemed to prevail. The very powerful still images of the three of them standing there with a helicopter in the background in a sense captured the relationship that the three had in the context of their work.

I had the incredible privilege of being the chair of the ABC advisory committee for two years and I got to know many of the ABC people. I got to know the professionalism but more
importantly what I got to appreciate and have a real sense of was the family element that was so strong within the ABC.

The ABC is important and the people who do the work on the ground, who deliver the programs and services we take for granted, provide Australian society with a communication network that reaches into the remotest regions of this nation. The work that they pull together is of a high standard and high quality and they often do it with meagre resources. But the resources have never been a constraint to the quality of what they have produced and delivered for all Australians in their work. The passion that was certainly evident in—

A division having been called in the House of Representatives—

Sitting suspended from 19:00 to 19:27

Mr WYATT: The loss of these three in particular would have been a significant blow within the ABC, given the closeness of the people who work together. The member for Canberra described the staff at the ABC as one large family, and this has certainly been exemplified many times in my interactions with the ABC. Journalist Paul Lockyer, pilot Gary Ticehurst and cameraman John Bean were tragically taken away from their families, their friends, their colleagues and the nation. Their deaths are a tragic blow to journalism in this country.

Without risk there is no reward, and these men took their pursuit of balanced and informative news to the highest level. Over the past few days there has been a raft of wonderful and touching stories that have come out of the ABC and the wider news community from friends and colleagues of the three men which recount their experiences together. What touched me in Canberra were comments many people had put in the condolence book in the ABC offices within Parliament House.

Paul Lockyer had spent over 40 years as a journalist and covered some of the most important and historical moments in our time, both in Australia and abroad. I think the sentiments that were expressed by their families at the end of the report on 7.30 superbly encapsulated the degree of emotion, respect and deep love that family members had for the three. From overseas postings in Asia through to leading the coverage of the Queensland floods, Paul was a beacon of everything good and honest about Australian journalism.

The ABC have produced many great staff, superb journalists and brilliant cameramen who have put together over 40 years some of the incredible stories that we take for granted on a nightly basis. Their growth has been epitomised through their 24-hour dedicated news channel. They capture the essence of who we are. They produce quality stories that reflect the Australian way of life.

In closing, I would just like to add my condolences to the families of the three who we have lost.

Mr BRUCE SCOTT (Maranoa—Second Deputy Speaker) (19:29): I rise tonight to pay tribute to three wonderful ABC employees who lost their lives in a helicopter crash in the remote part of the Lake Eyre basin, just over the border from the western areas of my electorate of Maranoa. I was absolutely shocked and gutted when I first heard the news. The news came through to me on text first from my son, because he is married to an ABC journalist who got the news very late at night. I knew from the text and then from the voicemail that he left on my phone just how gutted they were. For the rest of the day and I
think it will go on for some time, I felt empty. I spoke to a number of ABC reporters in western Queensland. People just felt lost. Certainly, I was lost for words, but we felt lost because we had lost three wonderful members of the ABC family.

We lost Paul Lockyer with his 40 years of experience. I will never forget the work that he, together with Gary Ticehurst, the pilot, and John Bean, the cameraman, put together when nature showed its wonderful beauty in the outback two years ago. That DVD is now available commercially—I am told actually it is probably one of the biggest sellers of any memorabilia of Lake Eyre for travellers into the outback and in my part of the world into places like Birdsville and Bedourie. What skill the cameraman John Bean had; what skill the pilot Gary Ticehurst had—with Paul Lockyer's dedication to putting the story together and telling it just as it was.

One of the other things I would like to say about them is that they were prepared to go out into rural and remote parts of Australia. They went into the most remote parts of this nation to report back and bring vision to us—not only to those of us with great interest but all across Australia and I think some of their vision went around the world. I also mention the wife of John Bean, Pip Courtney. I know Pip quite well; she lives in Queensland but she does a lot of work on *Landline*—one of those wonderful programs. It is a must-see if you have a rural seat. She, I know, like all of us was just gutted to think that a wonderful man like John Bean could lose his life in such tragic circumstances. I know Pip will go on and continue her work as a member of the ABC family and I certainly say to Pip: I know you will keep the work up—the wonderful work that John would have wanted you to do, albeit I know this period is very, very tough for you.

Could I also say that the team also not only recorded the wonderful beauty of the outback when nature delivers but they also recorded nature's fury in this summer of natural disasters just passed. They were in my electorate of Maranoa; they were in Toowoomba; they followed the flood waters down the Murray-Darling Basin system. They were first into Grantham. Importantly, they told the story as it was and showed us the vision. They were professionals. There was no spin, no sense of sensationalism. It was just a straight play. I think that is why they had been so successful in their careers.

I extend my condolences to the families, the next of kin and to the whole of the ABC family. The three men will always be remembered. They died in a beautiful part of Australia. It is a part that I love to go and visit because I know how beautiful and serene it can be and how quiet. There is another beauty in the outback; there is another beauty in the Simpson Desert, that city folk often do not get an opportunity to witness. The work that they have done out there is now available on DVD. I commend it anyone out there who wants to see some of the wonderful work that they have done. It is available in ABC shops and in tourist outlets. The first is called Lake Eyre and I think the other one is The Deluge. I commend it to you if people are listening tonight, if we are on broadcast.

Tragically we no longer have them but they died doing what they loved doing and what they did so well. My condolences go to the whole of the ABC family and of course more importantly to the families, the next of kin and the closest friends of the three, Paul Lockyer, Gary Ticehurst and John Bean.

*Main Committee adjourned at 19:36*
QUESTIONS IN WRITING

Superclinics
(Question No. 366)

Dr Southcott asked the Minister for Health and Ageing, in writing, on 23 May 2011:
In respect of the Health and Ageing Portfolio Budget Statement 2011-12 (page 216), what timeframes have been agreed to by her department and each funded organisation, within which each of the 64 GP Super Clinics will become operational.

Ms Roxon: The answer to the honourable member's question is as follows:
Generally, the timetable for completing a GP Super Clinic is heavily dependent on the size and complexity of the construction, and external factors including local council planning and approval processes, availability of construction workforce and materials, and weather conditions.